

# EOAA Annual Report

*2020-2021*

 COLUMBIA UNIVERSITY  
Equal Opportunity and Affirmative Action

**COLUMBIA UNIVERSITY**  
**OFFICE OF EQUAL OPPORTUNITY & AFFIRMATIVE ACTION**

**2020-2021 ACADEMIC YEAR ANNUAL REPORT**

**TABLE OF CONTENTS**

<b>INTRODUCTION</b> .....	<b>2</b>
THE WORK OF EOAA .....	2
<b>EOAA's Prevention and Education Efforts</b> .....	<b>3</b>
Training and Education .....	3
Affirmative Action.....	5
Higher Education Recruitment Consortium (HERC) .....	5
<b>EOAA's Response Efforts</b> .....	<b>6</b>
EOAA Investigative Process .....	7
Interim Title IX Grievance Process .....	8
EOAA Policy Violations and Resolutions .....	9
Reports Alleging Policy Violations .....	9
Discrimination & Harassment Allegations .....	10
Title IX & Gender-Based Misconduct Allegations.....	11
Complaint Resolution Time Frames .....	11
EOAA Reports by Status.....	13
Discrimination & Harassment Cases: Accused/Respondent.....	13
Discrimination & Harassment Cases: Complainant/Reporter .....	13
Title IX & Gender-Based Misconduct Cases: Accused/Respondent.....	14
Title IX & Gender-Based Misconduct Cases: Complainant/Reporter .....	15
Romantic and Sexual Relationship Policies.....	15
EOAA Case Outcomes .....	16
Claims Adjudicated Under EOAA Policy.....	16
Closed Complaints.....	17
Sanctions & Discipline .....	18

## INTRODUCTION

The Office of Equal Opportunity and Affirmative Action (“EOAA”) is responsible for preventing discrimination and harassment and responding to and resolving reports of alleged misconduct. With offices on the Morningside and Columbia University Irving Medical Campuses, EOAA is here to help make Columbia University a world-class institution where our community members can thrive.

We do this by monitoring compliance with policies and laws that ensure equal opportunity for faculty, staff, and students; addressing University employees’ (including students acting in an employee capacity) and third-parties’ conduct; promoting best-practices in hiring; and serving as the University’s Compliance Office for Section 504 of the Rehabilitation Act and other equal opportunity, nondiscrimination, and affirmative action laws. The office is led by Vice Provost Jeri Henry, and she reports directly to University Provost Mary C. Boyce.

This Annual Report provides information and data regarding the Office’s work during the 2020–2021 academic year. In particular, it covers information and data related to:

- The work of the Office to prevent and respond to discrimination, harassment, and gender-based misconduct;
- EOAA’s Investigative Process; and
- Reported incidents of discrimination, harassment, gender-based misconduct, and other allegations of EOAA policy violations.

The Annual Report offers the Columbia community clear information about the scope of EOAA’s work, including about the type and number of allegations that come to EOAA.

This is the fourth year that the Office has published an Annual Report. Prior years’ reports can be found on [EOAA's website](#).

## THE WORK OF EOAA

EOAA has overall responsibility for the [University's Non-Discrimination Statement](#) and EOAA Policies & Procedures. This includes the University’s Duty to Report and Duty to Act Policies, and [Policies on Romantic and Sexual Relationships](#). These policies will be referred to throughout the Annual Report as “EOAA Policies.”

# EOAA's Prevention and Education Efforts

## *Training and Education*

The Director of Training and Education leads EOAA's prevention efforts. This work is focused on educating the Columbia community about EOAA policies and procedures and conduct that is expected and prohibited under University policies and laws prohibiting discrimination and harassment. EOAA consults with departments, programs, and individuals across the University to prevent and respond to discrimination and harassment.

The Office conducts educational programs for faculty and staff throughout the University. EOAA is responsible for ensuring that all faculty and staff receive training in accordance with applicable federal, state, and local laws governing discrimination, harassment, and gender-based misconduct.

During the 2020-2021 academic year, EOAA developed and delivered programs for the University community about relevant laws, policies, and the mission of EOAA. Topics addressed included discrimination, sexual harassment, gender-based misconduct, mandatory reporting, relationship policies, and best practices for search committees in recruiting and retaining a diverse faculty and staff.

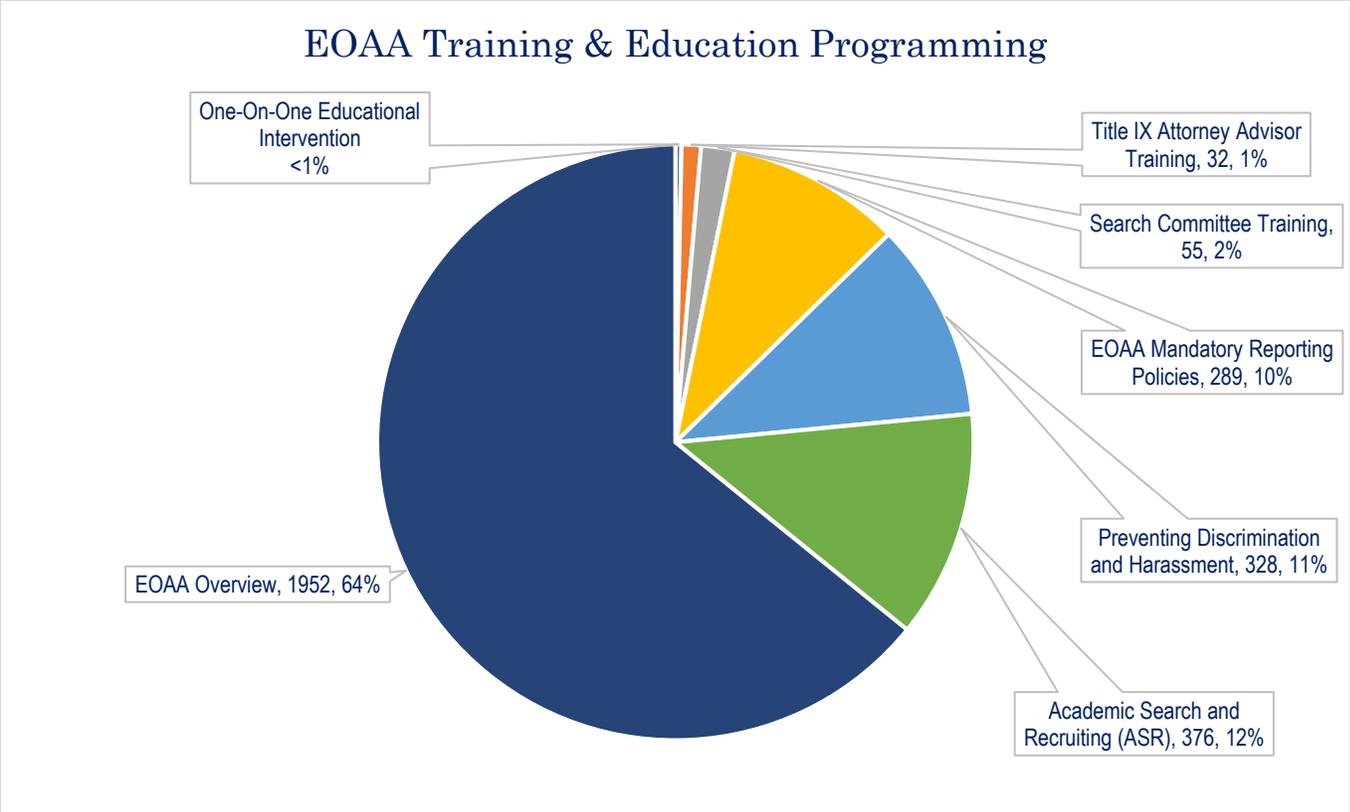
Our work this year was seamlessly conducted online. This included:

- Asynchronous programming delivered through Enterprise Learning Management ("ELM");
- Live online group programs with students, faculty and staff via Zoom; and
- Live online individual one-on-one educational interventions with faculty and staff via Zoom.

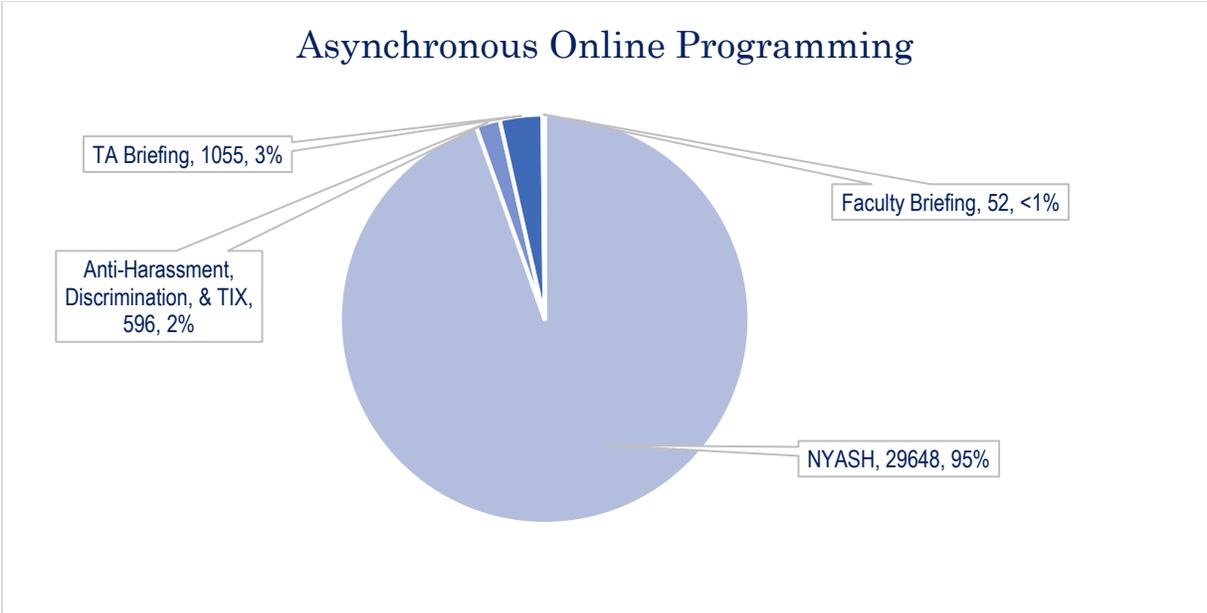
In the 2020–2021 academic year, EOAA conducted 71 individual programs that reached 3,042 faculty, staff, and students -- a 112% increase over last year.

### Did you know?

Departments and programs can easily request a training or workshop on our [website](#).



Our asynchronous online programming delivered through ELM reached more than 31,000 personnel including faculty, staff, researchers, librarians, and undergraduate and graduate student workers. These trainings and briefings included the Faculty and Researchers Briefing, the Columbia Teaching and Research Assistant Guide, and the annual Anti-Sexual Harassment training in compliance with New York State and New York City law (“NYASH”).



## *Affirmative Action*

Our Affirmative Action work is led by EOAA's Senior Associate Director. EOAA collaborates with departments and programs to achieve the University-wide goal of attracting and retaining a diverse faculty and staff across all our schools. We assist departments with creating hiring plans that acknowledge and account for organizational and structural bias, provide tools to search committees, including department demographic data and candidate pool availability, offer support for applicant evaluation and interview metrics, and work with departments to help build and develop candidate pipelines.

In June 2021, EOAA launched its new Interfolio based Applicant Tracking System, Academic Search and Recruiting (ASR). Within less than one month, 5,707 users accessed the system and 45 searches were opened. EOAA provided training and drop-in sessions for ASR users, and conducted individual and department-wide meetings to introduce ASR to stakeholders. We upgraded the Affirmative Action clearance process which now runs three times a day allowing for streamlined hiring, created a new EEO note that identifies the full name of the selectee, department, position title, and position number and rank, and created an Affirmative Action clearance report for academic appointments. Collectively, these efforts create a more seamless process for departments and has significantly improved access for applicants.

## *Higher Education Recruitment Consortium (HERC)*

EOAA is also the home of Metro New York and Southern Connecticut Higher Education Recruitment Consortium (HERC). HERC is a non-profit coalition of colleges, universities, hospitals, research labs, government agencies, and related non- and for-profit organizations committed to diversifying the pipeline of faculty, staff, and executives in academia. HERC supports its member institutions in recruiting and retaining outstanding and diverse employees.

The MNYSC HERC is composed of over 30 local colleges, universities, community colleges, research institutions and medical schools. The MNYSC HERC was formed in 2008 and, as the lead institution, Columbia serves as a hub for local institutions of higher education both public and private, large and small, research universities to community colleges to improve the diversity of faculty and staff.

## EOAA's Response Efforts

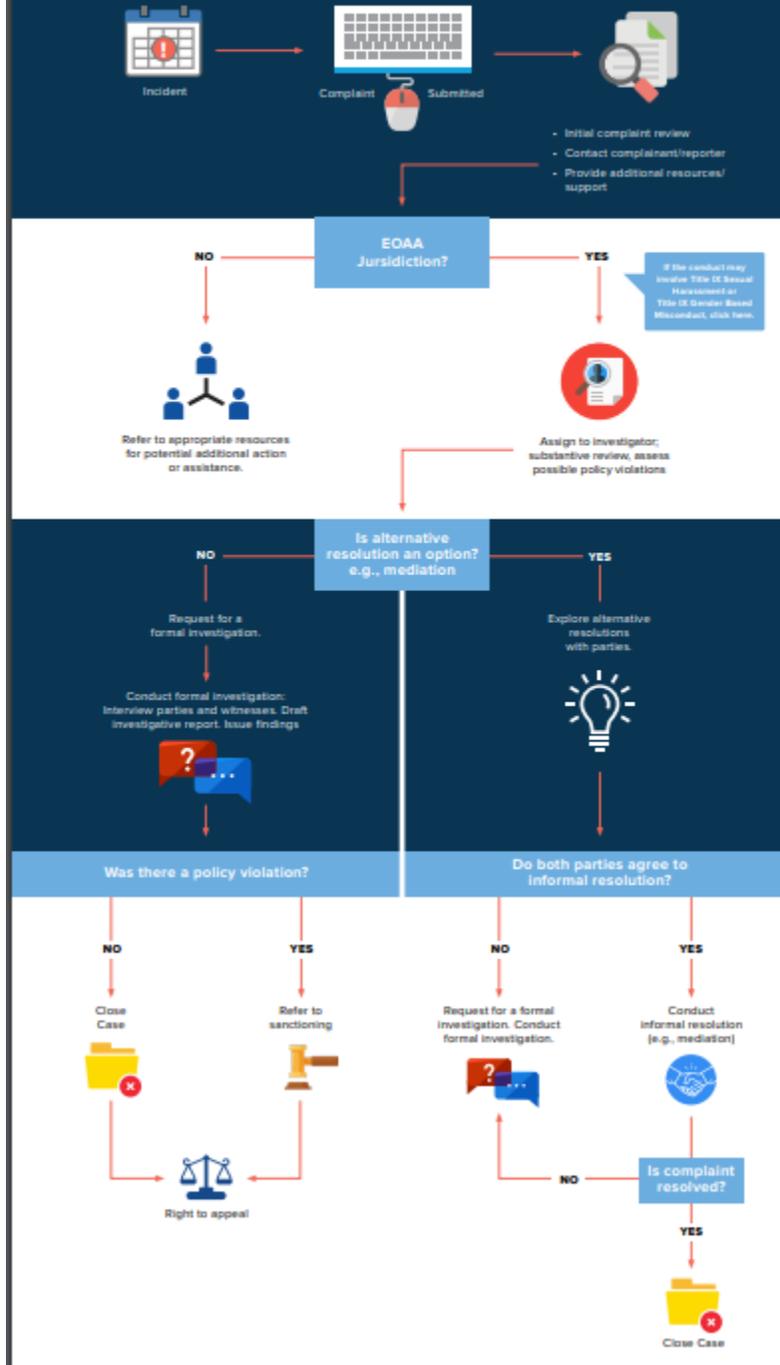
EOAA receives and responds to reports where the individual accused of alleged misconduct (the Respondent) is a member of the faculty, staff or is a third-party affiliate. Third-party affiliates include contracted workers, University vendors, alumni, field placement supervisors, and individuals or organizations with whom Columbia partners.

The Director of Investigations leads the response side of EOAA's work. The investigative team includes four investigators and an administrative manager of investigations. The investigators serve as neutral fact-finders and facilitate informal resolutions. They conduct formal investigations and assess possible violations of University policy when allegations of discrimination, harassment, gender-based misconduct, or other EOAA Policy violations are made. The Administrative Manager of Investigations conducts a majority of the initial intake and manages ongoing cases, ensures that incoming complaints receive prompt attention, and provides updates to Complainants and Respondents.

All investigators and other members of EOAA's team receive specialized training related to proper investigative methods and the subject matters under the purview of EOAA. Specifically, in the past academic year, EOAA received training on relevant laws and regulations, including Title IX; investigative techniques; New York State's Enough is Enough law; and combatting bias in the investigative process.

On August 14, 2020, EOAA published its revised policies and procedures to comply with changes made to Title IX of the Educational Amendments Act of 1972, the law that prohibits sex discrimination in educational institutions. EOAA also used this update as an opportunity to take a fresh look at all our policies and procedures. EOAA now uses two different sets of procedures: the [EOAA Discrimination & Harassment Procedures](#) and the [Interim Title IX Grievance Process](#). These infographics provide a detailed outline of how a case progresses through each process.

# EOAA INVESTIGATIVE PROCESS



# INTERIM TITLE IX GRIEVANCE PROCESS



COLOR KEY: ● Will Occur ● May Occur

## *EOAA Policy Violations and Resolutions*

The data provided here are in the aggregate and are anonymous. This is to ensure that no information is disclosed that might, directly or indirectly, indicate the identity of any individual who comes to EOAA. It is essential that members of the Columbia community can report concerns or incidents with confidence that the University will not publicize their names or personal information.

### **Reports Alleging Policy Violations**

In the 2020–2021 academic year, EOAA received a combined total of 429 allegations of discrimination, discriminatory harassment, and gender-based misconduct, a 1.9% increase from the 421 allegations reported in 2019–2020.

Every report received is initially analyzed to determine whether or not it falls within EOAA’s jurisdiction. That is, could the conduct described in the report, if substantiated, constitute discrimination, harassment, or gender-based misconduct? Some reports include sufficient detail to make this initial determination while others require our Office to gather additional information to assess.

Many reports EOAA receives fall outside our jurisdiction. Typically, these reports raise a concern or complaint that does not implicate EOAA Policy. For example, a complaint may involve a dispute between two colleagues or abusive behavior that does not involve discrimination or harassment based on a person’s protected class. EOAA typically refers those matters to Human Resources, a Department Chair, or supervisor.

Complainants themselves are an essential driver in our process. A significant number of reports that are closed without further investigation or adjudication are because the Complainant chose not to respond to EOAA, expressly declined to participate, or withdrew the complaint. EOAA does not compel Complainants to participate in any EOAA process.

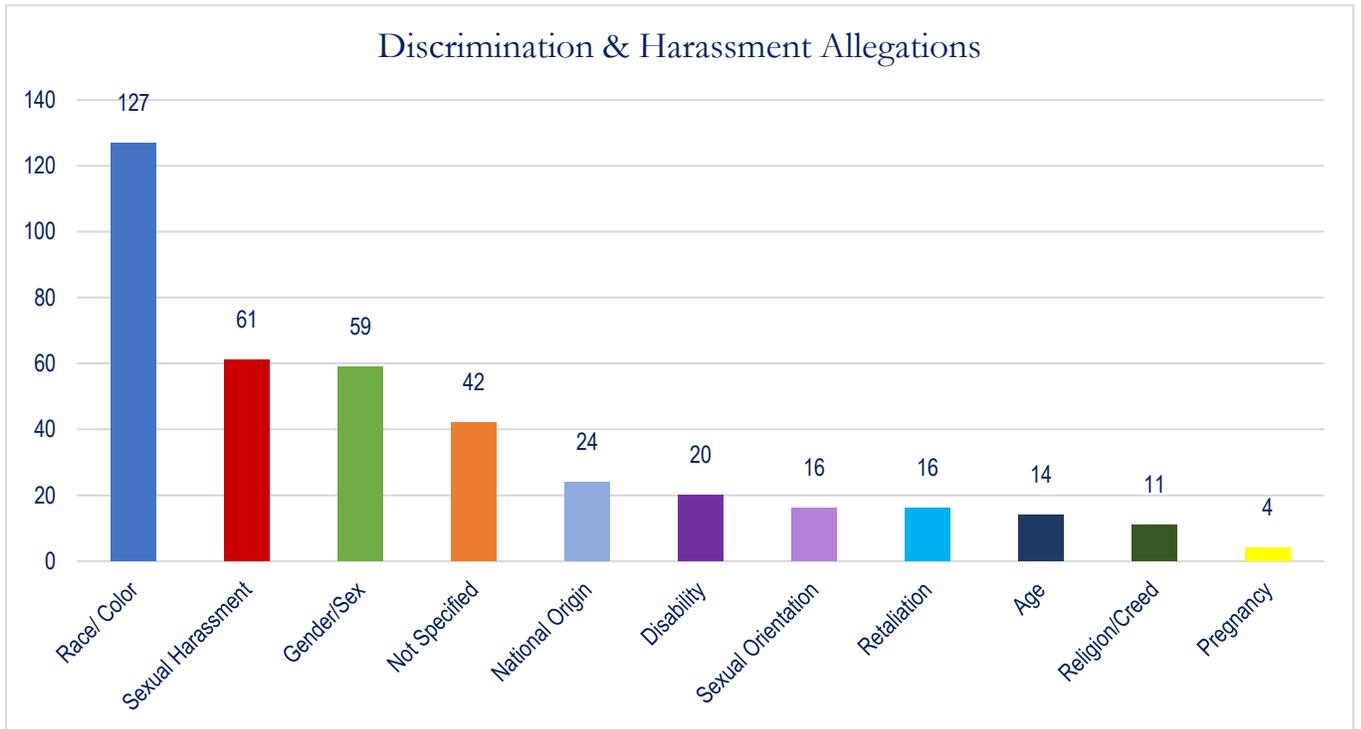
Reports may include multiple allegations, some that fall under EOAA’s jurisdiction and some that do not. EOAA will retain jurisdiction of claims of discrimination, harassment, and gender-based misconduct and partner with other relevant offices to address the non-EOAA allegations.

### **A Note About Columbia’s Duty to Report & Duty to Act Policies**

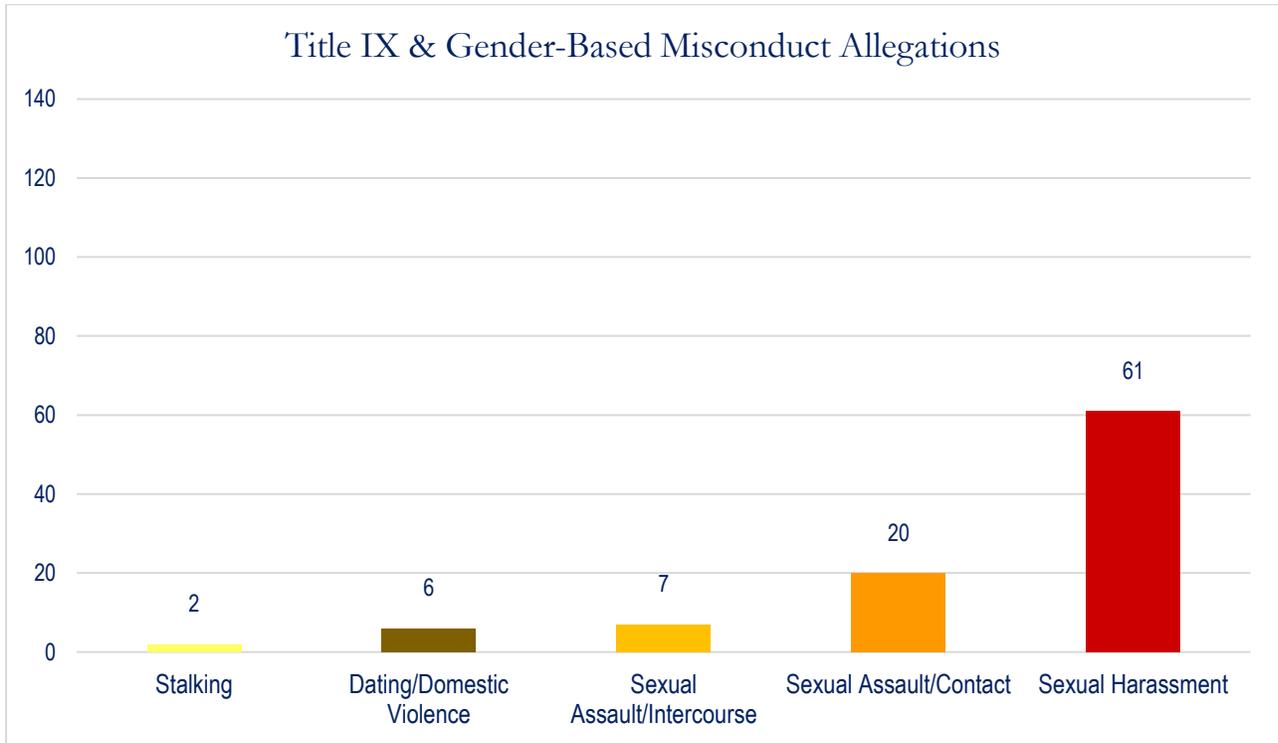
EOAA has expanded our educational efforts to ensure that faculty and staff understand their reporting obligations and that our entire community understands when, where, and how to report potential incidents of discrimination, harassment, and gender-based misconduct to our Office. Our efforts have been successful. We have seen an increase in the number of reports our Office has received.

We want reporting to be simple. We do not expect reporters or Complainants to evaluate and investigate their allegations. That’s our role. And, as a result, many of the allegations we receive fall outside EOAA’s jurisdiction. That’s why we partner with other offices and departments to work together on the appropriate place and method for resolution. For example, an incident might be reported to EOAA, but require a performance improvement plan with Human Resources or simply a conversation with a supervisor to address the issue.

Our data counts each claim separately in the chart below (for example, if a single Complainant alleged that a Respondent discriminated on the basis of age, disability, and race, each charge is counted in its individual category). This means that the total number of allegations may be greater than the number of reports received.



In addition to sexual harassment, gender-based misconduct includes: sexual assault/intercourse; sexual assault/contact; domestic violence, dating violence, sexual exploitation, and stalking. Excluding sexual harassment, there was a 52% increase over the twenty-three (23) reported allegations in 2019-2020. In the 2020–2021 academic year, there were thirty-five (35) allegations of gender-based misconduct (excluding sexual orientation, counted above) and sixty-one (61) allegations of sexual harassment made against faculty, staff, and third-party affiliates.<sup>1</sup>



## Complaint Resolution Time Frames

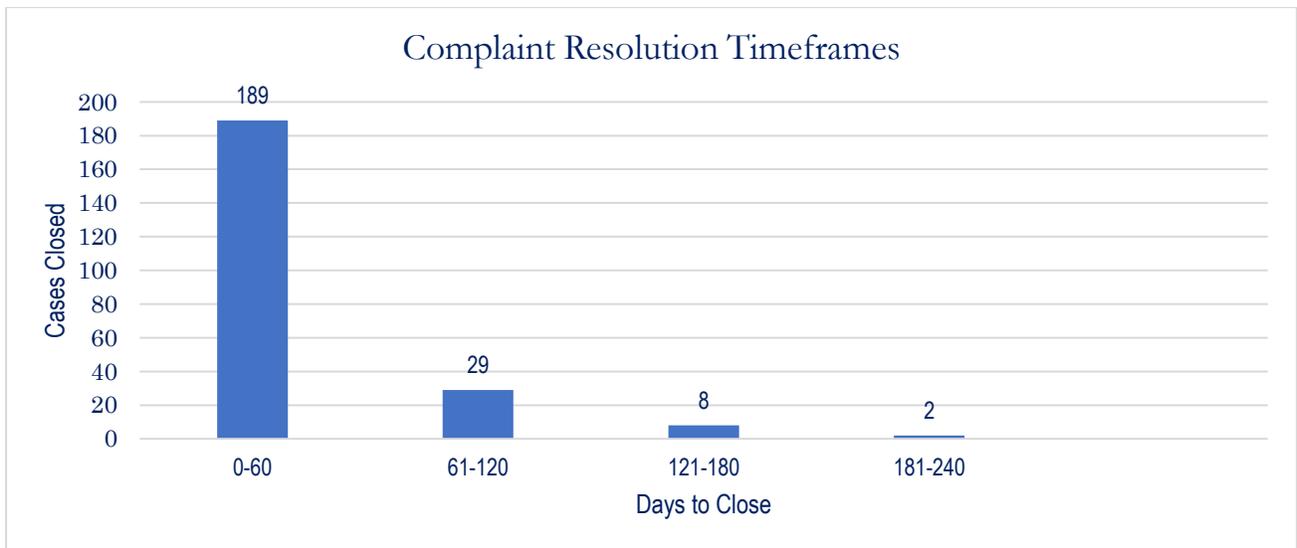
Eighty percent (80%) of all reports received by EOAA were reviewed and resolved within sixty (60) days of receipt of the allegation(s).<sup>2</sup> That is up from seventy-four percent (74%) percent in the 2019-2020 academic year. Seventy-four percent (74%) of Title IX and Gender-Based Misconduct cases were resolved within sixty (60) days and 89% were resolved within 120 days.

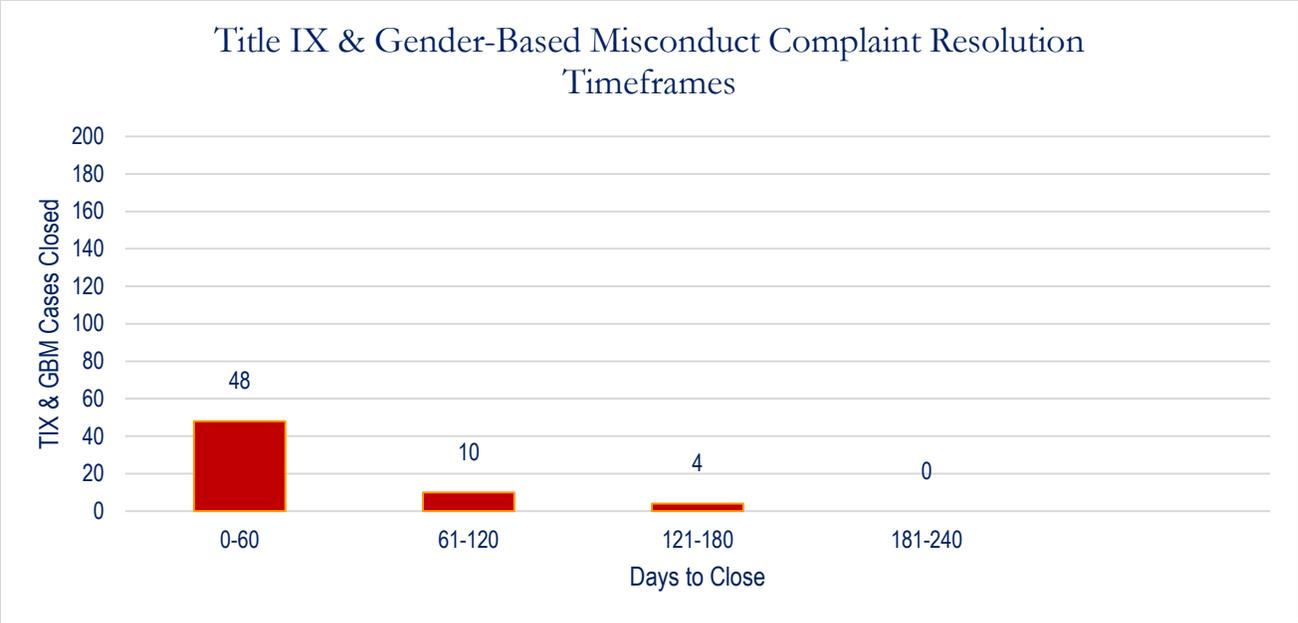
Several factors affect the time frame for resolving reports of discrimination and harassment, including:

<sup>1</sup> For information about reports of gender-based misconduct involving student respondents, please see the Student Conduct and Community Standard’s Annual Report on Gender-Based Misconduct Prevention and Response, available on Columbia’s Sexual Respect website (<https://sexualrespect.columbia.edu/reports-and-research>).

<sup>2</sup> As of June 30, 2021, ten (10) cases were pending.

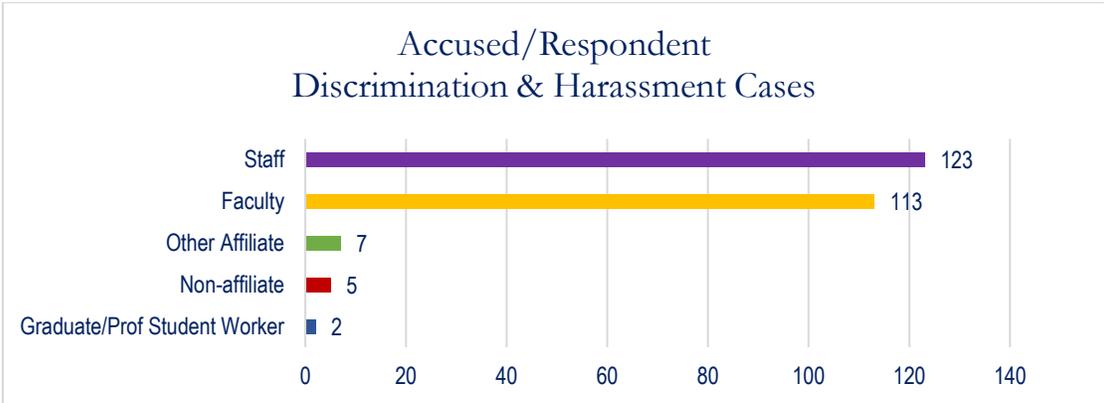
- Allowing a Complainant time to determine whether they would like to pursue a complaint with EOAA;
- Working with a Complainant and Respondent on an informal resolution;
- Arranging for interim measures so that all involved individuals are in a safe learning and working environment before proceeding with an investigation;
- Difficulty contacting parties or witnesses (particularly when reports are made prior to summer recess);
- Coordinating with parties' advisors;
- Amending complaints to include additional allegations;
- Large numbers of witnesses or voluminous evidence.





### EOAA Reports by Status

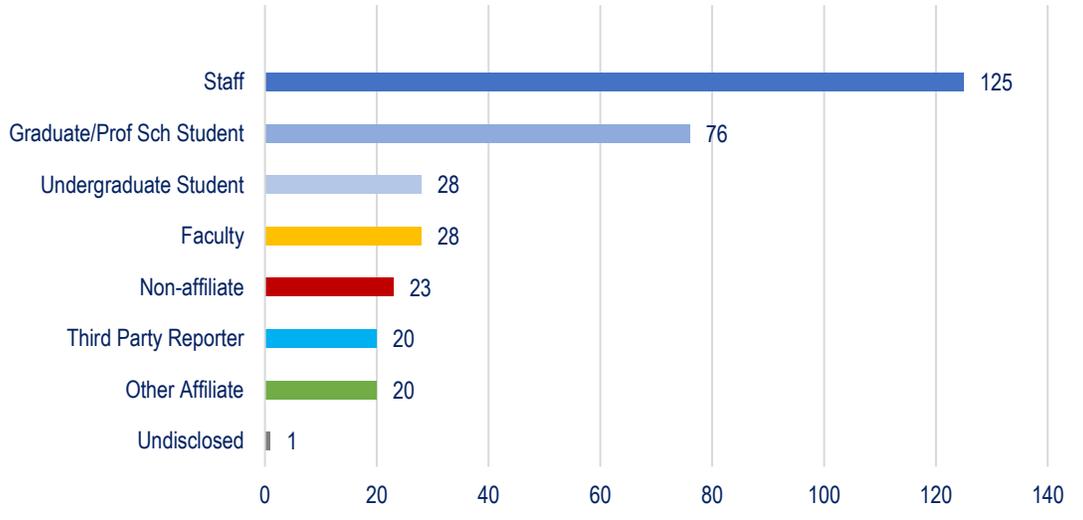
The charts below include data that identify the status (faculty, staff, other affiliate,<sup>3</sup> or non-affiliate<sup>4</sup>) of the Accused/Respondents and the status of Complainants/Reporters (students, staff, faculty, or other affiliate) in discrimination and harassment matters handled by EOAA. In some instances, there were multiple complainants for the same respondent or multiple respondents for the same complainant.



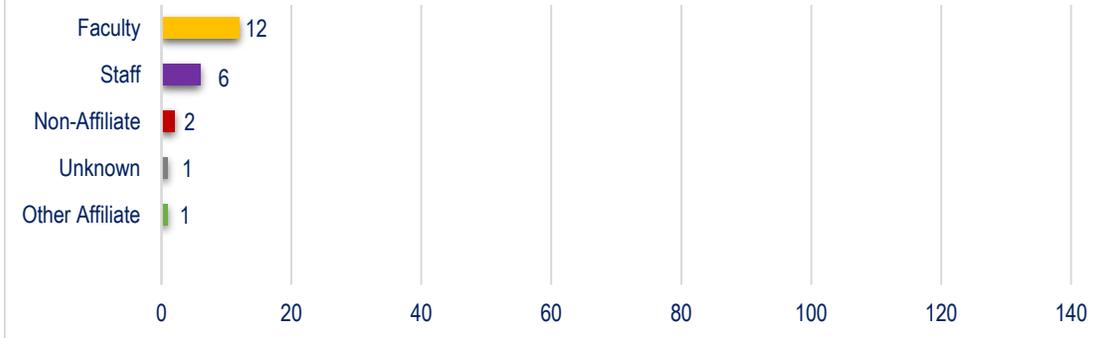
<sup>3</sup> Other Affiliates are individuals who are contracted workers, University vendors, alumni, field placement supervisors, and organizations with whom Columbia partners to offer student internships.

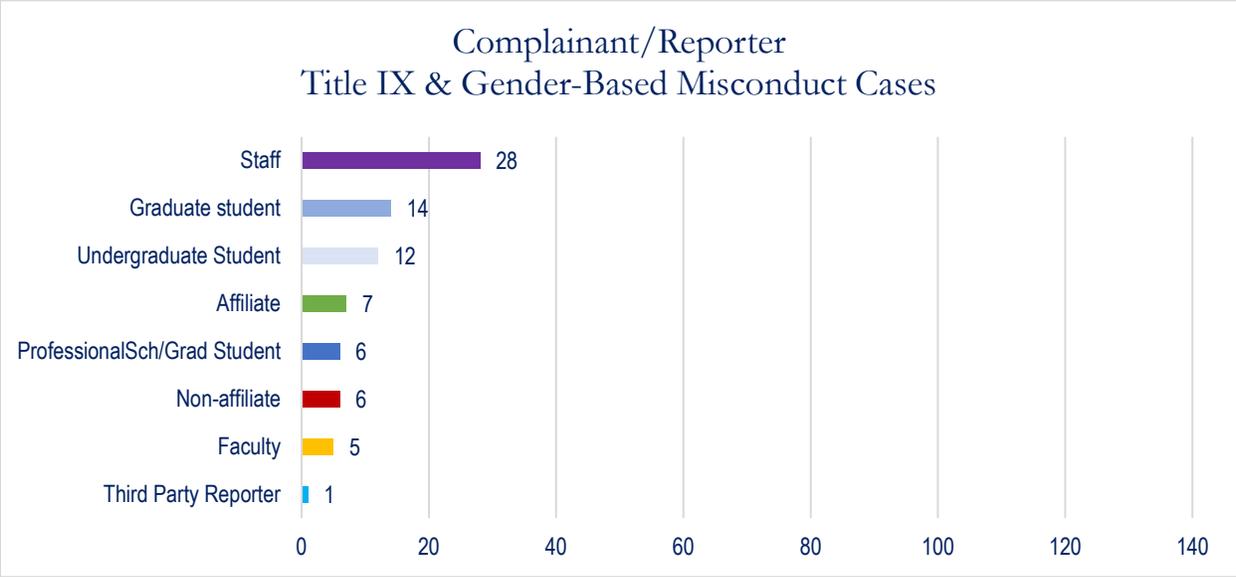
<sup>4</sup> Non-affiliates include campus visitors without a relationship to the University and individuals without any relationship to Columbia (e.g. an individual walking down Broadway).

### Complainant/Reporter Discrimination & Harassment Cases



### Accused/Repsondent Title IX & Gender-Based Misconduct Cases





### Romantic and Sexual Relationship Policies

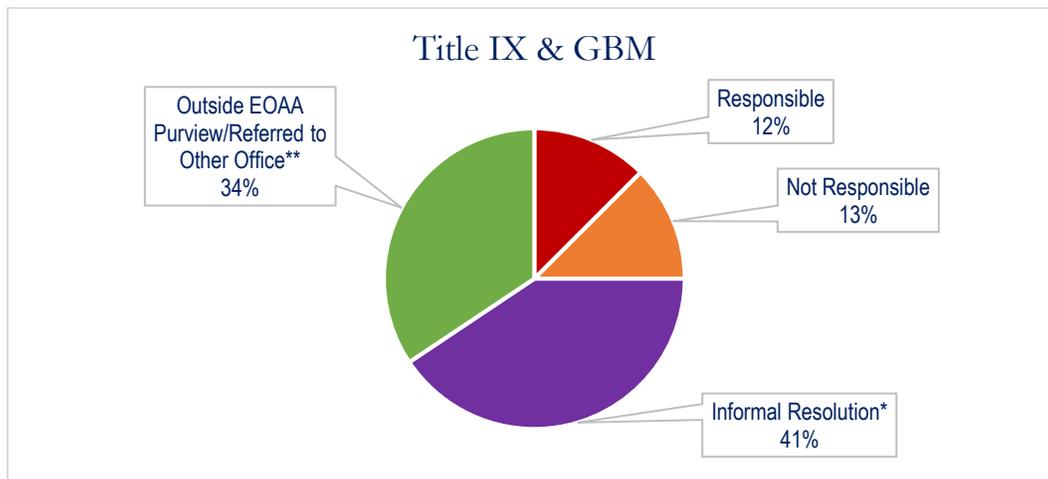
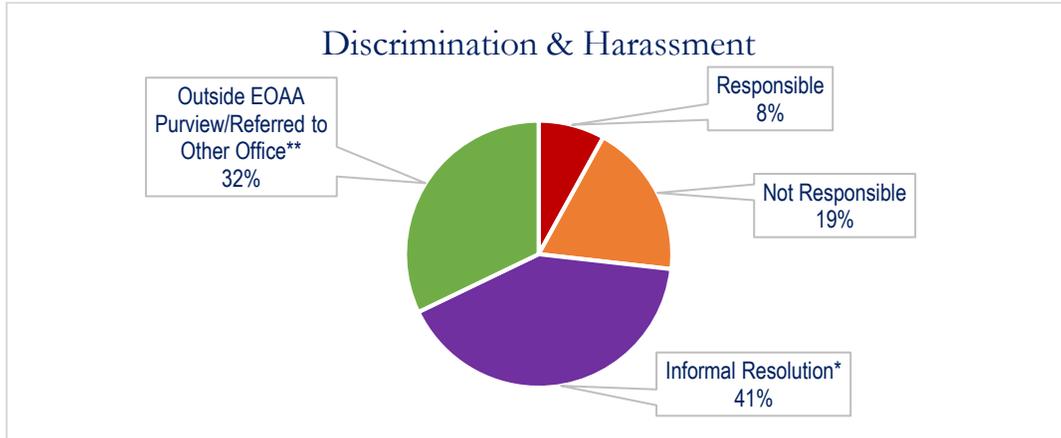
The Romantic and Sexual Relationship Policies prohibit faculty, staff, and graduate students holding positions of authority from engaging in romantic or sexual relationships with anyone over whom they have academic authority or supervisory capacity. Each of the Policies can be found here: <https://eoaa.columbia.edu/content/romantic-and-sexual-relationships>

During the 2020–2021 academic year, EOAA received fifteen (15) reports of violations of Columbia’s Relationship Policies.

When the Office receives a report, we provide the student or employee over whom the Respondent has academic authority or supervisory capacity an opportunity to share their perspective with EOAA regarding the relationship. The student or employee is not accused of violating the Policy. Instead, they are considered a complainant or a witness in the investigation of a potential Policy violation by the faculty member or other employee who holds authority.

## EOAA Case Outcomes

### Claims Adjudicated Under EOAA Policy



#### \*Informal Resolution

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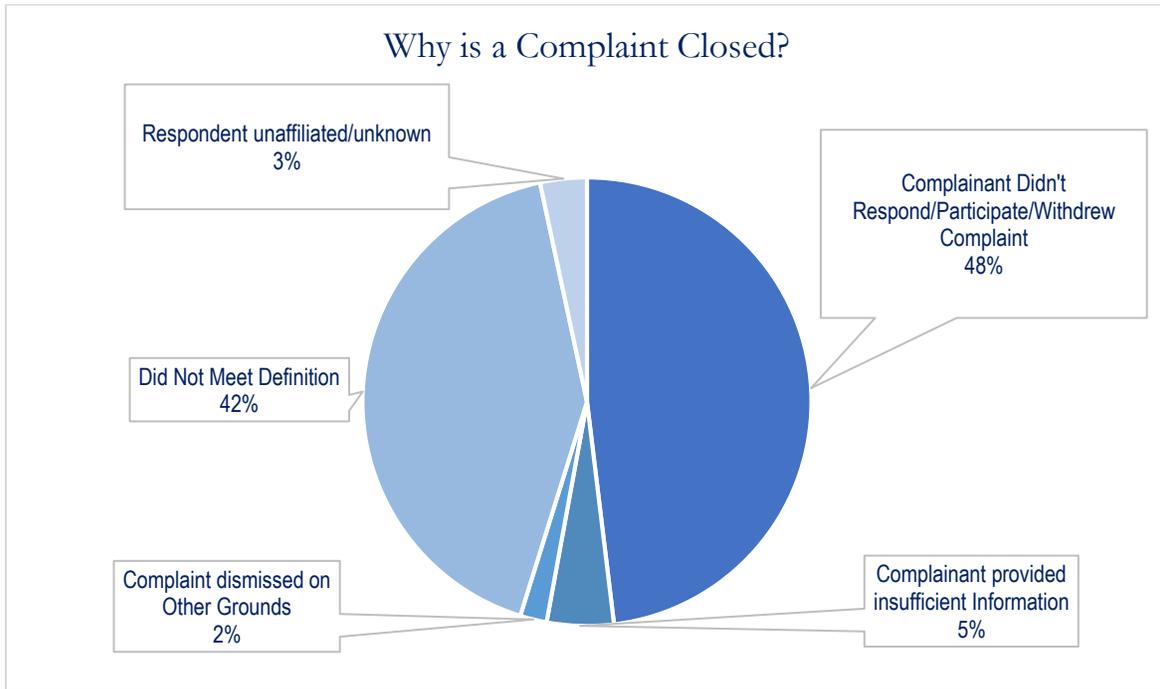
- Educational intervention
- Administrative resolution
- Resource referral

#### \*\*Outside Purview/Referral to Other Office

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- Human Resources
- Faculty Affairs
- Deans/Department Chairs/Supervisors
- Student Conduct and Community Standards
- General Counsel's Office

## Closed Complaints



## Sanctions & Discipline

When EOAA determines that a Respondent has violated EOAA Policy, EOAA communicates that finding to the Respondent's supervisor or to the appropriate sanctioning officer. EOAA does not serve as a sanctioning body, but works with the supervisor to identify appropriate sanctions or discipline. Sanctions are tailored to be fair and appropriate given the facts of the particular case, consistent with the University's handling of similar cases, adequate to protect the safety of the campus community, and reflect the seriousness of the conduct.

Discipline has included:

- Written Reprimand/Warning;
- Restricted or Revoked Access to University facilities or activities (including student activities and campus organizations);
- No-Contact Order;
- Change of Respondent's Job Duties;
- Loss of items used to aid in misconduct;
- Disciplinary Probation;
- Revocation of Honors/Awards;
- Prohibition from advising students or having students as research assistants for a defined period of time;
- Relocation of Respondent's workplace or University-provided residence;
- Demotion;
- Suspension;
- Termination;
- Educational intervention.

The University may also determine that additional measures are appropriate to respond to the effects of the incident on the University community. Additional responses for the benefit of the University community may include:

- Increased monitoring, supervision, or security at locations or activities where the conduct occurred;
- Additional training and educational materials and opportunities for students and employees;
- Revision of University policies;
- Climate surveys.