

**Cornell University**  
Graduate and Professional  
Student Assembly

1 **GPSA Resolution 6: Bringing Cornell University Policy**  
2 **into Compliance with Federal Civil Rights Legislation**

3  
4 Sponsored by: Anna Wymack, Daniel Citron  
5

6 **WHEREAS**, Federal legislation, namely Title IX, requires that, “[I]n order for a school’s  
7 grievance procedures to be consistent with Title IX standards, the school must use a  
8 preponderance of the evidence standard”; and  
9

10 **WHEREAS**, Appendix C to Cornell University Policy 6.4 specifies that faculty appeals on  
11 the basis of subordinate-supervisory relationships or academic freedom can be defeated  
12 only by “clear and convincing evidence,” including in grievances arising from sexual  
13 harassment and assault; and  
14

15 **WHEREAS**, this places Cornell University Policy in direct conflict with federal civil rights  
16 legislation; and  
17

18 **WHEREAS**, the university has already had the opportunity to respond to the 2013-2014  
19 “Annual Report of the Judicial Codes Counselor,” dated May 31, 2015, which observes,  
20 “Cornell preserved a procedure affording comparatively extensive protections to accused  
21 faculty members when allegations of misconduct arise out of a supervisory-subordinate  
22 relationship or within a context of academic freedom. This procedure seems to violate  
23 federal law, which does not distinguish between complaints against students and complaints  
24 against faculty”; and  
25

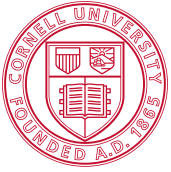
26 **WHEREAS**, the university has additionally had the opportunity to respond to the *Cornell*  
27 *Review* when the Review Staff described these particular policies as being in “clear violation  
28 of federal guidelines” on June 16, 2015; and  
29

30 **WHEREAS**, a lack of recent utilization of this appeals process has no bearing on future  
31 reliance upon it, especially in a changing landscape of reporting; and  
32

33 **WHEREAS**, the Office for Civil Rights already has an open investigation into the university  
34 for other potential violations of Title IX related to sexual assault; and  
35

36 **WHEREAS**, the 2015 Report on the AAU Campus Climate Survey on Sexual Assault and  
37 Sexual Misconduct for Cornell University finds that among Cornell students who have been  
38 sexually harassed, 26.1% of female graduate students and 16.9% of male graduate students  
39 identify the offender as a faculty member; and  
40

41 **WHEREAS**, a significant proportion of incidences of sexual harassment and assault  
42 perpetuated upon graduate and professional students take advantage of this specific  
43 subordinate-supervisory relationship;



**Cornell University**  
Graduate and Professional  
Student Assembly

44  
45 **BE IT THEREFORE RESOLVED**, that the GPSA earnestly recommends Cornell  
46 University and specifically the Faculty Senate immediately undertake to change the burden  
47 of proof to a “preponderance of the evidence” standard in appeals of cases arising under  
48 Policy 6.4 and in appeals of cases otherwise under the aegis of Title IX.

49  
50  
51 **RESPECTFULLY SUBMITTED,**  
52 **Anna Waymack,**  
53 *GPSA Field Representative, Medieval Studies*  
54  
55 **Daniel Citron,**  
56 *GPSA Field Representative, Physics*