



Cornell University

Office of the Title IX Coordinator
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To: Associate Deans' Group and Title IX academic accommodation liaisons
From: Sarah Affel, University Title IX Coordinator
Date: August 31, 2016
Re.: Requests for Academic Accommodations

Dear Associate Deans' Group and Title IX academic accommodation liaisons,

Thank you very much for agreeing to act as the primary point of contact at your college when students request assistance obtaining academic accommodations after a report of an incident of sexual misconduct.

I also want to thank you for your work on academic accommodations over the course of the 2016-2017 academic year. Only a handful of students required your assistance, but for those students, the academic accommodations were an invaluable part of the university's response to their difficult experience.

The university has tasked the Title IX Coordinator with responding to student reports of violations of Cornell Policy 6.4, which prohibits sexual and related misconduct including: sexual harassment, gender-based harassment, sexual assault, dating and domestic violence, stalking, and sexual exploitation. Whether or not a student chooses to file a formal complaint, they may request accommodations and protective measures, collectively referred to as "interim measures," which support and protect the safety of the complainant,¹ the respondent, the university's educational environment, and the university community.²

Consistent with federal and state laws and regulations, as well as Cornell's policies and procedures, Cornell is obligated to:

- comply with a student's request for an academic accommodation if it is reasonably available regardless of whether the complainant has initiated a formal complaint with the university or filed a report with the police;
- issue a "no contact" order, pursuant to which the respondent is required to stay away from the complainant and not contact the complainant; and

¹ A person who is the subject of a report or initiates a Formal Complaint of Prohibited Conduct under Policy 6.4 is designated the "complainant." A student against whom such a report or Formal Complaint has been made is designated the "respondent." Both the complainant and respondent are collectively referred to as "party" or "parties."

² For a description of "interim measures" available through the Title IX Coordinator, please see: http://titleix.cornell.edu/resources/interim_measures/.

- maintain confidentiality regarding any accommodations or protective measures provided to a student, to the extent that maintaining such confidentiality does not impair the ability of the institution to provide accommodations and protective measures.

I intend to work closely with you as the primary points of contact for their colleges when a student requests an academic accommodation or a “no contact” order that would significantly impact the academic environment. Working together, we can appropriately tailor interim measures to reflect what is reasonable under the circumstances and available in a specific academic setting.

Factors that we will consider when making reasonable accommodations include, but are not limited to, the following:

- the specific need expressed by the student;
- the age of the students involved;
- the severity or pervasiveness of the allegations;
- any continuing effects on the student in the academic environment;
- whether the complainant and the respondent share academic facilities; and
- what other measures have been taken to protect the students and the community.

In addition to helping tailor interim measures appropriately, you will be invaluable in implementing accommodations. The following examples of typical student requests, are generally reasonable, and can best be implemented under the guidance and leadership of the Associate and Assistant Deans of the colleges:

- giving a reasonable extension of time for submitting an assignment;
- giving a reasonable extension of time for taking an exam (including having the exam separately proctored);
- changing an assigned seat or small group;
- waiving a class participation requirement for a reasonable period of time;
- audio/video recording the class sessions;
- providing class notes or lecture outlines;
- excusing reasonable absences; and
- working with the Title IX coordinator to develop a schedule for a shared academic facility or equipment so as to facilitate compliance with a “no contact” order.

Your help in this process will make it possible to minimize any disruption that sexual misconduct can have on a student’s academic career by identifying and implementing appropriate, workable university responses to student concerns.

Because the university strongly supports a complainant’s privacy and request for anonymity, there will be instances where I will be unable to share details of the underlying report of sexual misconduct with you or the faculty member. Furthermore, it can be particularly important to the student’s privacy and continued comfort in the classroom setting that their faculty member be unaware that the Title IX Coordinator requested the accommodation or of the nature of the incident that gave rise to the request for an academic accommodation.

I appreciate that this may place you in a difficult position. While you will be in the best position to communicate this important information with the faculty member in a way that impresses upon them the importance of the request and the need for privacy, some guidance for your conversation with the faculty member includes informing the faculty member that:

- The student had a difficult experience that is very personal in nature, and, therefore, out of respect for the student's privacy, you will not share details of their experience. However, you can say that this request arises from a specific situation in which the university has a commitment to providing reasonable academic accommodations that the university takes very seriously.
- The faculty member should not be concerned that multiple students will seek to take advantage of the system in order to obtain academic accommodations, because this request arises from a serious type of incident where the university has a commitment to providing reasonable academic accommodations.
- While we respect that there can be concerns about cheating when a student is permitted to take an exam on a later date, the university has no reason to believe that this student has made a false claim for the purpose of accessing this academic accommodation. In the event that there is a specific concern regarding this student and cheating, rather than a generalized concern about cheating, the faculty member should be encouraged to share that concern with the Associate Dean.

I respectfully request that you trust that I take each instance of reported sexual misconduct very seriously and work with me to identify what accommodations are reasonable and available in your college even if you do not know all of the details of the allegation.

Thank you,

Sarah Affel