

COLUMBIA UNIVERSITY
EMPLOYEE POLICY AND PROCEDURES ON
DISCRIMINATION, HARASSMENT, SEXUAL ASSAULT,
DOMESTIC VIOLENCE, DATING VIOLENCE, AND
STALKING

Revised February 27, 2017

INTRODUCTION

Columbia University is committed to providing a learning, living, and working environment free from discrimination and harassment and to fostering a nurturing and vibrant community founded upon the fundamental dignity and worth of all of its members.

The University complies with Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Violence Against Women Act, the New York State Human Rights Law, New York Education Law, the New York City Human Rights Law, and other equal opportunity, nondiscrimination, and affirmative action laws, which prohibit discrimination and harassment against protected classes in University employment and educational programs and activities. This Policy and the accompanying Procedures are intended to ensure a safe and nondiscriminatory employment and educational environment and comply with applicable law. The University does not tolerate any form of unlawful discrimination or harassment, sexual assault, domestic violence, dating violence, stalking, or sexual exploitation and all such conduct is prohibited by this Policy. The University strongly encourages those who have experienced, witnessed or become aware of conduct that violates this Policy to come forward so that the University can take appropriate steps to prevent such conduct from occurring in the future and to ameliorate its effects. The University will protect the privacy of those who come forward to the extent possible and permissible by law.

This Policy sets forth the University's position on discrimination and harassment, specifies prohibited conduct, and delineates other duties and obligations of University employees and other members of the University community. This Policy then describes reporting options and available resources, including the availability of accommodations and interim measures. The Procedure section spells out the investigation and disciplinary process for matters in which employees or third parties are accused of misconduct and includes supplemental procedures for certain types of claims. Following the Procedures are additional sections with definitions of key terms, a list of resources for those affected by conduct prohibited by this Policy, and a list of applicable discrimination laws and contact information.

SCOPE OF POLICY AND PROCEDURE

Policy

This Policy governs the conduct of University employees and third parties¹ that: (1) occurs on any University campus or in connection with University sponsored programs or activities; or (2) creates, contributes to, or continues a hostile work, educational, or living environment for University employees or students.

Procedures

The Procedures set forth in this document describe the general investigation and disciplinary process that applies when the person accused of misconduct (referred to as the "Respondent") is a current employee of

¹ For purposes of this policy, "third parties" shall not include: Columbia students, students and employees of Barnard College or Teachers College, or employees of New York Presbyterian Hospital. These individuals are governed by the policies and procedures identified in the chart in Appendix B.

the University or a third party.² Instances of gender-based misconduct where the Respondent is a student are covered by the *Gender-Based Misconduct Policy for Students*.

Federal law sets forth specific requirements for addressing allegations of sexual assault, domestic violence, dating violence, and stalking, as well as allegations of other types of gender-based misconduct (including gender-based harassment, sexual harassment, and sexual exploitation). Supplemental Sexual Misconduct Procedures augment the Employment Policies and Procedures with respect to those claims.

In the course of their employment, Columbia employees are protected from discrimination, harassment, and gender-based misconduct committed by students, staff or third party affiliates of Columbia University, by students or employees of Barnard College and Teachers College, or by employees of New York Presbyterian Hospital. Different policies and procedures apply depending upon the identity of the Respondent. Charts that set forth the applicable policy and procedure based upon the identity of the Complainant and the identity of the Respondent can be found in Appendix B.

A situation may arise that triggers the procedures under both this Policy and another University policy or set of policies (for example, the *Gender-Based Misconduct Policy for Students*). In such a situation, the Office of Equal Opportunity and Affirmative Action (“EOAA”) will ensure (and, if necessary, work together with other applicable University officials to ensure) that the University uses appropriate procedures under the circumstances to investigate alleged discrimination and harassment and to promote a University community free of discrimination and harassment. Only one University or University-affiliated office will investigate a complaint, regardless of how many avenues the Complainant pursues. Similarly, a Complainant cannot file a complaint with another office about an incident once a final disposition is reached. The University reserves the right to deviate from the procedures set forth in this Policy as appropriate, provided, however, that nothing herein eliminates or modifies employees’ duties to refrain from and report discrimination and harassment and to cooperate with any investigation.

UNIVERSITY CONTACTS

Please see Appendix B below.

POLICY

STATEMENT OF EQUAL EMPLOYMENT OPPORTUNITY AND NONDISCRIMINATION

As an equal opportunity and affirmative action employer, Columbia University is committed to ensuring that University employment is based upon personal capabilities and qualifications without discrimination based on race, color, religion, sex, age, national origin, disability, pregnancy, sexual orientation, marital status, status as a victim of domestic violence, alienage or citizenship status, creed, genetic predisposition

² There is a separate procedure that applies to faculty complaints of discrimination and/or retaliation with respect to the denial of tenure or the failure to reappoint in a non-tenured rank. Such complaints must be filed with the University Senate’s Committee on Faculty Affairs, Academic Freedom, and Tenure. Proceedings will be governed by the Committee’s procedure, a description of which may be obtained from the Office of the University Senate in 406 Low Library.

or carrier status, unemployment status, or any other protected characteristic as established by law.⁴ This principle of equal employment opportunity applies to all policies and procedures relating to recruitment and hiring, compensation, benefits, termination and all other terms and conditions of employment.

Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits discriminatory practices, including harassment. Therefore, the University expects that all relationships among persons in the workplace will be business-like and free of bias, prejudice and harassment. The University further strives to ensure that all employees feel safe at work. Accordingly, the University prohibits acts of violence, including stalking, domestic violence, dating violence, and stalking. Other types of violence are addressed by the University's Workplace Violence Policy, which can be found at: <http://hr.columbia.edu/policy/workplace-violence>.

Retaliation against any individual who complains of a violation of this Policy or who otherwise participates in the investigation of an alleged violation is strictly prohibited.

Violations of this Policy are prohibited. Appropriate disciplinary action may be taken against any employee or third party who violates this Policy.

PROHIBITED CONDUCT DEFINED

Discrimination

Discrimination is defined as treating members of a protected class less favorably because of their membership in that class or as having a neutral policy or practice that adversely impacts the members of one protected class more than others.

Discriminatory Harassment

Harassment is defined as subjecting an individual to unwelcome conduct, whether verbal or physical, that creates an intimidating, hostile, or abusive working, learning or campus living environment; that alters the conditions of employment or education; or unreasonably interferes with an individual's work or academic performance on the basis of the individual's membership in a protected class. Harassment may include but is not limited to: verbal abuse; epithets or slurs; negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; insulting or obscene comments or gestures; and display or circulation (including in hard copy, by email or text, or through social media) in the working, learning and living environment of written or graphic material that denigrates or shows hostility or aversion toward an individual or group. Sexual harassment and gender-based harassment, which are described further below, are forms of discriminatory harassment.

The University will determine whether the conduct was humiliating, abusive, or threatening based on both subjective and objective factors, based on the totality of the circumstances surrounding an alleged incident or course of conduct, including, without limitation, the frequency, nature and severity of the conduct. The University will determine whether that conduct created a hostile environment by examining whether a reasonable person would find the environment hostile or abusive (as well as whether the Complainant viewed it as such).

⁴ These characteristics are referred to as "protected characteristics" or "protected classes."

Sexual Harassment

Unwelcome sexual advances, requests for sexual favors, requests for sexual contact, and other verbal, physical, or visual conduct of a sexual nature constitutes sexual harassment when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, academic, co-curricular, or campus life activities; or
- submission to or rejection of such conduct by an individual is used as the basis for academic, student life or employment decisions affecting that individual; or
- such unwelcome conduct is intentional, serves no legitimate purpose, and involves contact with parts of another individual's body which may cause that person to feel degraded or abused; or when the behavior is for the purpose of gratifying the actor's sexual desire; or
- such conduct has the purpose or effect of unreasonably interfering with another person's academic or work performance or creating an intimidating, hostile, demeaning, or offensive working, learning, campus, or living environment.

Gender-based Harassment

Acts of aggression, intimidation, stalking, or hostility based on gender or gender-stereotyping constitute gender-based harassment. Gender-based harassment can occur if individuals are harassed either for exhibiting what is perceived as a stereotypical characteristic of their sex, or for failing to conform to stereotypical notions of masculinity or femininity. To constitute harassment, the conduct must unreasonably interfere with another person's education or participation in educational programs or activities or work, or create an intimidating, hostile, demeaning, or offensive working, academic or living environment.

Gender-based Misconduct

Gender-based misconduct is a broad term that encompasses gender-based harassment, sexual harassment, sexual assault, sexual exploitation, stalking, dating violence, and domestic violence.

Retaliation

Retaliation is any adverse action or threatened action, taken or made, personally or through a third party, against an individual (or group of individuals) because of his or her participation in any manner in an investigation or proceeding under this Policy, including individuals who file a third-person report and those who are interviewed or otherwise provide evidence in the investigation (witnesses).

- Any individual or group of individuals, not just a Respondent or Complainant, can be found to have engaged in retaliation.
- Retaliation includes threatening, intimidating, harassing, or any other conduct that would discourage a reasonable person from engaging in activity protected under this Policy, such as seeking services; receiving protective measures and accommodations; reporting misconduct; and/or participating in an investigation or adjudication.
- Retaliation includes maliciously and purposefully interfering with, threatening, or damaging the academic or professional career of another individual, before, during or after the investigation and resolution of a report of misconduct under this Policy.
- This provision does not apply to reports made or information provided in good faith, even if the facts alleged in the report are determined not to be accurate.

- Retaliation may be found even when the underlying charge does not constitute discrimination or harassment in violation of University policies.

Sexual Assault: Intercourse

Any form of vaginal, anal, or oral penetration, however slight, by a penis, object, tongue, or finger without a person's affirmative consent; and oral copulation (mouth to genital contact or genital to mouth contact) without a person's affirmative consent.

Sexual Assault: Contact

Any intentional sexual touching without a person's affirmative consent. Intentional sexual touching includes contact, under or over clothing, with the breasts, buttocks, or groin, or touching another with any of these body parts; making another person touch any of these body parts under or over clothing; and the emission of ejaculate on the clothing or body of another person without that person's consent.

Domestic Violence

The use of physical violence, coercion, threats, intimidation, isolation, stalking, or other forms of emotional, psychological, sexual, technological, or economic abuse directed toward (a) a current or former spouse or intimate partner; (b) a person with whom one shares a child; or (c) anyone who is protected from the Respondent's acts under the domestic or family violence laws of New York. This includes behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, or physically injure someone. Domestic violence can be a single act or a pattern of behavior in relationships.

Dating Violence

The use of physical violence, coercion, threats, intimidation, isolation, stalking, or other forms of emotional, psychological, sexual, technological, or economic abuse directed toward a person who is or has been in a social relationship of a romantic or sexually intimate nature with the victim. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, or physically injure someone. Dating violence can be a single act or a pattern of behavior in relationships.

Sexual Exploitation

Non-consensual abuse or exploitation of another person's sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage, or any other illicit purpose. Examples of sexual exploitation may include, but are not limited to: observing another individual's nudity or sexual activity or allowing another to observe nudity or sexual activity without the knowledge and affirmative consent of all participants; non-consensual streaming of images, photography, video, or audio recording of sexual activity or nudity, or distribution of such without the knowledge and affirmative consent of all participants; exposing one's genitals in non-consensual circumstances; and inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

Stalking

A course of unwanted attention that is repeated or obsessive, directed toward an individual or a group and that is reasonably likely to cause alarm, fear or substantial emotional distress. Stalking may take many forms, including lying in wait for, monitoring, and/or pursuing contact. Stalking may occur in person or through communications such as telephone calls, text messages, unwanted gifts, letters, e-mails, surveillance, or other types of observation.

Appendix A contains the definitions of several terms used above, including but not limited to affirmative consent, coercion, and incapacitation.

CONSENSUAL ROMANTIC RELATIONSHIPS

Truly consensual romantic or sexual relationships with other employees or with students are not a violation of this Policy; however, such relationships are prohibited by University policy in certain circumstances. A complete explanation of the rules governing such relationships may be found at:

<http://eoaa.columbia.edu/resources/eoaa-documents-downloading>.

DISABILITY ACCOMMODATIONS

The University is committed to complying with all applicable provisions of the Americans with Disabilities Act (“ADA”) and state and local disability laws, as applicable. It is the University’s policy not to discriminate against any qualified employee or applicant with regard to any terms or conditions of employment because of such individual’s disability or perceived disability so long as the employee can perform the essential functions of the job. Consistent with this policy of nondiscrimination, the University will provide reasonable accommodations to a qualified individual with a disability who has made the University aware of his or her disability, provided that such accommodation does not constitute an undue hardship on the University.

Employees with a disability who believe they need a reasonable accommodation to perform the essential functions of their job should contact HR Disability Benefits (<http://hr.columbia.edu/find-out-about/benefits/disability-workplace-accommodations>) at: (212) 851-7000 or via email at hreditability@columbia.edu. The University encourages individuals with disabilities to come forward and request reasonable accommodation.

Columbia University is committed to fostering a campus that is accessible to people with disabilities. It conducts an on-going program to remove physical barriers and each year, it makes significant accessibility improvements. For questions or concerns regarding physical access, please send an email to: access@columbia.edu.

REASONABLE ACCOMMODATION OF RELIGION

In accordance with federal, state, and city law, the University will provide reasonable accommodations of religious practices and beliefs, unless doing so places an undue hardship on the University. Employees needing a religious accommodation should contact Human Resources (<http://hr.columbia.edu/>).

Employees will not be retaliated against for requesting an accommodation.

REASONABLE ACCOMMODATION OF PREGNANCY

In accordance with federal, state, and city law, the University will provide reasonable accommodations based on the needs of pregnancy, child birth or related medical conditions, unless doing so is an undue hardship to the University. Employees needing an accommodation based on pregnancy, child birth or related medical conditions should contact Human Resources (<http://hr.columbia.edu/>). Employees will not be retaliated against for requesting an accommodation.

DUTY TO ACT

Management and supervisory personnel are expected to take reasonable and necessary action to prevent discrimination and harassment, to take appropriate action when they learn directly or indirectly of conduct that might violate University policies, and to respond promptly and thoroughly to any such claims.

A manager or supervisor who fails to take appropriate action may be found to have violated Columbia's policies even in situations where the underlying event does not constitute discrimination or harassment.

For purposes of this policy, management and supervisory personnel include:

- any employee having formal supervisory responsibility over employees;
- faculty in such roles as department chair, dean, academic vice president, institute director, center director, or similar position supervising other faculty and/or staff; and
- Principal Investigators on a grant or contract act in a supervisory capacity over the individuals in the lab or research they lead.

DUTY TO REPORT

Abuse of Minors

All University employees who interact with, supervise, chaperone, or otherwise oversee minors in programs or activities at the University, sponsored by the University, or in which the University participates are required to report immediately to the NYS Maltreatment Hotline (800-342-3720) and to Columbia Public Safety if they have reasonable cause to suspect abuse or maltreatment of individuals under the age of 18.

Any member of the Columbia University community may report a concern if they suspect that a child has been abused or maltreated. A copy of the University's policy on Reporting Suspected Abuse and Maltreatment of Minors can be found here:

<http://policylibrary.columbia.edu/protection-minors-columbia-reporting-suspected-abuse-and-maltreatment-minors>.

Prohibited Conduct That Involves Students

When prohibited conduct involves students, there are additional reporting obligations. The following employees have a duty to report any instance or allegation of prohibited conduct involving a student that is disclosed to, observed, or otherwise known by him or her whether the student is a Complainant or a Respondent:

- Faculty, Officers of Administration, Research, the Libraries and the Coaching Staff.

- Staff who work directly with students, including: teaching assistants, advising and residential program staff (including residence assistants and student affairs staff).

Prohibited conduct should be reported immediately to the appropriate individual identified in the chart under Appendix A.

Prohibited Conduct by Employees or Third Parties That Does Not Involve Students

The University asks all employees to report any prohibited conduct involving employees or third parties to EOAA and/or the employee's designated human resources representative.

The University requires management and supervisory personnel to report any instance or allegation of prohibited conduct by an employee or third party that is disclosed to, observed, or otherwise known by him or her to EOAA and/or his or her designated human resources representative, who will report to immediately and coordinate with EOAA regarding the appropriate University response.

Failure of a manager or supervisor to report an allegation of prohibited conduct disclosed to, observed or otherwise known by him or her will constitute a violation of this Policy and may result in disciplinary action, even in situations where the University determines that the underlying conduct does not constitute a policy violation.

Employees Not Required to Report

University employees serving in a privileged professional capacity (counselors, clergy, medical providers, and rape-crisis counselors) are not obligated to report and, absent a request by the Complainant, should not report information disclosed to them in their capacity as a privileged professional, except as required by law.

If an employee has any question about who is the appropriate University contact to whom she or he should report potential prohibited conduct, the employee should contact EOAA for guidance.

TRAINING

All University employees are expected to read, understand, and adhere to this Policy. The University provides training programs for faculty and staff concerning conduct that may constitute a violation of University policies and the procedures applicable to alleged violations. All University employees are expected to participate in training programs offered to them and to be knowledgeable about the University's policies and procedures.

Requests for training as well as any questions about the University's policies and procedures should be addressed to EOAA.

ACADEMIC FREEDOM

This policy is not intended to inhibit or restrict academic freedom or genuine contributions to the marketplace of ideas. Prohibitions against discrimination and harassment do not extend to statements or written materials that are germane to classroom subject matter or legitimate academic debate.

RESOURCES

The University provides a variety of resources for individuals who believe they have experienced prohibited conduct and all parties involved in the investigative process. Contact information for these campus resources and other community providers is provided at the end of the procedures in Appendix B.

PROCEDURES FOR COMPLAINTS OF PROHIBITED CONDUCT

COMPLAINTS OF PROHIBITED CONDUCT

The University encourages those who believe that they have experienced discrimination, harassment or other prohibited conduct to bring their concerns to the University's attention immediately. Those who have been subjected to prohibited conduct by a University employee or a third-party should notify EOAA. If the particular circumstances make a discussion with or a complaint to EOAA inappropriate (for instance, the complaint involves an EOAA employee), incidents may be reported to Human Resources or the Complainant's supervisor. Those who have been subjected to gender-based misconduct by a Columbia University, Barnard College or Teachers College student should notify the University Gender Based Misconduct Office. The University takes allegations of prohibited conduct very seriously, and will actively investigate all alleged discrimination and/or harassment, even in the absence of a complaint, and will take remedial action where appropriate.

Complaints may be submitted in writing or made orally. Complaints may be submitted to EOAA by any of the following methods:

- By phone at (212) 854-5511
- By e-mail at eoaa@columbia.edu
- Via [online report](#)
- By mail at 103 Low Library, MC 4333, 535 West 116th Street New York, NY 10027, or
- By hand delivery to 103 Low Library.

Complaints can also be submitted to the University's Compliance Hotline: (866) 627-3768.

To the extent possible, the complaint should include the following information: the identity and status of the Complainant and the Respondent (e.g., employee, student); details concerning the incident(s) or conduct that gave rise to the complaint; date(s) of and location(s) of the incident(s); the identity and status of any witness(es) to the incident(s) with telephone numbers, e-mail addresses, and street addresses if known. Reports may be submitted anonymously, by witnesses, or by others who are made aware of the incident.

The University does not limit the time for submitting a complaint of prohibited conduct, but strongly urges the immediate reporting of complaints or concerns. Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of discrimination and/or harassment. The University's ability to investigate and respond effectively may be reduced with the passage of time.

The University will, as appropriate, investigate complaints against third parties or unknown individuals discriminating against or harassing University employees or students. The University will take appropriate steps to protect employees, students, and the University community as a whole.

Employees may also complain of prohibited misconduct to their managers or supervisors or to Human Resources, who will then immediately report the conduct to EOAA. Except in matters falling under the Sexual Misconduct Procedures (described below), union members may file complaints with their collective bargaining unit unless prohibited by their collective bargaining agreement or unless an inherent conflict of interest would interfere with a fair adjudication in the collective bargaining unit. The proceedings will be governed by the applicable procedures of the applicable collective bargaining agreement.

<http://hr.columbia.edu/union-contracts>.

If an individual files a complaint with more than one University department/office regarding the same incident, EOAA, in consultation with the other departments, will determine the appropriate department to conduct the investigation. Complaints shall not be investigated by more than one department or office simultaneously, nor will a department/office investigate a complaint after another department/office has completed an investigation into that claim.

OPTIONS FOR INFORMAL RESOLUTION

Complainant Resolution

An individual who believes that she or he is the subject of discrimination or harassment may choose to work with the alleged offender directly through various approaches, including:

- a face-to-face discussion,
- a personal telephone conversation,
- e-mail correspondence, or
- other communication.

In some cases, these approaches may resolve the situation; in others, they may be ineffective or place the complaining individual in an uncomfortable, insecure or compromised position. Under no circumstances should an individual feel pressured to attempt informal resolution. If these measures prove unsuccessful, the individual may choose to pursue others methods of resolution.

Individuals who have experienced sexual assault, domestic violence, dating violence, or stalking are advised **not** to attempt to resolve the matter on his or her own.

EOAA-Assisted Resolutions

Mediation

EOAA will determine whether formal mediation is an appropriate mechanism for the resolution of cases based on information provided about the incident. Mediation is not an option for resolution in cases

involving allegations of sexual assault. In cases where mediation is deemed to be an option, parties wishing to pursue this form of resolution should contact EOAA to coordinate the mediation. The parties should not contact each other to discuss mediation. Mediation will be pursued only with the consent of both parties, and either party has the right to terminate the mediation process and begin the formal process at any time. If the mediation results in a resolution, any formal procedures will be concluded and the case closed. If the parties are unable to reach a resolution, a Complainant may choose to proceed with formal resolution.

Alternate Resolution

EOAA may seek to resolve certain prohibited conduct through an informal process involving both the Complainant and Respondent. This form of resolution can take place during the investigation or after its conclusion. The University will not use alternate resolution for cases involving allegations of sexual assault.

ACCOMMODATIONS & INTERIM MEASURES

Where appropriate, EOAA will work with employees and other individuals affected by the prohibited conduct to ensure their safety and promote their well-being. This assistance may take the form of accommodations to support or protect the employee in the immediate aftermath of an incident and interim measures while an investigation or a disciplinary action is pending. Such measures may include, without limitation, reassigning or removing a Respondent from a Complainant's workplace or supervision, or changing work schedules or transportation arrangements while an investigation is pending. EOAA will evaluate the need and propriety for accommodations and interim measures in light of the circumstances and information available at the time. Failure to comply with accommodations or interim measures is a violation of University policy and may lead to disciplinary action.

INVESTIGATION

Upon receiving notice or otherwise learning that a University employee or third party has allegedly engaged in prohibited conduct, EOAA will initiate an investigation.⁵ The Associate Provost for EOAA is the University's designated officer for conducting or overseeing investigations of alleged violations of this Policy. The Associate Provost will designate an EOAA investigator (or team of investigators) and tailor an investigation based on the facts, nature, and complexity of the circumstances giving rise to the investigation. The University may, in its sole discretion, assign the investigation to an appropriate non-EOAA investigator or an outside investigator.

It is the University's policy that such matters will be handled with care and discretion and will, subject to the considerations described in the next paragraph, receive a thorough investigation. A Complainant may request that the University not disclose his or her identity to anyone else, including the alleged offender; however, the University cannot guarantee that the Complainant's identity will not be disclosed. The University strives to preserve the privacy of information shared with the University leading up to and

⁵ The University reserves the right to terminate an investigation or appeal proceeding in the event the Respondent's relationship with the University terminates.

during an investigation where such privacy does not conflict with its obligations to conduct a prompt and thorough investigation.

In cases of sexual assault, domestic violence, dating violence, and stalking, a Complainant also may request that EOAA not disclose his or her identity to anyone else, including the alleged offender. While such a request may limit the University's ability to investigate and respond to the reported misconduct, EOAA (through the Title IX Coordinator) will consider the request in light of the University's commitment to provide a safe and non-discriminatory environment for all members of the University community and will honor such a request when appropriate. EOAA will promptly notify a Complainant making such a request whether the University will be able to honor it.

The investigator will interview the Complainant, the Respondent, and any other persons with relevant information about the alleged incident(s). The investigator may also review personnel records and other documents deemed relevant to the investigation. The investigator acting on behalf of the Associate Provost has the authority and responsibility to gather information from all sources judged necessary for a fair resolution of a complaint. The Complainant and the Respondent may suggest witnesses the investigator should interview and documentation the investigator should consider. The investigator, however, has complete discretion to determine which witnesses to interview and which documents to consider. Complainants, Respondents, witnesses and advisors will not be permitted to record anything related to the investigation and/or disciplinary process.

During the investigation process, no party is permitted to be represented by legal counsel, except as provided for in the Sexual Misconduct Procedures for claims of gender-based misconduct involving students and all claims of sexual assault, domestic violence, dating violence, and stalking. Members of collective bargaining units are entitled to union representation during any investigation process.

The University strives to conduct all investigations fairly and complete them in a timely fashion (and, if applicable, within any time period prescribed by law).

Participants are expected to cooperate fully with the EOAA investigation.⁶ Providing false or misleading information, or submitting a report or complaint in bad faith, may subject an individual to discipline under this Policy. All parties and witnesses involved in EOAA procedures are urged to respect the integrity of the procedures and the legitimate privacy interests of the parties and witnesses. This does not prohibit either a Complainant or Respondent from consulting with or obtaining support from family members, counselors, therapists, clergy, doctors, attorneys, or similar resources.

INVESTIGATIVE FINDINGS AND DISCIPLINARY RECOMMENDATIONS

The investigator is expected to complete the investigation and submit a determination to the Associate Provost in a timely fashion. The investigator's determination will be made on the basis of the

⁶ Some of the conduct prohibited by this policy may also be a violation of the New York State Penal Code or other applicable city, state, or federal laws. Employees accused of conduct that may constitute a crime should understand that the statements made and information gathered in the course of a University investigation may be subject to discovery in a criminal or civil legal proceeding. Accordingly, employees may choose not to make self-incriminating statements but should recognize that their unwillingness to cooperate in the investigation may result in University disciplinary action up to and including termination.

preponderance of the evidence (it is more likely than not that the behavior occurred), taken in its totality, and considering any attendant circumstances.

If the investigator determines that no violation of these policies has occurred, the investigator shall forward the written determination to the Complainant, the Respondent and the Respondent's supervisor.

If the investigator finds that the Respondent has engaged in prohibited conduct, the determination will be accompanied by a disciplinary recommendation. In making such a recommendation, the investigator shall consider records of previous conduct or behavior, the seriousness of the violation, the totality of the information available (including the investigative records), and any extenuating or aggravating circumstances the investigator deems relevant. The Associate Provost or her designee shall forward the determination and disciplinary recommendation to the Complainant, the Respondent, the Respondent's supervisor, and the Provost of the University (when applicable).

DISCIPLINE

If the investigation reveals that prohibited conduct has occurred, the Respondent's supervisor will consider the investigator's disciplinary recommendations and take prompt and effective remedial action. Such measures are designed to put an immediate stop to the prohibited conduct as well as prevent its recurrence.

Discipline may include, but is not limited to: reprimand/warning, change of the Respondent's job duties, disciplinary probations, revocation of honors and awards, restricted access to University facilities or activities, a "no contact" order, movement of a Respondent's University-provided residence, movement of Respondent's workplace/station, demotion, suspension, and dismissal or restriction from University employment. The University may also require training or recommend counseling.

APPEAL

If a Complainant or Respondent believes that the investigator's determination is erroneous, he or she may file an appeal. There are two grounds for appeal: (1) the party has new information, unavailable at the time of the investigation that may change or affect the outcome; or (2) there was a procedural error that may have impacted the outcome. Disagreement with the finding is not, by itself, grounds for appeal. The appeal must be in writing and may be no longer than five double-spaced, type-written pages. The appeal must be delivered to the Associate Provost within 10 business days of delivery of the investigator's determination to the parties (via email, mail or hand delivery). Failure to meet the deadline for appeal shall result in waiver of the right to appeal. The University reserves the right to investigate and take any necessary action of its own accord based on new information or events that were not known during an initial investigation.

On receipt of the appeal, the Associate Provost will generally designate a senior officer of the University to serve as Appeal Officer in the matter and will forward the appeal to the Appeal Officer for review.

Thereafter, the Associate Provost will notify the party who is not appealing that an appeal has been filed, the grounds for appeal asserted, and the identity of the Appeal Officer. The non-appealing party will be permitted to submit a written response to the appeal, which shall be no longer than five double-spaced type-written pages, to the Associate Provost within 5 business days of receiving notice of the appeal.

The Appeal Officer may conduct such proceedings as she or he deems appropriate, but will not normally hear the testimony of witnesses.

The Appeal Officer will render a written decision within 20 business days of the Associate Provost's initial receipt of the appeal, and she or he will forward a recommendation for the Provost's approval. Upon approval by the Provost, the Associate Provost will provide written notice to the parties of the final disposition of the matter. Once approved by the Provost, the decision of the Appeal Officer is not subject to further review.

Any discipline imposed prior to the filing of the appeal will stand during the pendency of the appeal. Discipline may also be imposed while the appeal is pending.

AMENDMENTS

Nothing in this Policy or Procedure shall affect the University's inherent authority to take such action as it deems appropriate to further the educational mission or to protect the safety and security of the University community.

SEXUAL MISCONDUCT PROCEDURES:

**FOR ALLEGATIONS OF SEXUAL ASSAULT, DOMESTIC VIOLENCE,
DATING VIOLENCE, OR STALKING AND RELATED RETALIATION
WHEN THE COMPLAINANT IS AN EMPLOYEE OR THIRD PARTY
AND
FOR ALLEGATIONS OF ALL TYPES OF GENDER-BASED
MISCONDUCT WHEN THE COMPLAINANT IS A STUDENT**

The University is committed to fostering an environment that is free from violence and the threat of violence. Because of the distinct needs of victims and additional legal requirements under Title IX and the Campus Sexual Violence Elimination Act, the University utilizes these Sexual Misconduct Procedures for the following categories of cases: sexual assault, domestic violence, dating violence, stalking, and retaliation relating to such claims.

These Sexual Misconduct Procedures also apply to complaints of all types of gender-based misconduct in which the Complainant is a student (including sexual assault, domestic violence, dating violence, stalking, sexual harassment, gender-based harassment, sexual exploitation, retaliation and other forms of discrimination based on gender or sex).

The University encourages all students, staff and faculty affected by sexual misconduct to seek immediate assistance. Seeking assistance promptly may be important to ensure someone's physical safety or to obtain medical care or other support. It may also be necessary to preserve evidence, which can assist the University and/or law enforcement in responding effectively. Assistance is available 24 hours a day, 7 days a week.

Based on the facts alleged in the complaint, the Associate Provost will determine at the outset of the investigation whether these Sexual Misconduct Procedures apply and will give notice to the Complainant and Respondent.

COMPLAINTS OF PROHIBITED CONDUCT

The University encourages those who believe that they have experienced sexual misconduct to bring their concerns to the University's attention immediately. Those who have been subjected to prohibited conduct by a University employee or a third-party should notify EOAA.

Complaints of sexual misconduct may be submitted in writing or made orally. Complaints may be submitted to EOAA by any of the following methods:

- By phone at (212) 854-5511
- By e-mail at eoaa@columbia.edu
- Via [online report](#)
- By mail at 103 Low Library, MC 4333, 535 West 116th Street New York, NY 10027, or
- By hand delivery to 103 Low Library.

To the extent possible, the complaint should include the following information: the identity and status of the Complainant and the Respondent (e.g., employee, student); details concerning the incident(s) or conduct that gave rise to the complaint; date(s) of and location(s) of the incident(s); the identity and status of any witness(es) to the incident(s) with telephone numbers, e-mail addresses, and street addresses if known. Reports may be submitted anonymously, by witnesses, or by others who are made aware of the incident.

The University does not limit the time for submitting a complaint of prohibited conduct, but strongly urges the immediate reporting of complaints or concerns. Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of discrimination and/or harassment. The University's ability to investigate and respond effectively may be reduced with the passage of time.

The University will, as appropriate, investigate complaints against third parties or unknown individuals. The University will take appropriate steps to protect employees, students, and the University community as a whole.

Employees may also complain of prohibited misconduct to their managers or supervisors or to Human Resources, who will then immediately report the conduct to EOAA.

Student Amnesty for Alcohol and/or Drug Use

The health and safety of every student at Columbia is of utmost importance. Columbia recognizes that students who have been drinking and/or using drugs (whether use is voluntary or involuntary) at the time that violence, including but not limited to sexual assault, domestic violence, dating violence, or stalking occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. Columbia strongly encourages students to report sexual assault, domestic violence, dating violence, or stalking to Columbia officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any assault to Columbia's officials or law enforcement will not be subject to disciplinary action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the sexual assault, domestic violence, dating violence, or stalking.

NOTICE

As soon as possible after the start of an investigation, EOAA will provide notice to the Complainant and Respondent, with a written explanation of their rights and resources available. EOAA will additionally provide updates on a regular basis and notice at key stages of the investigation, including notice of all meetings with the Complainant and/or Respondent regarding the complaint. Such notices shall be simultaneous and in writing.

A Complainant has the option to choose whether he or she will notify and seek assistance from law enforcement and from campus authorities.

ADVISORS

Student Complainants may be accompanied by the advisor of their choice to any meeting related to any incident of gender-based misconduct, including sexual assault, domestic violence, dating violence, stalking, sexual harassment, gender-based harassment, sexual exploitation, related retaliation and other forms of discrimination based on gender or sex.

Employee Complainants and Respondents may be accompanied by the advisor of their choice to any meeting related to an incident of sexual assault, domestic violence, dating violence, stalking or retaliation relating to an incident of such misconduct. When a student Complainant alleging any type of gender-based misconduct (including sexual assault, domestic violence, dating violence, stalking, sexual harassment, gender-based harassment, sexual exploitation, related retaliation and other forms of discrimination based on gender or sex) chooses to exercise his or her right to be accompanied by an advisor, employee Respondents will be permitted to be accompanied by an advisor as well.

Attorney-advisors are permitted whenever advisors are permitted (as set forth above). Advisors may provide support and advice about the investigation and disciplinary process. During meetings, an advisor may talk quietly with the advisee or pass notes in a non-disruptive manner. An advisor may not intervene in a meeting or address the investigator or other disciplinary officials. An advisor may make written submissions on a party's behalf.

If a student Complainant desires to have an attorney serve as his or her advisor, the University will arrange for a volunteer attorney-advisor if the student so requests. If the University is asked to arrange for a volunteer attorney for a student Complainant, it will notify the employee Respondent.

ACCOMMODATIONS & INTERIM MEASURES

EOAA will work with all parties affected by sexual misconduct to ensure their safety and promote their well-being. Sometimes this assistance will take the form of accommodations intended to support and provide relief. Parties may request accommodations even in cases where an investigation is not undertaken or the Complainant or Respondent has declined to participate in the University proceeding or a criminal process. EOAA will evaluate any request for accommodations in light of the circumstances and information available at the time of the request.

Accommodations may include but are not limited to:

- Moving an on-campus residence
- Adjusting a work schedule for University employment
- Changing a student's academic schedule
- Changing transportation arrangements
- Allowing a student to withdraw from or retake a class without penalty
- Providing access to tutoring or other academic support

Failure to comply with accommodations is a violation of University policy and may lead to disciplinary action.

When a student is the Complainant, both the Complainant and the Respondent may request a prompt and reasonable review of the need for and terms of any such accommodation and interim measure that directly affects him or her and may submit evidence in support of his or her request. Requests for review of the accommodations or interim measures shall be submitted in writing to the Associate Provost.

EOAA also will assist parties seeking accommodations for a disability in connection with the process of reporting or responding to an incident of sexual misconduct by working with the appropriate disability services office.

Outside of the University, a Complainant may also be entitled to obtain remedies under applicable law, such as an order of protection. The University can assist in contacting law enforcement or legal service organizations to learn about these remedies.

The University may also take action through directives to ensure the safety of all parties involved and to protect the integrity of a pending investigation or disciplinary process in the form of interim measures.

Interim Measures may include, but are not limited to:

- “No contact” directives
- Restricted access to campus buildings and/or University property
- Moving an on-campus residence
- Temporary separation from the University
- Suspension from activities

Failure to comply with accommodations, interim measures or other directives is a violation of University policy and may lead to disciplinary action.

Following report of an incident, EOAA will provide written notice to the Complainant and Respondent, including any necessary accommodations, interim measures and resources available to them. The University will provide information related to accommodations and interim measures only to those who need to know in order to make them effective.

PRIVACY AND CONFIDENTIALITY

A Complainant may report sexual misconduct to EOAA and request that EOAA not disclose his or her identity to anyone else, including the person who allegedly committed the misconduct. While such a request may limit the ability to investigate and respond to the reported misconduct, EOAA will consider the request in light of the University’s commitment to provide a safe and non-discriminatory environment and will honor the request whenever possible.

In considering the request, EOAA will weigh the following factors:

- Circumstances that suggest there is an increased risk of the Respondent committing additional acts of sexual misconduct or other acts, such as:
 - Whether there have been other sexual misconduct complaints about the same Respondent
 - Whether the Respondent threatened further misconduct against the Complainant or others, and/or
 - Whether the sexual misconduct was committed by multiple perpetrators
- Circumstances that suggest there is an increased risk of future acts of sexual misconduct under similar circumstances, such as a pattern of perpetration, via illicit use of drugs or alcohol, a given location, or by a particular group
- Sexual misconduct alleged involved the use of a weapon
- Age of the Complainant
- Whether the University possesses other means to obtain relevant evidence, such as security cameras, witnesses and/or physical evidence

EOAA will promptly notify the Complainant making the request in writing whether the University will be able to honor it. At the Complainant's written request, EOAA will also notify the Respondent in writing, including that the Complainant asked the University not to investigate.

Whether or not the University is able to grant a request to keep the Complainant's identity confidential, University personnel will reveal information about investigations and disciplinary proceedings related to sexual misconduct only to those who need to know in order to carry out their duties and responsibilities. In all cases, the University will take appropriate steps designed to counteract the effects of the alleged sexual misconduct, prevent its recurrence, and make accommodations for the parties involved. This may include academic, residential, and work accommodations, increased monitoring, supervision, or security at locations or in connection with activities where the alleged misconduct occurred, and training and educational materials for the campus community. If there is reason for concern about possible retaliation or harm, the University will take protective measures in consultation with the affected parties.

OPTIONS FOR INFORMAL RESOLUTION

Complainant Resolution

An individual who believes that she or he is the subject of sexual misconduct may choose to work with the alleged offender directly through various approaches, including:

- a face-to-face discussion,
- a personal telephone conversation,
- e-mail correspondence, or
- other communication.

In some cases, these approaches may resolve the situation; in others, they may be ineffective or place the complaining individual in an uncomfortable, insecure or compromised position. Under no circumstances should an individual feel pressured to attempt informal resolution. If these measures prove unsuccessful, the individual may choose to pursue other methods of resolution.

Individuals who have experienced sexual assault, domestic violence, dating violence, or stalking are advised **not** to attempt to resolve the matter on his or her own.

EOAA-Assisted Resolutions

Mediation

EOAA will determine whether formal mediation is an appropriate mechanism for the resolution of cases based on information provided about the incident. Mediation is not an option for resolution in cases involving allegations of sexual assault. In cases where mediation is deemed to be an option, parties wishing to pursue this form of resolution should contact EOAA to coordinate the mediation. The parties should not contact each other to discuss mediation. Mediation will be pursued only with the consent of both parties, and either party has the right to terminate the mediation process and begin the formal process at any time. If the mediation results in a resolution, any formal procedures will be concluded and the case closed. If the parties are unable to reach a resolution, a Complainant may choose to proceed with formal resolution.

Alternate Resolution

EOAA may seek to resolve certain Prohibited Conduct through an informal process involving both the Complainant and Respondent. This form of resolution can take place during the investigation or after its conclusion. The University will not use alternate resolution for cases involving allegations of sexual assault.

INVESTIGATION

Upon receiving notice or otherwise learning that a University employee or third party has allegedly engaged in prohibited conduct, EOAA will initiate an investigation.⁵ The Associate Provost for EOAA is the University's designated officer for conducting or overseeing investigations of alleged sexual misconduct violations of this Policy. The Associate Provost will designate an EOAA investigator (or team of investigators) and tailor an investigation based on the facts, nature, and complexity of the circumstances giving rise to the investigation. The University may, in its sole discretion, assign the investigation to an appropriate non-EOAA investigator or an outside investigator.

It is the University's policy that such matters will be handled with care and discretion and will, subject to the considerations described in the next paragraph, receive a thorough investigation. A Complainant may request that the University not disclose his or her identity to anyone else, including the alleged offender; however, the University cannot guarantee that the Complainant's identity will not be disclosed (see Privacy and Confidentiality above).

In cases of sexual assault, domestic violence, dating violence, and stalking, a Complainant may request that EOAA not disclose his or her identity to anyone else, including the alleged offender. While such a request may limit the University's ability to investigate and respond to the reported misconduct, EOAA (through the Title IX Coordinator) will consider the request in light of the University's commitment to provide a safe and non-discriminatory environment for all members of the University community and will honor such a

⁵ The University reserves the right to terminate an investigation or appeal proceeding in the event the Respondent's relationship with the University terminates.

request when appropriate. EOAA will promptly notify a Complainant making such a request whether the University will be able to honor it.

The investigator will interview the Complainant, the Respondent, and any other persons with relevant information about the alleged incident(s). The investigator may also review personnel records and other documents deemed relevant to the investigation. The investigator acting on behalf of the Associate Provost, has the authority and responsibility to gather information from all sources judged necessary for a fair resolution of a complaint. The Complainant and the Respondent may suggest witnesses the investigator should interview and documentation the investigator should consider. The investigator, however, has complete discretion to determine which witnesses to interview and which documents to consider. Complainants, Respondents, witnesses and advisors will not be permitted to record anything related to the investigation and/or disciplinary process.

Participants are expected to cooperate fully with the EOAA investigation.⁶ Providing false or misleading information, or submitting a report or complaint in bad faith, may subject an individual to discipline under this Policy. All parties and witnesses involved in EOAA procedures are urged to respect the integrity of the procedures and the legitimate privacy interests of the parties and witnesses. This does not prohibit either a Complainant or Respondent from consulting with or obtaining support from family members, counselors, therapists, clergy, doctors, attorneys, or similar resources.

EVIDENTIARY RULES

In conducting the investigation and drafting the investigative report, the investigator will follow the protocols set forth below:

Preserving Evidence. The investigator will direct the Complainant, Respondent, witnesses, and other interested individuals to preserve any relevant evidence, which may include phone logs, text messages, electronic communications or other evidence relating to the complaint.

Character Witnesses. The investigator will not interview witnesses whose sole purpose is to provide character information.

Romantic or Sexual History in Sexual Assault Cases. The investigator will not consider information concerning the romantic or sexual history of either the Complainant or the Respondent, except from either the Complainant or Respondent regarding their shared sexual history. If either offers such information, the other will have the right to respond.

Prior Conduct Violations. The investigator may consider the Respondent's prior conduct violations, where the previous incident was substantially similar to the present allegation(s) and/or the information indicates a pattern of behavior by the Respondent.

⁶ Some of the conduct prohibited by this policy may also be a violation of the New York State Penal Code or other applicable city, state, or federal laws. Employees accused of conduct that may constitute a crime should understand that the statements made and information gathered in the course of a University investigation may be subject to discovery in a criminal or civil legal proceeding. Accordingly, employees may choose not to make self-incriminating statements but should recognize that their unwillingness to cooperate in the investigation may result in University disciplinary action up to and including termination.

Mental Health Treatment/Diagnosis. When the Complainant is a student, each party has the right to request that evidence regarding his or her mental health diagnosis and/or treatment be excluded from consideration when responsibility is being determined.

TIME FRAME

The University will seek to resolve every complaint within approximately 60 calendar days of an initial report. Generally, the time line will be as follows:

- Investigation begins within 5 business days after the initial report
- Investigation completed within 45 business days after the investigation begins
- Notice of discipline issued within 10 business days after issuance of the final investigation report

Time frames may vary depending on the details of a case and at certain times of the academic year. The University may extend any time frame for good cause, with a written explanation to the Complainant and Respondent.

The University's process for responding to, investigating and adjudicating sexual misconduct reports will continue during any law enforcement proceeding. EOAA may need to temporarily delay an investigation while the police are gathering evidence but it will resume the investigation after it learns that the police department has completed its evidence-gathering and will generally not wait for the conclusion of any related criminal proceeding. In all cases, the University will complete a preliminary review of the allegations and ensure appropriate interim measures are provided.

WRITTEN REPORT

Before issuing a final determination, the investigator will give each party an opportunity to review a written summary of the information he or she provided to the investigator during the investigation. The party will then have 5 business days to provide the investigator with a written statement of no more than 3 type-written, double-spaced pages, noting any errors the investigator allegedly made and providing support for the new or amended facts. The names and other identifying information of students will be redacted from such materials in accordance with the Family Educational Rights and Privacy Act (FERPA), except to the extent that doing so would interfere with the purpose of Title IX to eliminate sex-based discrimination.

When the Complainant is a student, he or she shall have an opportunity to submit an impact statement to the investigator to be shared with the Disciplinary Officer if the Respondent is found responsible for violating the Policy.

The final investigation report will include a determination of whether the Respondent is responsible. The Investigator(s) will make this determination after consulting with the appropriate Title IX Coordinator. The Investigator(s) will use "preponderance of the evidence" as the standard of proof to determine whether the Respondent is responsible. To find a Respondent responsible for violating the Policy, the Investigator(s) must conclude that the Respondent was more likely than not to have engaged in the conduct at issue.

DISCIPLINE⁷

In cases covered by the Sexual Misconduct Procedures, discipline will be determined by a Disciplinary Officer. The University will designate appropriate Disciplinary Officers for these matters. To promote consistency with the University's handling of similar cases: (1) appropriate training will be provided to Disciplinary Officers at least once a year; and (2) prior to imposing any discipline, a Disciplinary Officer will consult with EOAA about discipline imposed in similar cases.

The Disciplinary Officer will impose discipline that is:

- 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
- Reflective of the seriousness of the Prohibited Conduct.

The Disciplinary Officer will consider relevant factors, including if applicable: (1) the specific Prohibited Conduct at issue (such as penetration, touching under clothing, touching over clothing, etc.); (2) if applicable, the circumstances accompanying the lack of consent (such as force, threat, coercion, intentional incapacitation, etc.); (3) the Respondent's state of mind (intentional, knowing, bias-motivated, reckless, negligent, etc.); (4) the impact of the offense on the Complainant; (5) the Respondent's prior disciplinary history; (6) the safety of the University community; and (7) the Respondent's conduct during the disciplinary process.

Discipline may include: reprimand/warning, change of the Respondent's job duties, disciplinary probations, revocation of honors and awards, restricted access to University facilities or activities, a "no contact" order, movement of Respondent's University-provided residence, movement of Respondent's workplace/station, demotion, suspension, and dismissal or restriction from University employment. The University may also require training or recommend counseling.

In determining what discipline will protect the safety of the University community, the Disciplinary Officer will be advised by Public Safety or other experts and will consider: (1) the risk that the Respondent may engage in additional Prohibited Conduct; and (2) the deterrent or permissive effect of a particular discipline on the campus community, including on particular individuals and organizations aware of the offense (keeping in mind that a discipline must always be fair and appropriate for the particular case). The Disciplinary Officer will render a disciplinary decision within 10 business days following issuance of the final investigation report. The disciplinary decision will be communicated in writing to the Complainant and the Respondent.

⁷ University policies or contracts may require the University to use additional processes before taking certain employment-related actions with respect to faculty and certain other employees. Where a person covered by such a policy or contract has allegedly engaged in conduct prohibited by this Policy, the investigation and disciplinary process will proceed in accordance with these Procedures, except that the Disciplinary Officer will not impose any discipline that would require the use of additional processes. Instead, the Disciplinary Officer will impose all appropriate discipline that does not require the use of additional processes and then refer the matter, if appropriate, for action under the additional process. The University's disciplinary action will be considered complete with the Disciplinary Officer's imposition of discipline and referral, subject to any appeals.

APPEAL

Grounds for Appeal

Either party may appeal the investigator's determination on the grounds that: (1) the party has new information, unavailable at the time of the investigation, that may change or affect the outcome; or (2) there was a procedural error that may have impacted the outcome. Disagreement with the finding is not, by itself, grounds for appeal.

Appeal Process

The appeal must be in writing and may be no longer than 5 double-spaced, type-written pages. The appeal must be delivered to the Associate Provost within 10 business days of delivery of the investigator's determination to the parties (via email, mail or hand delivery). Failure to meet the deadline for appeal shall result in waiver of the right to appeal. The University reserves the right to investigate and take any necessary action of its own accord based on new information or events that were not known during an initial investigation.

On receipt of the appeal, the Associate Provost will generally designate an Appeal Officer for review. Thereafter, the Associate Provost will notify the party who is not appealing that an appeal has been filed, the grounds for appeal asserted, and the identity of the Appeal Officer. The non-appealing party will be permitted to submit a written response to the appeal, which shall be no longer than 5 double-spaced type-written pages, to the Associate Provost within 5 business days of receiving notice of the appeal.

Appeal Officer

Appeal Officers shall receive appropriate annual training relating to issues of sexual misconduct including sexual assault, domestic violence, dating violence, stalking, sexual assault, sexual harassment, gender-based harassment, sexual exploitation, related retaliation and other forms of discrimination based on gender or sex and their role as an Appeal Officer.

The Appeal Officer will review the investigative report and written submissions. The Appeal Officer will render a written decision within 20 business days of the Associate Provost's initial receipt of the appeal, and she or he will forward a recommendation for the Provost's approval. If the Appeal Officer determines that a change in the determination is warranted, the Appeal Officer may request the investigator reconsider the determination, or return the matter for additional investigation.

Upon approval by the Provost, the Associate Provost will provide written notice to the parties of the final disposition of the matter. Once approved by the Provost, the decision of the Appeal Officer is not subject to further review.

Any discipline imposed prior to the filing of the appeal will stand during the pendency of the appeal. Discipline may also be imposed while the appeal is pending.

ADDITIONAL RESPONSES

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 Prohibited Conduct occurred
- Additional training and educational materials for students and employees
- Revision of University policies
- Climate surveys

RIGHTS OF EMPLOYEE COMPLAINANTS AND RESPONDENTS

Throughout the process described in these Sexual Misconduct Procedures, both the Complainant and Respondent have the following rights:

- To respect, dignity, and sensitivity.
- To appropriate support from the University.
- To privacy to the extent possible consistent with applicable law and University policy.
- To information about applicable University policies.
- To the presence of an advisor throughout the process in cases of sexual assault, domestic violence, dating violence, and stalking.
- To an opportunity to challenge the investigator(s), disciplinary officer, and/or appeal officer for a possible conflict of interest.
- To a prompt and thorough investigation of the allegations.
- To adequate time to review and comment on a summary of his or her investigative interview.
- To refrain from making self-incriminating statements. Employees should understand, however, that the decision not to respond honestly and completely to questions asked during the investigation may result in disciplinary action up to and including termination of employment.
- To report the incident to law enforcement at any time.
- To understand that information collected in the process may be subpoenaed in criminal or civil proceedings.
- To notification in writing of the case resolution, including the outcome of any appeal.

RIGHTS OF STUDENT COMPLAINANTS

- To respect, dignity, and sensitivity.
- To appropriate support from the University.
- To privacy to the extent possible consistent with applicable law and University policy.
- To information about applicable University policies.
- To the presence of an advisor throughout the process.
- To an opportunity to challenge investigator(s), disciplinary officer, and/or the appeal officer for a possible conflict of interest.
- To participate or to decline to participate in the investigation process. However, a decision to refrain from participating in the process either wholly or in part will not prevent the process from proceeding with the information available.
- To a prompt and thorough investigation of the allegations.

- To adequate time to review and comment on a summary of his or her investigative interview.
- To refrain from making self-incriminating statements.
- To report the incident to law enforcement at any time.
- To understand that information collected in the process may be subpoenaed in criminal or civil proceedings.
- To notification in writing of the case resolution, including the outcome of any appeal.
- All students also have the rights set forth in the Students' Bill of Rights established by New York State law (see Appendix C)

APPENDIX A

DEFINITIONS

Complainant

The person who experienced the alleged Prohibited Conduct.

Respondent

The person alleged to have engaged in Prohibited Conduct.

Protected Class

A protected class is defined as a class of persons who are protected under applicable federal, state or local laws against discrimination and harassment on the basis of: race, color, religion, creed, national origin, alienage or citizenship status, gender (including gender identity and expression), sex, pregnancy, age, disability, genetic predisposition or carrier status, genetic information, sexual orientation, partnership status, marital status, status as a perceived or actual victim of domestic violence, military or veteran status, arrest record, and/or any other characteristic protected by applicable law.

The definitions that follow provide further guidance as to the conduct this Policy prohibits:

Affirmative Consent

Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity.

- Consent can be given by words or actions, as long as those words or actions express willingness to engage in the sexual contact or activity. It is important not to make assumptions. If there is confusion or ambiguity, participants in sexual activity need to stop and verbally clarify each person's willingness to continue.
- Consent cannot be procured by the use of physical force, compulsion, threats, intimidating behavior, coercion, or from a person who is incapacitated.
- Consent to one form of sexual activity does not imply consent to other forms of sexual activity.
- Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another person.
- Silence or the lack of resistance, in and of itself, does not demonstrate consent. Again, it is important not to make assumptions; if confusion or ambiguity arises during a sexual interaction, it is essential that each participant stops and verbally clarifies the other's willingness to continue engaging in the sexual contact or activity.
- Consent may be initially given, but can be withdrawn at any time. When consent is withdrawn or can no longer be given, sexual activity must stop.
- Previous relationships or previous consent for sexual activity is not consent to sexual activity on a different occasion.
- The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, gender expression or relationship status.

Force

Force refers to the use of physical violence and/or imposing on someone physically to gain sexual access. Force can also include threats, intimidation (implied threats), or coercion used to overcome resistance.

Intimidation

Any threat of violence or other threatening behavior directed toward another person or group that reasonably leads the target(s) to fear for their physical well-being or to engage in sexual conduct for self-protection.

Coercion

Coercion is verbal and/or physical conduct, including manipulation, intimidation, unwanted contact, and express or implied threats of physical, emotional, or other harm, that would reasonably place an individual in fear of immediate or future harm and that is used to compel someone to engage in sexual contact.

Incapacitation

Incapacitation occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. A person who is incapacitated cannot make a rational, reasonable decision because the person lacks the ability to understand his or her decision.

- Incapacitation may be associated with a person's lacking consciousness; being asleep; being involuntarily restrained; having a disability that impedes consent; or if an individual otherwise cannot consent due to other forms of helplessness.
 - Under New York State law, a person under the age of 17 lacks the capacity to give consent.
- Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.
 - **How drugs and alcohol affect consent:**
 - The impact of alcohol and other drugs varies from person to person. Warning signs that a person may be incapacitated or approaching incapacitation as a result of alcohol or drug use may include, but are not limited to: slurred or incomprehensible speech, vomiting, unsteady gait, combativeness, or emotional volatility.
 - Individuals should be aware of, and carefully consider, the potential consequences of the use of alcohol or drugs. Alcohol and drugs can lower inhibitions and create an atmosphere of confusion over whether consent is freely and affirmatively given.
- Whether sexual activity with an incapacitated person constitutes gender-based misconduct may depend on whether the Respondent knew or should have known of the Complainant's incapacitation based on objectively and reasonably apparent indications when viewed from the perspective of a sober, reasonable person in the Respondent's position.

- Being intoxicated, impaired or incapacitated by alcohol or other drugs is never an excuse for committing a policy violation and does not diminish anyone's responsibility to obtain informed and freely-given consent.
- The use of alcohol or other drugs never makes someone at fault for experiencing gender-based misconduct.

APPENDIX B

UNIVERSITY CONTACTS

The University's Office of Equal Opportunity and Affirmative Action (EOAA) has overall responsibility for the Policy and Procedures; it coordinates compliance activities under University policies and the applicable federal, state and local laws and has been designated as the University's Compliance Office for Title IX, Section 504 of the Rehabilitation Act, and other equal opportunity, nondiscrimination and affirmative action laws. The Associate Provost heads the Office of Equal Opportunity and Affirmative Action and is designated as the University's Compliance Officer for Section 504 of the Rehabilitation Act.

Employees, students, and third parties may contact EOAA to inquire about their rights under University policies, request assistance, seek information about filing a complaint, or report conduct or behavior that may violate these policies. The contact information for EOAA is listed below.

Office of Equal Opportunity and Affirmative Action

<http://eoaa.columbia.edu>

103 Low Library, MC 4333

(212) 854-5511

eoaa@columbia.edu

Heather Parlier

Associate Provost

Section 504 Compliance Officer

(212) 854-5918

hp2450@columbia.edu

Title IX Coordinator

Marjory D. Fisher

212-854-1276

mdf2166@columbia.edu

Deputy Title IX Coordinators

Jazmin Taylor

Faculty and Staff Concerns

212-851-2730

Jt2903@columbia.edu

Jeri Henry

Student Concerns

212-854-1717

jh3079@columbia.edu

Jacqueline Blackett

Athletics

212—854-2544

jpb3@columbia.edu

Title IX Liaisons

Lamont-Doherty Earth Observatory:

Kuheli Dutt

845-365-8603

kdutt@ldeo.columbia.edu

Victoria Nazario

845 365 8495

vicky@admin.ldeo.columbia.edu

The School at Columbia:

Kevin Fittinghoff

212 851 4217

kf2288@columbia.edu

OTHER APPLICABLE POLICIES AND PROCEDURES

The following charts set forth the applicable policy and procedure based upon type of misconduct alleged, the identity of the Complainant, and the identity of the Respondent:

If you are an Employee or Third Party Complainant:

NATURE OF REPORT	FOR COMPLAINTS AGAINST:	APPLICABLE POLICY AND PROCEDURE	CONTACT PERSON(S)
Sexual Assault, Domestic Violence, Dating Violence, Stalking	Columbia Faculty or Staff or Third Parties	Employee Policy and Procedures on Discrimination, Harassment, Sexual Assault, Domestic Violence, Dating Violence and Stalking	Heather Parlier Associate Provost Equal Opportunity and Affirmative Action Title IX Coordinator and Section 504 Compliance Officer
Gender Based Misconduct (other than sexual assault, domestic violence, dating violence, and stalking)	Columbia Faculty or Staff or Third Parties	Employee Policy and Procedures on Discrimination, Harassment, Sexual Assault, Domestic Violence, Dating Violence and Stalking	Jazmin Taylor Deputy Title IX Coordinator for Staff and Faculty Concerns
Gender Based Misconduct (all)	Students at Columbia, Barnard or Teachers College	Gender Based Misconduct Policy for Students	
Gender Based Misconduct (all)	Barnard Faculty or Staff	Barnard College Grievance Procedures for Gender-Based and Sexual Misconduct	
Gender Based Misconduct (all)	Teachers College Faculty or Staff	Teachers College Policy on Protection from Harassment	
Discrimination or Harassment including Gender Based Misconduct	New York Presbyterian Hospital Employees	New York Presbyterian Hospital Equal Employment Opportunity Policy; Harassment Policy	
Discrimination or Harassment (other than sexual assault, domestic violence, dating violence, or stalking)	Columbia Faculty, Staff, Third Parties	Employee Policy and Procedures on Discrimination, Harassment, Sexual Assault, Domestic Violence, Dating	

		Violence and Stalking	
Discrimination or Harassment (other than gender-based)	Barnard Students, Faculty or Staff	Barnard Policy Against Discrimination and Harassment	
Discrimination or harassment (other than gender-based)	Teachers College Students, Faculty or Staff	Teachers College Policy on Protection from Harassment	

If you are a student Complainant:

NATURE OF REPORT	FOR COMPLAINTS AGAINST:	APPLICABLE POLICY AND PROCEDURE	CONTACT PERSON(S)
Gender Based Misconduct (all)	Students at Columbia, Barnard or Teachers College	Gender Based Misconduct Policy for Students	Jeri Henry Deputy Title IX Coordinator
Gender Based Misconduct (all)	Columbia Faculty or Staff or other Third Parties	Employee Policy and Procedures on Discrimination, Harassment, Sexual Assault, Domestic Violence, Dating Violence and Stalking	
Gender Based Misconduct (all)	Barnard Faculty or Staff	Barnard College Grievance Procedures for Gender-Based and Sexual Misconduct	
Gender Based Misconduct (all)	Teachers College Faculty or Staff	Teachers College Policy on Protection from Harassment	
Discrimination or harassment, including gender-based misconduct	New York Presbyterian Hospital employees	New York Presbyterian Hospital Equal Employment Opportunity Policy; Harassment Policy	
Discrimination or harassment (other than gender-based)	Columbia Faculty or Staff or Third Parties	Employee Policy and Procedures on Discrimination, Harassment, Sexual Assault, Domestic Violence, Dating Violence and Stalking	Heather Parlier Associate Provost Equal Opportunity and Affirmative Action, Section 504 Compliance Officer
			Jazmin Taylor Director of Investigations

Discrimination or Harassment (other than gender-based)	Barnard Students, Faculty or Staff	Barnard Barnard Policy Against Discrimination and Harassment	
Discrimination or Harassment (other than gender-based)	Teachers College Students, Faculty or Staff	Teachers College Policy on Protection from Harassment	

RESOURCE LIST

On-Campus Resources for Staff and Faculty:

Office of Equal Opportunity and Affirmative Action
535 West 116th Street, 103 Low Library, New York, NY 10027
(212) 854-5511
eoaa@columbia.edu

Contact:

Heather Parlier
Associate Provost

Columbia University Human Resources
622 West 132nd Street, Studebaker - 4th Floor, New York, NY 10027
(212) 851-7008
hr-operations@columbia.edu

Contact:

Dianne Kenney
Vice President and Chief Human Resources Officer

Department of Public Safety
Morningside Campus
535 West 116th Street, 101 Low Library, New York, NY 10027
Emergency: (212) 854-5555
Non-Emergency: (212) 854-2797

Medical Center
650 West 168th Street, 109 Black Building, New York, NY 10032
Emergency: (212) 305-7979
Non-Emergency: (212) 305-8100

publicsafety@columbia.edu

Contact:

James McShane
Vice President, Public Safety

Ombuds Office (confidential resource)

<http://ombuds.columbia.edu/>

Morningside Heights Office:
660 Schermerhorn Extension, Mail Code 5558
1200 Amsterdam Avenue
Tel: (212) 854-1234
Fax: (212) 854-6046

CUMC Office:
154 Haven Avenue
Room 412
Tel: (212) 304-7026
Fax: (212) 854-6046

Off-Campus Resources for Staff and Faculty:

Employee Assistance Program (EAP)

Call Toll-Free 24/7:

888-673-1153

TTY: 800-256-1604

www.hriworld.com

Username: Columbia

Password: eap

NYC Domestic Violence Hotline (24 hours)
(800) 621-HOPE (4673)

Gay and Lesbian Anti-Violence Project (24 hours)
(212) 714-1141

St. Luke's-Roosevelt Crime Victims Treatment Center
(212) 523-4728

New York Presbyterian/CUMC Emergency Room
(212) 305-6204

Safe Horizon Hotline
(212) 577-7777

Local Law Enforcement:
New York City Police Department
Emergency 911
26th Precinct 212-678-1311
Special Victims Division Hotline (646) 610-7272

NY County District Attorney's Office
Domestic Violence & Child Abuse Hotline 212-335-4308
Sex Crimes Hotline 212-335-9373

Special Victims Bureau at the Manhattan Family Justice Center 212-335-4300

APPENDIX C

STUDENT'S BILL OF RIGHTS

All students have the right to:

1. make a report to local law enforcement and/or state police;
2. have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously;
3. make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure by the institution;
4. participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
5. be treated with dignity and to receive from Columbia courteous, fair, and respectful health care and counseling services, where available;
6. be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;
7. describe the incident to as few institution representatives as practicable and not be required to unnecessarily repeat a description of the incident;
8. be protected from retaliation by the institution, any student, the accused and/or the respondent, and/or their friends, family and acquaintances within the jurisdiction of the institution;
9. access to at least one level of appeal of a determination;
10. be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or respondent throughout the judicial or conduct process including during all meetings and hearings related to such process; and
11. exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the institution.

APPENDIX D

STATEMENT OF COMPLIANCE WITH FEDERAL, STATE, AND LOCAL LAWS PROMOTING EQUAL EMPLOYMENT OPPORTUNITY, PROHIBITING DISCRIMINATION AND HARASSMENT, AND AUTHORIZING AFFIRMATIVE ACTION

In accordance with all applicable laws and pursuant to its own policies and operating procedures, Columbia University provides for equal opportunity, prohibits unlawful discrimination and harassment, and takes affirmative action. The applicable laws include, but are not necessarily limited to:

- **Title VI of the Civil Rights Act of 1964**, as amended, prohibits discrimination against any person on the basis of race, color, or national origin in programs or activities receiving federal financial assistance.
- **Title VII of the Civil Rights Act of 1964**, as amended, prohibits employment discrimination against any person because of race, color, religion, sex, pregnancy status or national origin.
- **Title IX of the Education Amendments of 1972**, as amended, prohibits discrimination on the basis of sex in the conduct or operation of a school's educational programs or activities, including employment in these programs and activities.
- **The Violence Against Women Act, as amended**, federal law responding to violence against women, including with respect to domestic violence, dating violence, and stalking.
- **The Equal Pay Act of 1963** prohibits discrimination on the basis of sex in rates of pay.
- **The Lilly Ledbetter Fair Pay Act of 2009** provides that each paycheck which delivers discriminatory compensation under Title VII is a wrong actionable under federal equal employment opportunity statutes regardless of when the discrimination began.
- **Executive Order 11246**, as amended, prohibits discrimination in employment because of race, color, religion, sex, or national origin and requires affirmative action to ensure equality of opportunity in all aspects of employment.
- **Section 504 of the Rehabilitation Act of 1973** requires a federal contractor to take affirmative action to employ and advance in employment qualified workers with disabilities. **Section 504** prohibits the exclusion of any person solely on the basis of a disability from participation in or access to benefits of any federally financed program or activity; it also prohibits discrimination against any person solely on the basis of disability in any federally financed program or activity.
- **The Americans with Disabilities Act of 1990** prohibits discrimination in public accommodation and in employment against a qualified person with a disability and requires an employer to provide qualified applicants and employees with reasonable accommodations.
- **The Age Discrimination in Employment Act of 1967**, as amended, prohibits discrimination in employment on the basis of age. The Age Discrimination Act of 1975 prohibits discrimination on the basis of age in programs and activities receiving federal financial assistance.

- **The Uniformed Services Employment and Reemployment Rights Act (USERRA)** prohibits discrimination in employment based on past, current, or future military obligations.
- **The Vietnam Era Veterans’ Readjustment Assistance Act of 1974 and the Veterans Employment Opportunities Act of 1998**, as amended, prohibit job discrimination and require affirmative action to employ and advance in employment qualified special disabled veterans, veterans of the Vietnam Era, recently separated veterans, and any other veterans who served on active duty during a war or in a campaign or expedition for which a campaign badge has been authorized.
- **The Immigration Reform and Control Act of 1986** prohibits employers from discriminating on the basis of citizenship status. The prohibition extends to employers who hire only U.S. citizens or U.S. citizens and green card holders as well as to employers who prefer to employ unauthorized workers or temporary visa holders rather than U.S. citizens and other workers with employment authorization.
- **The Small Business Act of 1958, as amended, Section 15(g)(1)**, requires federal contractors to afford maximum practicable business opportunities to Small Business Concerns, including businesses owned by disadvantaged individuals, disabled veterans, and women.
- **New York Education Law, Articles 129-A and 129-B**, establishes state laws regarding sexual assault, domestic violence, dating violence, and stalking on college and university campuses
- **The New York Executive Law, Article 15, Section 296(1)**, prohibits discrimination against any person in employment because of age, race, creed, color, national origin, sexual orientation, military status, sex, disability, genetic predisposition or carrier status, marital status, or arrest record. Section 296(4) prohibits an educational institution from denying the use of its facilities to anyone otherwise qualified or permitting harassment of a student or applicant on the basis of color, race, religion, disability, national origin, sexual orientation, military status, sex, age, and marital status.
- **The New York Labor Law, Section 194**, prohibits discrimination on the basis of sex in rates of pay.
- **The New York City Human Rights Law, Chapter 1, Section 8-107**, makes it an unlawful discriminatory practice for an employer to discriminate against any person because of their actual or perceived age, race, creed, color, national origin, gender (including gender identity and expression), disability, marital status, sexual orientation, alienage or citizenship status, partnership status or status as a perceived or actual victim of domestic violence.

The University is committed to responding quickly and effectively to any internal report of harassment, and hopes that employees will be comfortable coming forward and allowing us to pursue an internal investigation of the matter.

In addition to the University’s internal complaint procedure, an employee may also pursue a complaint of sexual harassment by contacting the following federal and/or state agencies:

New York City Commission on Human Rights

<http://www.nyc.gov/html/cchr/>

New York State Department of Labor

<http://www.labor.ny.gov/home/>

New York State Division of Human Rights

<http://www.dhr.state.ny.us/index.html>

U.S. Department of Education, Office for Civil Rights

<http://www2.ed.gov/about/offices/list/ocr/index.html?src=oc>

U.S. Department of Justice, ADA Information and Technical Assistance

<http://www.ada.gov/>

U.S. Department of Labor, Office of Federal Contract Compliance Programs

<http://www.dol.gov/ofccp/>

U.S. Department of Labor, Veterans' Training and Employment Service

<http://www.dol.gov/vets/>

U.S. Equal Employment Opportunity Commission

<http://www.eeoc.gov/contact>

