



Cornell University Student Assembly

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Type of Action	Legislation
Status/Result	New Business

S.A. Resolution #51

Requesting the Establishment of the Policy 6.4 (Prohibited Bias, Discrimination, Harassment, and Sexual and Related Misconduct)/Cornell Title IX Oversight and Advisory Board

ABSTRACT: This resolution is intended to provide students on Cornell’s campus more agency in the Policy 6.4/Title IX review process and its implementation

Sponsored by: Uche Chukwukere ‘21, Gavin Martin ‘20, Masa Haddad ‘21, Liel Sterling ‘21, Tomás Reuning ‘21, Colin Benedict ‘21

Whereas, Title IX is a federal civil rights law in the United States of America that was passed as part of the Education Amendments of 1972. This is Public Law No. 92-318, 86 Stat. 235 (June 23, 1972), codified at 20 U.S.C. 1681–1688. Title IX was enacted as a follow-up to passage of the Civil Rights Act of 1964. The 1964 Act was passed to end discrimination in various fields based on race, color, religion, sex, or national origin in the areas of employment and public accommodation. The 1964 Act did not prohibit sex discrimination against persons employed at educational institutions.¹

Whereas, Title IX applies to all educational programs and all aspects of a school's educational system. Cornell University is committed to providing a **safe, inclusive, and respectful** learning, living, and working environment for its students, faculty, and staff members. To this end, Cornell will not tolerate sexual and related misconduct.

Whereas, Through Cornell University Policy 6.4, and the applicable procedures for students, staff, and faculty, the university provides means to address bias, discrimination, harassment, and sexual and related misconduct, including gender-based harassment, sexual harassment, sexual assault, domestic and dating violence, stalking, and sexual exploitation.

Whereas, We share the responsibility for creating a safer, more caring campus culture in which bias, harassment, and violence have no place—and every member of our community is free to flourish. Cornell University complies with applicable state and federal statutes, including Title IX of the federal Higher Education Amendment of 1972, which prohibits discrimination on the basis of sex in any education program or activity receiving federal financial aid. Sexual assault and sexual harassment are forms of sex discrimination prohibited by Title IX.

37 **Whereas**, Policy 6.4 furthers the university’s commitment to creating a learning, living, and
38 working environment free of bias, discrimination, harassment, and sexual and related
39 misconduct, and to meeting applicable legal requirements. Such applicable legal requirements
40 include Title VII of the Civil Rights Act of 1964 (Title VII), Title IX of the Education
41 Amendments of 1972 (Title IX), the Violence Against Women Reauthorization Act of 2013
42 (VAWA), the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics
43 Act (the Clery Act), the New York State Education Law Article 129-B (NYS 129-B), the New
44 York State Human Rights Law, and the Tompkins County Human Rights Law.

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46 **Whereas**, This policy, its accompanying procedures, and other mechanisms delineated in the
47 policy set forth the university’s standards of conduct. They also set forth the university’s
48 processes governing questions, concerns, and reports of bias, discrimination, harassment, and
49 sexual and related misconduct, and investigations and resolutions of claims of prohibited
50 conduct.

51
52 **Whereas**, *one out of every four* female undergraduates will be victim to some form of sexual
53 assault before graduation.²

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55 **Whereas**, The American Civil Liberties Union (ACLU) estimates that at least 95% of campus
56 rapes in the U.S. go unreported. This statistic reflects a dire need for increased campus
57 prevention and support systems at our nation's colleges and universities.

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59 **Whereas**, According to Cornell SHARE, Students were asked about their direct experiences with
60 nonconsensual sexual contact while at Cornell. This contact was defined as including:
61 penetration (vaginal or anal penetration, or oral contact; including attempted acts involving
62 physical force) and sexual touching (kissing; touching someone’s breast, chest, crotch, groin, or
63 buttocks; grabbing, groping or rubbing against the other in a sexual way).

64
65 **Whereas**, The survey asked separately about incidents involving four different tactics: the use or
66 threatened use of physical force; incapacitation due to drugs or alcohol; the use of coercion (i.e.,
67 threats of non-physical harm or promises of rewards); and the absence of affirmative consent
68 (i.e., contact that occurred without the student’s knowing, voluntary and ongoing agreement).

69
70 **Whereas**, The 2019 prevalence rates of nonconsensual sexual contact since entering Cornell are
71 lowest among first year and sophomore women (17% and 21%, respectively); compared to 2017
72 results, these rates have remained consistent for first years and dropped among sophomore
73 women.

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75 **Whereas**, By the spring of their senior year in 2019, 31% of undergraduate women had
76 experienced nonconsensual sexual contact involving force or incapacitation – a figure that is
77 higher than the 27% prevalence rate observed for senior women in 2017. This means that close
78 to one in three undergraduate women at Cornell have experienced nonconsensual sexual contact
79 involving force or incapacitation by the time they are in their final year of studies. Of even
80 greater concern is the prevalence of nonconsensual sexual contact reported by women in the
81 junior year of their undergraduate studies.

82

83 **Whereas,** In the 2019 survey, 38% of female juniors said they had experienced nonconsensual
84 sexual contact involving force or incapacitation since entering Cornell; this compares to 20% of
85 female juniors reporting nonconsensual sexual contact in 2017.

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87 **Whereas,** Among undergraduate women and men, the most common locations for the
88 nonconsensual sexual contact experience to have occurred were: a residence hall (reported by
89 19% of women and 25% of men), a fraternity chapter house (23% of incidents described by
90 women), a fraternity annex (10% of women), and an off-campus house, apartment or private
91 residence (20% of women and 22% of men).

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93 **Whereas,** Graduate and professional students most often identified an off-campus house,
94 apartment or private residence (45%) as the location of their nonconsensual sexual contact
95 incident. Among graduate/professional women, residence halls (11%) and a restaurant, bar or
96 club (10%) also figured as common locations.

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98 **Whereas,** More than half of women and one-quarter of men reported experiencing physical,
99 emotional, or social impacts as a result of the nonconsensual sexual contact incident, the most
100 frequent of which were: feeling numb or detached, fearfulness or safety concerns, decreased
101 social activities, and feelings of helplessness and hopelessness.

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103 **Whereas,** One quarter of students described experiencing academic or professional impacts,
104 chiefly difficulty concentrating on studies or assignments, and decreased class attendance.
105 Women were more likely to experience these impacts than men (roughly 30% of women and
106 20% of men).

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108 **Whereas,** Women who experienced nonconsensual sexual contact almost exclusively identified
109 their perpetrator(s) as being men. Seventy percent of undergraduate men and more than half
110 (55%) of graduate/professional men identified their perpetrator(s) as women. The majority of
111 students (87%) described the offender as a Cornell student.

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113 **Whereas,** Graduate/professional students were more likely than undergraduate students to say
114 the offender was not affiliated with Cornell (e.g., 27% of graduate/professional women did so
115 versus 9% of undergraduate women). When asked about the relationship of the offender to
116 themselves, students most commonly reported the offender was someone known to them, at least
117 casually: someone they had just met (33%), a friend (26%) or acquaintance (19%), or a current
118 intimate partner (18%). Nine percent said the offender was someone they did not know or
119 recognize.

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121 **Whereas,** Top universities such as Brown University, University of Washington, California
122 State University, Amherst, Wesleyan, University of Portland, and etc. have implemented
123 variations of an Title IX Advisory/Oversight Committee

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125 **Whereas,** An oversight committee will ensure full University compliance with the external
126 recommendations and take part in the hiring of external review board members. The first audit
127 must begin immediately; particular areas for review will be suggested through an initial list of
128 Title IX failings that has been composed by survivors.

129
130 **Whereas,** There must be the *annual* external review of the current and future holders of the Title
131 IX Coordinator and Title IX Chief Compliance Officer positions.

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133 **Whereas,** in response to Cornell’s 2019 Sexual Harassment report, Marry Opperman, Vice
134 President and Chief Human Resources Officer said, “It is important to again acknowledge that
135 our community still has considerable work to do to become a safer, more respectful environment
136 where all students can thrive”;¹

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138 **Whereas,** to cultivate a safer environment for all students, considerable introspective work must
139 be done both within and outside of the Office of Title IX;

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141 **Be it therefore resolved,** The establishment of the Policy 6.4 (Prohibited Bias, Discrimination,
142 Harassment,and Sexual and Related Misconduct)/Cornell Title IX Oversight and Advisory Board

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144 **Be it further resolved,** The Policy 6.4 (Prohibited Bias, Discrimination, Harassment,and Sexual
145 and Related Misconduct)/Title IX Oversight and Advisory Board should be charged with the
146 implementation of an institutional cultural change, approach matters through the community
147 perspective, ensure positive compliance with Title IX, the Clery Act, and other laws and
148 regulations related to gender discrimination, sexual harassment, stalking, intimate partner
149 violence and sexual assault.

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151 **Be it further resolved,**
152 (1) This Oversight and Advisory Board should receive recommendations from and provide
153 guidance to the Title IX Office of Institutional Equity to advance systemic change and overall
154 improvement of campus climate relating to protections provided by Title IX;

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156 (2) Create a consistent and effective reporting system to the President and other members of the
157 institution’s leadership;

158
159 (3) Establish an overarching strategic plan, including recommended mitigation actions for high
160 priority areas, while encouraging involvement from and cooperation among all units engaged in
161 this important work; as part of the establishment of a strategic plan, initiate a compliance and
162 risk assessment process to evaluate and identify Title IX compliance priorities and topics

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164 (4) Provide oversight and support as needed in tandem with the implementation and evaluation
165 of the Campus Conduct Code and similar policies.

1 <https://news.cornell.edu/stories/2019/10/survey-finds-sexual-assault-harassment-persist>

2. <https://titleix.cornell.edu/>

3. <https://www.justice.gov/archives/ovw/blog/national-campus-safety-awareness-month-changing-institutional-response-change-statistics>

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Be it further resolved, The appointment of members should be leaders of units that play a significant role in Title IX operations with institution-wide applicability. All members serve by virtue of their office (ex officio), may vote, and may, upon approval by the Title IX Oversight and Advisory Board, appoint a delegate from their unit to attend meetings. The term of each member’s appointment shall be no longer than a period of (1) year, unless otherwise determined by the Board or a request is made by the Executive Committees of one of the Shared Governance bodies to appoint an individual to the Board. The Committee shall meet at least (3) times annually or on an as needed basis.

Be it further resolved, The committee shall be composed of 15 regular members appointed for terms of one academic calendar year. Initial and further appointments will be made for the first year of the committee. The membership will consist of the following: two faculty members appointed by the Faculty Senate; ten undergraduate students appointed by the Undergraduate Student Assembly with at least one of those students being from the Office of the Student Advocate; two graduate students appointed by the Graduate and Professional Student Assembly; and one employee member appointed by the Employee Assembly.

Be it finally resolved, The establishment of this committee is immediately implemented and institutionalized.

Respectfully Submitted,

Uche Chukwukere ‘21
Undesignated Representative At Large, Student Assembly

Gavin Martin ‘20
College of Arts & Sciences, Student Assembly

Masa Haddad ‘21
College of Human Ecology Representative, Student Assembly

Liel Sterling ‘21
Student Advocate, Office of the Student Advocate

Tomás Reuning ‘21
LGBTQIA+ Liaison At-Large, Student Assembly

Colin Benedict ‘21
Vice President of Diversity and Inclusion, Student Assembly
Minority Liaison At-Large, Student Assembly

(Reviewed by: COMMITTEE, VOTE, MM/DD/YYYY)