

**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

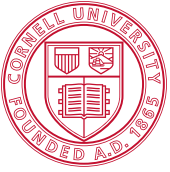
26 **WHEREAS**, the university has additionally had the opportunity to respond to the *Cornell*  
27 *Review* when the Review Staff described these particular policies as being in “clear violation  
28 of federal guidelines” on June 16, 2015; and  
29

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

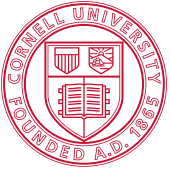
41 **WHEREAS**, a significant proportion of incidences of sexual harassment and assault  
42 perpetuated upon graduate and professional students take advantage of this specific  
43 subordinate-supervisory relationship;



**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*



**Cornell University**  
Graduate and Professional  
Student Assembly

1       **GPSA Resolution 7: Supervisor-Student Relationships**

2  
3       Sponsored by: Anna Waymack, Daniel Citron

4  
5       **WHEREAS**, the Cornell University graduate school policy on faculty-student relationships  
6 is only outlined at <http://gradschool.cornell.edu/policies/relationships>; and

7  
8       **WHEREAS**, it is therein unclear who enforces this policy and in what ways the policy is  
9 enforced; and

10  
11       **WHEREAS**, this existing policy requires that such relationships must not develop or  
12 continue without an exemption from the supervising dean of the person in authority; and

13  
14       **WHEREAS**, there is no enforcement provision in place for violations of this policy; and

15  
16       **WHEREAS**, unreported relationships with such academic and professional power  
17 differentials are rife with potential for abuse; and

18  
19       **WHEREAS**, it is in the best interest of the Cornell faculty, administration, and student  
20 body that Cornell avoid attracting negative journalistic attention in line with recent  
21 publicized cases from peer institutions;

22  
23       **BE IT THEREFORE RESOLVED**, that the GPSA strongly recommends that in cases of  
24 violation of this policy, the presumption of wrongdoing be on the person in position of  
25 authority, as it is their responsibility to report; and

26  
27       **BE IT FURTHERMORE RESOLVED**, that the GPSA strongly recommends that in cases  
28 of violation of this policy, the professional relationship shall be dissolved; and

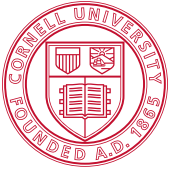
29  
30       **BE IT FURTHERMORE RESOLVED**, that the GPSA strongly recommends that said  
31 professional relationship be replaced with one amenable to the student at no financial cost  
32 to the student; and

33  
34       **BE IT FURTHERMORE RESOLVED**, that the GPSA strongly recommends that said  
35 cases be handled, insofar as is within university control, without professional repercussions  
36 to the student.

37  
38  
39       **RESPECTFULLY SUBMITTED,**

40       **Anna Waymack,**  
41       *GPSA Field Representative, Medieval Studies*

42  
43       **Daniel Citron,**



**Cornell University**  
Graduate and Professional  
Student Assembly

44 *GPSA Field Representative, Physics*