

Cornell University Assembly

UA Resolution # 13 Updated Resolution to Transfer Title IX Cases to Cornell University Policy 6.4

1 **Sponsored by: Gregory Mezey, Employee; Chair, Codes and Judicial**
2 **Committee**

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4 WHEREAS pursuant to Article 3, Section 3.1 of its charter the University Assembly (the
5 Assembly) may propose changes to the Campus Code of Conduct (the Code) subject to the
6 University President's approval;

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8 WHEREAS the University adopted interim measures in May 2011 in response to federal
9 guidance about the federal law known as "Title IX," which interim measures were reflected in
10 the Code as an appendix on page 42;

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12 WHEREAS the University Assembly passed Resolution 7 in May 2012, which was approved by
13 President Skorton, and this resolution directed that Cornell University Policy 6.4 be amended,
14 and then that allegations of sexual violence and sexual harassment be resolved through said
15 policy until such time as the Campus Code of Conduct is amended to fulfill the requirements of
16 Title IX; and

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18 WHEREAS Cornell University Policy 6.4 has been amended.

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20 BE IT THEREFORE RESOLVED the following changes be made to the Code with **additions**
21 **bolded** and *deletions italicized*:

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23 The Appendix found on page 42 of the Code will be changed as follows:

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25 Article I. *17 May 2011 Motion Regarding Procedures for Violations Involving Sexual*
26 *Violence and Sexual Assault*

27 *The following motion was approved on 17 May 2011:*

28 *"Be it resolved that, in cases of sexual violence and sexual harassment (as identified in*
29 *Sections 1(A) and 1(C)) arising under the Campus Code of Conduct, the standard of*
30 *proof will be preponderance of evidence and all rights of appeal afforded to the accused*
31 *will also be afforded to the complainant."*

32
33 **Offenses involving sexual violence and sexual harassment, while still violations of the**
34 **Campus Code of Conduct, will be investigated and adjudicated under Cornell University**
35 **Policy 6.4 until such time as the Code is amended to fulfill requirements of Title IX.**

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37 To assist readers in interpreting the Campus Code of Conduct (the Code), references to this
38 language have been made by footnotes throughout the Code; however, the text may apply to
39 other sections of the Code even if no explicit footnote reference is provided.

Cornell University Assembly

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41 BE IT FINALLY RESOLVED THAT, Additionally, footnotes referring to this Appendix will be
42 inserted after Title Three, Article II.A.1.a and 1.c.

43

44 **Respectfully Submitted,**

45

46 James N. Blair

47 Chair, University Assembly