



# Policy 6.4 Stakeholder Review Update

Employee Assembly – December 2, 2020

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# Background

- (Interim) Policy 6.4 and its Procedures cover Prohibited Bias, Discrimination, Harassment, and Sexual and Related Misconduct
- Effective Aug 14 2020, interim policy changes were made through the University's policy process to comply with new Title IX regulations
- New requirements apply to sexual harassment defined in the regulations

# How is Sexual Harassment defined in the Title IX regulations?

## Definitions

1. Quid Pro Quo by Employee
2. Hostile Environment that is Severe, Pervasive, and Objectively Offensive\*
3. Sexual Assault
4. Stalking
5. Dating or Domestic Violence

\*See also Non-Title IX definition (pervasive and objectively offensive) applicable to employee respondents

## Jurisdictional Conditions

1. Respondent and context under control of university
2. Alleged incident occurred in Education Program or Activity
3. Complainant participating in or attempting to participate in Education Program or Activity, at time of filing formal complaint
4. Conduct against a person in the U.S.

# Overview of 6.4 Procedures effective Aug 14th

Respondent	Prohibited Conduct	Co-Investigator*	Hearing Panel Process**	Reviewer Process	Appeal
Employee	Title IX	X	A		X
Employee	Non-Title IX	X		X	X
Student	Title IX and/or suspension or dismissal is a potential sanction		A		X
Student	Non-Title IX and suspension or dismissal is not a potential sanction		B		X

\*Co-Investigator comes from a trained pool of faculty and staff; affiliation matches that of respondent

\*\*Hearing Panel A involves real-time oral cross-examination conducted by a party's advisor;  
Hearing Panel B involves written submission of cross-examination by party

# Policy 6.4 Stakeholder Review Group

- Our purpose is to review the policy changes and gather input from the University community in order to finalize the policy through the University process.
- Representatives from each assembly as well as Tech and Weill are included in the review group.

# Main Discussion Items

## Policy:

- Evidentiary Standard – unchanged; remains preponderance of the evidence
- Designated Reporters (DRs) – changed from broad duty to consult for all non-confidential employees to list of DRs

## Procedures:

- Alternate Resolution – addition of informal as well as formal means of alternate resolution
- Hearing Panel Process – addition of oral cross-examination led by parties' advisors

\*Additionally, unrelated to the Title IX changes, some members have interest in the bias process and protected status definitions.

# Reach Out to Us

Provide feedback you would like the Stakeholder Review Group to consider as the policy changes are being finalized.

To ensure consideration, please email your input by Dec. 8 to [titleix@cornell.edu](mailto:titleix@cornell.edu).

Thank you!