

GENDER-BASED MISCONDUCT POLICY FOR STUDENTS (POLICY)

PROCEDURES FOR RESPONDING TO STUDENT GENDER-BASED
MISCONDUCT (PROCEDURES)

Revised August 15, 2014

Gender-Based Misconduct Office

This Policy and the accompanying Procedures are intended to comply with Title IX guidance recently issued by the White House Task Force to Protect Students from Sexual Assault and the Department of Education's Office for Civil Rights and the requirements of the Campus SaVE Act. The Policy and Procedures have been prepared by University administration and reviewed by the President's Advisory Committee on Sexual Assault (PAC-SA), the President's Special Advisor for Sexual Assault Prevention and Response, and other University faculty. These groups, student groups and others may provide additional input throughout the coming academic year. Comments and questions, which are always welcome, may be directed to titleix@columbia.edu.

INTRODUCTION

Columbia University, Barnard College, and Teachers College¹ are committed to fostering an environment that is free from gender-based discrimination and harassment, including sexual assault and all other forms of gender-based misconduct. The University recognizes its responsibility to increase awareness of such misconduct, prevent its occurrence, support victims, deal fairly and firmly with offenders, and diligently investigate reports of misconduct. In addressing issues of gender-based misconduct, all members of the University must come together to respect and care for one another in a manner consistent with our deeply held academic and community values.

The University complies with Title IX of the Higher Education Amendments of 1972, which prohibits discrimination on the basis of sex in education programs and activities. This Policy and the accompanying Procedures are intended to ensure a safe and non-discriminatory educational environment and comply with Title IX and other applicable law.

Gender-based misconduct comprises a broad range of behaviors focused on sex and/or gender that may or may not be sexual in nature. Sexual harassment, sexual assault, sexual exploitation, gender-based harassment, stalking, domestic violence and dating violence are all forms of gender-based misconduct. Gender-based misconduct can occur between strangers or acquaintances, or people who know each other well, including between people involved in an intimate or sexual relationship. Gender-based misconduct can be committed by anyone regardless of gender identity, and it can occur between people of the same or different sex or gender. The University does not tolerate any form of gender-based misconduct, and all gender-based misconduct is prohibited by this Policy.

To further the goal of eliminating gender-based misconduct from its community, the University offers: (1) educational and preventative programs; (2) services for victims and others affected by gender-based misconduct; (3) accessible, prompt, and fair methods of investigation and resolution of reports of misconduct; and (4) protections designed to prevent against recurrence.

This Policy and the accompanying Procedures set forth how the University defines and addresses gender-based misconduct involving students. The Policy first specifies prohibited conduct. It then describes available resources and reporting options, and explains whether and to what extent interactions with various resources are confidential. Finally, the Policy discusses measures that may be available in particular cases to support and assist students. The Procedures spell out the investigation, hearing, and sanctioning process for matters in which students are accused of misconduct, as well as the affected students' rights in connection with the process. Following the Procedures is a Definitions section containing specific definitions and scenarios illustrating gender-based misconduct that are important for understanding the Policy. The very last section is a comprehensive listing of Resources available to students affected by gender-based misconduct.

Nothing in the Policy or the Procedures shall be construed to abridge academic freedom and inquiry, principles of free speech, or the University's educational mission.

¹ For the purposes of this Policy and the Procedures, the term "University" includes all three institutions. When describing just one of the institutions, the names Columbia, Barnard, and Teachers College are used.

Scope of the Policy and Procedures

This Policy governs gender-based misconduct involving students² that: (1) occurs on any University campus or in connection with University programs or activities; (2) creates a hostile environment for University students; or (3) involves a respondent who is a current undergraduate, graduate, or professional student at the University. The Policy applies regardless of a person's gender, gender identity, gender expression, sexual orientation, age, race, nationality, class status, ability, religion, or other protected status.

The Procedures describe the investigation and disciplinary process that apply when the respondent is a current undergraduate, graduate, or professional student at the University, including students on leave. If the respondent is affiliated with the University but is not a University student, different procedures apply to the investigation and disciplinary process as set forth below:

If the respondent is a Columbia employee or other person doing business with Columbia, the investigation and disciplinary processes described in Columbia's Employment Policies and Procedures on Discrimination and Harassment (eoaa.columbia.edu) apply.

If the respondent is a Barnard employee or other person doing business with Barnard, the investigation and disciplinary processes described in the Barnard College Grievance Procedures for Sexual and Gender-Based Misconduct (<http://barnard.edu/doc/titleIX/titleIX>) apply.

If the respondent is a Teachers College employee or other person doing business with Teachers College, the investigation and disciplinary processes described in the Teachers College Policy on the Protection from Harassment (http://www.tc.edu/policylibrary/protection_from_harassment) apply.

Students are entitled to appropriate support from the University and to be treated with respect, dignity, and sensitivity in connection with all gender-based misconduct incidents. The University's Gender-Based Misconduct Office serves as the central point of contact for all University students affected by gender-based misconduct. Students of Barnard and Teachers College may contact the Office directly or through the Title IX Coordinator at their school.

Note: While this Policy and the Procedures identify the University office or employee who will typically perform certain roles or duties, the University may designate other University offices or employees to perform any roles or duties described in the Policy or Procedures.

² While gender-based misconduct is prohibited in all University programs, for the purpose of this Policy "student" does not include elementary or secondary school students in University programs.

GENDER-BASED MISCONDUCT POLICY FOR STUDENTS (POLICY)

Prohibited Conduct

Gender-based misconduct comprises a broad range of behaviors focused on sex and/or gender that may or may not be sexual in nature. Any intercourse or other intentional sexual touching or activity without the other person's consent is sexual assault, which is a form of gender-based misconduct under this Policy. Sexual harassment, sexual exploitation, gender-based harassment, stalking, domestic violence, and dating violence are also forms of gender-based misconduct. Intimidation for one of these purposes is gender-based misconduct, as is retaliation following an incident of alleged gender-based misconduct or attempted gender-based misconduct. Misconduct can occur between strangers or acquaintances, or people who know each other well, including between people involved in an intimate or sexual relationship, can be committed by anyone regardless of gender identity, and can occur between people of the same or different sex or gender. **This Policy prohibits all forms of gender-based misconduct.**

Any non-consensual sexual activity is gender-based misconduct. Consensual sexual activity requires unambiguous communication and mutual agreement for the act in which the participants are involved. Sexual activity accompanied by coercion or force is not consensual. A person cannot give consent if he or she lacks the ability to make or understand the decision because of disability, lack of sleep, consumption of alcohol or drugs, or if he or she is unwillingly physically constrained. A sleeping or unconscious person cannot give consent. The use of alcohol or drugs does not justify or excuse gender-based misconduct and never makes someone at fault for experiencing gender-based misconduct.

Examples of Gender-Based Misconduct

Specific categories of gender-based misconduct and other important definitions used in this Policy are included in the Definitions section following the Procedures, along with scenarios illustrating specific instances of gender-based misconduct. For purposes of illustration, the following list sets forth examples of conduct that could constitute gender-based misconduct under those definitions:

- Coercion for a date or a romantic or intimate relationship
- Unwelcome touching, kissing, hugging, or massaging
- Use of unwanted force in connection with sexual activity or attempted sexual activity
- Sexual contact with a person who has not clearly consented
- Unwelcome remarks about the private parts of a person's body
- Belittling remarks about a person's gender or sexual orientation based on gender-stereotyping
- Videotaping or photographing of activity of a sexual or private nature without the consent of the person(s) being videotaped or photographed
- Obscene gestures of a sexual or gender-based nature
- Graffiti concerning the sexual activity of another person
- Use of email, the Internet, or other forms of digital media to facilitate any of the behaviors listed above

RESOURCES FOR STUDENTS

Immediate Assistance

The University encourages all students affected by gender-based misconduct to seek immediate assistance. Seeking assistance promptly may be important to ensure a student'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. The Resources listing following the Procedures provides contact information for the campus and community resources available to help.

Confidentiality

The University values the privacy of its students, employees, and other community members. It wants all community members to seek the assistance they need without fear that the information they provide will be shared more broadly than they would like. Federal and state laws, however, impose reporting obligations on University personnel that, in some circumstances, can require certain personnel to share information from a report of gender-based misconduct with government authorities, University Public Safety or others at the University. The attached Resources listing includes a chart summarizing the confidentiality obligations of different categories of University personnel with respect to reports of gender-based misconduct.

Even when University employees have an obligation to report to others, which means their office is described as “non-confidential” under this Policy, they will protect and respect students’ privacy to the greatest extent possible and share information only on a need-to-know basis. Any of the staff listed as Resources will be able to explain their reporting obligations in more detail.

Advocacy and Counseling Services and Healthcare Providers (Confidential)

The University provides confidential advocacy, crisis and pastoral counseling and medical services on campus. Advocates, counselors, clergy and healthcare providers can provide students with immediate and long-term help. Conversations with them are confidential, except as described in the Resources listing following the Procedures. They will listen and help access additional assistance, and explain options for obtaining additional support from the University and others. They can also arrange for medical care and accompany students, or arrange for someone to accompany students, to seek such care. Students may use these resources whether or not they decide to make an official report or participate in University disciplinary proceedings or the criminal process. These advocates, counselors, clergy, and healthcare providers are familiar with the University's disciplinary process, can explain what to expect, and provide support while disciplinary or criminal processes are pending.

Gender-Based Misconduct Office (Non-Confidential)

The University has established the Gender-Based Misconduct Office to support and provide assistance to students affected by gender-based misconduct. The Office does not act as an advocate, but is a neutral resource available to all students. The Gender-Based Misconduct Office is responsible for referring students to available resources, offering appropriate protections, and coordinating the disciplinary process. The Office can provide support and assistance immediately following an incident, throughout the investigation and disciplinary process and throughout a student's time at the University. Contact information for the Gender-Based Misconduct Office is in the Resources listing following the Procedures.

Title IX Coordinators (Non-Confidential)

The Title IX Coordinators for Columbia, Barnard and Teachers College are responsible for overseeing the University's response to Title IX reports and complaints, and identifying and addressing any patterns or systemic problems revealed by such reports and complaints. The Title IX Coordinators oversee the administration of this Policy and the Procedures in a neutral and equitable manner. Contact information for the Title IX Coordinators is in the Resource listing following the Procedures.

Law Enforcement (Non-Confidential)

Students may report gender-based misconduct to the New York City Police Department, the Manhattan District Attorney's Office, or the local law enforcement agency where the misconduct occurred if the misconduct occurred outside of New

York City. The University and criminal justice system work independently from one another. Law enforcement authorities do not determine whether a violation of this Policy has occurred. The University's Public Safety personnel and the other resources listed in the Resources listing are familiar with New York City and New York State law enforcement processes and can explain what happens when gender-based sexual misconduct is reported to law enforcement. Confidential support resources, the Gender-Based Misconduct Office and University Public Safety can explain how to report sexual assault and other forms of gender-based misconduct to law enforcement. Confidential support resources or University Public Safety personnel will accompany any student requesting support to the Police Department or District Attorney's Office. They cannot serve as a substitute for legal advice on these matters.

REPORTING GENDER-BASED MISCONDUCT

The University encourages students to report gender-based misconduct to the Gender-Based Misconduct Office as promptly as possible so that the University can investigate and respond effectively. Generally, once the Office receives a report, it must investigate. Students may meet with Gender-Based Misconduct Office personnel to learn more about the process before making a report.

The University recognizes that students may be most comfortable disclosing gender-based misconduct to a University employee they know well, such as a faculty member, coach or resident advisor. Any University employee (other than the confidential resources identified in the Resources listing) who receives a report is required to inform the Gender-Based Misconduct Office, directly or through the appropriate Title IX Coordinator, about the incident. The University will endeavor to follow up on any report it receives about possible gender-based misconduct, whether from a student, other member of the community or an anonymous source.

Before a student reveals information, University employees will try to ensure that the student understands the employee's reporting obligations—and, if the student wishes to maintain confidentiality, direct the student to confidential resources. A student may choose to make a full report or request confidentiality as he or she determines.

Requesting Confidentiality in Connection with a Report to the University

A complainant³ may report gender-based misconduct to the Gender-Based Misconduct Office and request that the Office not disclose his or her identity to anyone else, including the

person who allegedly committed the misconduct. While such a request may limit the University's ability to investigate and respond to the reported misconduct, the Gender-Based Misconduct Office, in consultation with the appropriate Title IX Coordinator(s), will consider the request in light of the University's commitment to provide a safe and non-discriminatory environment for all students and will honor the request whenever possible. The Gender-Based Misconduct Office will promptly notify the complainant making the request whether the University will be able to honor it.

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 gender-based 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 mitigate the effects of the alleged gender-based misconduct, prevent its recurrence, and make accommodations for the students 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 students.

Accommodations

The Gender-Based Misconduct Office will work with all students affected by gender-based misconduct to ensure their

³Throughout this Policy and the Procedures, "complainant" is used to refer to the person making the allegation(s) of gender-based misconduct and "respondent" to refer to the person alleged to have committed gender-based misconduct.

safety and promote their well-being. Sometimes this assistance will take the form of actions or accommodations to support or protect a student in the immediate aftermath of an incident and while an investigation or a disciplinary action is pending. Following report of an incident, the Gender-Based Misconduct Office will provide written notice to the complainant and respondent of the accommodations that may be available. Students may request accommodations even in cases where a complainant has requested that no investigation be undertaken or the complainant or respondent has declined to participate in University disciplinary proceedings or the criminal process. The Office will evaluate any request for accommodations in light of the circumstances and information available at the time. **The University will provide information about the accommodations only to those who need to know in order to make them effective.**

Under appropriate circumstances, accommodations may include:

- Moving a student's residence
- Adjusting a student's work schedule for University employment
- Changing a student's academic schedule
- Changing a student's transportation arrangements
- Allowing a student to withdraw from or retake a class without penalty
- Providing access to tutoring or other academic support
- Issuing a "no contact" order

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

The Gender-Based Misconduct Office will also assist students seeking accommodations for a disability in connection with the process of reporting or responding to an incident of gender-based 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 a judicial restraining order. The University can assist in contacting law enforcement or legal service organizations to learn about these remedies.

Reporting of Crime and Disciplinary Statistics

A federal law called the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) requires the University to record and report certain information about campus safety, including the number of incidents of certain crimes on or near campus, some of which constitute gender-based misconduct under this Policy. As described in the chart in the Resources listing following the Procedures, many employees who receive reports of gender-based misconduct are required by the Clery Act to notify University Public Safety about such incidents for statistical reporting purposes. These notifications may include the classification and location of the reported crime but do not identify the students involved. The Clery Act also requires the University to issue a "timely warning" when it receives a report of certain crimes that pose a serious or continuing threat.

Additionally, as a matter of policy, the University will annually release aggregate information concerning reported incidents of gender-based misconduct and the results of student disciplinary proceedings. Such reports do not contain information identifying individual students.

Other Information about Reporting

Time for Reporting

The University does not limit the time for submitting a report of gender-based misconduct. However, the University's ability to investigate and respond effectively may be reduced with the passage of time.

Reports from Others and Anonymous Reports

In cases where gender-based misconduct is reported to the Gender-Based Misconduct Office by other than the complainant (by a faculty member, resident advisor, friend or roommate, for example), the Office will promptly notify the complainant that a report has been received. This Policy and the Procedures will apply in the same manner as if the complainant had made the initial report. The Office will make every effort to meet with the complainant to discuss available options and on-campus and off-campus resources. Reports from an anonymous source will be treated in a similar fashion.

Related Alcohol and Drug Violations

Sometimes students may be reluctant to report instances of gender-based misconduct because they fear being charged with University alcohol or drug policy violations. The University encourages students to report all instances of gender-based misconduct and will take into consideration the importance of reporting gender-based misconduct in addressing violations of the University's alcohol and drug policies. This means that, whenever possible, the University will respond educationally rather than punitively to student alcohol or drug policy violations associated with reported gender-based misconduct.

Unknown/Non-University Offenders

The University will investigate reports of incidents affecting University students that are committed by individuals who are not members of the University community or whose identity is not known to the extent it is able, and take appropriate actions designed to protect affected students and others in the University community. In addition, the Gender-Based Misconduct Office will assist students in identifying appropriate campus and other resources.

Public Awareness Events

The University supports public awareness events such as "Take Back the Night," the Clothesline Project, candlelight vigils, protests, survivor speak outs, and other forums. These activities help inform the need for campus-wide education and prevention efforts. The disclosure of incidents of gender-based misconduct at such events is not considered a report to the University for purposes of triggering an investigation of a particular incident.

Anti-Retaliation/Anti-Intimidation Policy

The University strictly prohibits retaliation against and intimidation of any person because of his or her reporting of an incident of gender-based misconduct or involvement in the University's response. The University will take strong disciplinary action in response to any retaliation or intimidation. The University will pursue such discipline through the applicable student conduct policy or other disciplinary process and follow the applicable time frames within such policies or processes.

PROCEDURES FOR RESPONDING TO STUDENT GENDER-BASED MISCONDUCT (PROCEDURES)

RIGHTS OF THE COMPLAINANT AND RESPONDENT, INVESTIGATION, DETERMINATIONS, AND APPEAL

Rights of the Complainant and Respondent

In order to provide accessible, prompt, and fair methods of investigation and resolution of incidents of student gender-based misconduct, the University has developed a process for investigation and adjudication of misconduct reports. Throughout this process, 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 the University's Gender-Based Misconduct Policy for Students.
- To the presence of an advisor throughout the process.
- To participate or to decline to participate in the investigation or hearing panel 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 documents in the Gender-Based Misconduct Office following the investigation.
- To adequate time to prepare for a hearing.
- To an opportunity to challenge investigator(s) or hearing panel member(s) for a possible conflict of interest.
- To refrain from making self-incriminating statements.
- To appeal the decision made by the hearing panel and any sanctions.
- To notification, in writing, of the case resolution, including the outcome of any appeal.
- 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.

Privacy

The University will reveal information about its investigations and adjudication of gender-based misconduct only to those who need to know the information in order to carry out their duties and responsibilities. It will inform all University personnel participating in an investigation, proceeding, or hearing that they are expected to maintain the privacy of the process. This does not prohibit either a complainant or respondent from obtaining the assistance of family members, counselors, therapists, clergy, doctors, attorneys, or similar resources.

Advisors

The complainant and respondent, respectively, may be accompanied to any meeting or hearing related to an incident of misconduct by the advisor of their choice. Advisors may support the student and provide advice about the investigation and disciplinary process. During meetings and hearings, the advisor may talk quietly with the student or pass notes in a non-disruptive manner. The advisor may not intervene in a meeting or hearing or address the investigator or hearing panel, including by questioning witnesses or making objections.

If a complainant or respondent 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 requested to arrange for a volunteer attorney for either the complainant or respondent, it will notify the other and arrange for a volunteer attorney-advisor for the other person upon request.

Declining to Participate

A complainant and/or respondent may decline to participate in the investigative or disciplinary process. The University may continue the process without the complainant's and/or respondent's participation. In most cases, a refusal to participate in the investigative process will preclude a complainant or respondent from participating before the hearing panel.

Time Frames

The University will seek to resolve every report of gender-based misconduct within approximately sixty calendar days of an initial report, not counting any appeal. Generally, the time line will be as follows:

- Investigation begins within 5 days after the initial report
- Investigation completed within 30 days after the investigation begins
- Hearing (if any) held within 15 days after the conclusion of the investigation
- Determination of the hearing panel issued within 5 days after the hearing
- Notice of sanctions issued within 5 days after the determination of the hearing panel

- Notice of appeals filed by either/both complainant and respondent within 5 days after the notice of determination and sanctions received by the complainant and respondent
- Decision on the appeal within 10 days after notice of appeal received

Each of these stages is explained in greater detail below.

Time frames may vary depending on the details of a case and at certain times of the academic year (for example, during breaks, study periods or final exams). The University may extend any time frame for good cause, with a written explanation to the complainant and respondent.

Notice

The Gender-Based Misconduct Office will give the complainant and respondent, respectively, a written explanation of their rights and options, and any available accommodations, as soon as possible after an incident is reported. The Office will also ensure that both the complainant and respondent are updated throughout the investigative process, including with timely notice of meetings where either or both the complainant and the respondent may be present.

More specifically, the complainant and respondent will simultaneously be given the following written notices:

- Conclusion of the Investigation
 - Notice of an opportunity to review in the Gender-Based Misconduct Office the investigative report and any other information that will be used in the disciplinary proceedings, consistent with federal law governing the privacy of student information.
- Administrative Resolution
 - Notice of whether the respondent accepts responsibility for violating the Policy.
- Hearing Panel
 - Notice of the date and time of any hearing and list of hearing panel members.
 - Notice of the hearing panel's finding of "responsible" or "not responsible," along with the rationale for the outcome. This notice will include an explanation of the University's appeals process.

- Sanctioning
 - Notice of the sanctions imposed and the reasons for the sanctions. This notice will include an explanation of the University's appeals process.
- Appeals Process
 - Notice of whether an appeal has been filed.
 - Notice of whether the responsibility determination or sanctions have been modified.
 - Notice when the responsibility determination and sanctions become final.

Conflicts of Interest

The University requires any individual participating in the investigation, hearing process, sanctioning or appeal determinations to disclose to the Gender-Based Misconduct Office any potential or actual conflict of interest. If a complainant or respondent believes that any individual involved in the process has a conflict of interest, he or she may make a request to the Office that the individual not participate. A complainant or respondent who believes that a member of a hearing panel has a conflict of interest must submit this written request to the Gender-Based Misconduct Office within three days after notification of the panel's membership. Any request should include a description of the conflict. If the Office determines that a conflict of interest exists, the University will take steps to address the conflict in order to ensure an impartial process.

Investigation

The Gender-Based Misconduct Office will inform the complainant before starting an investigation. The complainant may request that an investigation not be undertaken. The Office, in consultation with the appropriate Title IX Coordinator(s), will consider such a request in light of the University's commitment to provide a safe and non-discriminatory environment for all students. If the Gender-Based Misconduct Office determines not to investigate, it will notify the complainant in writing, including that the determination was made at the complainant's request. At the complainant's request, the Gender-Based Misconduct Office will also notify the respondent in writing, including that the complainant asked the University not to investigate.

If an investigation proceeds, the University will notify the respondent in writing that a report has been filed. The notice will

describe the allegations in the report. The complainant and respondent will be given the opportunity to meet separately with the Gender-Based Misconduct Office to review the Policy and these Procedures.

The University's process for responding to, investigating and adjudicating gender-based misconduct reports will continue during any law enforcement proceeding. The Gender-Based Misconduct Office 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.

The Gender-Based Misconduct Office will designate a specially trained investigator (or team of investigators) to interview the complainant, respondent and any witnesses. The investigator will also gather pertinent documentary materials (if any) and other information. 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.
- **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 will not consider the respondent's prior conduct violations, unless the Gender-Based Misconduct Office or the respondent's school provides information because:
 - The respondent was previously found to be responsible, and
 - The previous incident was substantially similar to the present allegation(s) and/or the information indicates a pattern of behavior by the respondent.

The investigator will prepare a report detailing the relevant content from the interviews and the documentation gathered. The report will include the investigator's assessment of individual credibility and recommended findings of responsibility.

The respondent and complainant will each have the opportunity to review a copy of the investigative report and any other information that will be used during the disciplinary proceedings. The names and other identifying information of other 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. The Gender-Based Misconduct Office will supervise this review and ensure that reasonable time is afforded for review prior to the hearing.

Informal Resolution

The Gender-Based Misconduct Office may seek to resolve certain gender-based misconduct cases through an informal process involving both the complainant and respondent. (For example, a complainant and respondent may agree with the Office that education and training for the respondent are an appropriate and sufficient response in a particular case). This type of informal resolution can take place during the investigation or after its conclusion. If, based on the information known about the incident, the Gender-Based Misconduct Office believes such a resolution is possible, the Office will speak with the complainant. If the complainant agrees, the Office will then speak with the respondent. If both complainant and respondent are satisfied with a proposed resolution and the Office believes the resolution satisfies the University's obligation to provide a safe and non-discriminatory environment for all students, the resolution will be implemented, the disciplinary process will be concluded and the matter will be closed. If these efforts are unsuccessful, the disciplinary process will continue. Before starting these discussions, the Gender-Based Misconduct Office will notify the complainant and respondent that each has the right to end the informal process at any time. The University will not use informal resolution for cases involving allegations of sexual assault.

Mediation

A student may request mediation from the Gender-Based Misconduct Office at any stage of the process. The complainant and respondent will be asked not to contact each other to discuss mediation. Mediation will be used only with the consent of both the complainant and respondent, and either has the right to terminate the mediation process and resume the regular disciplinary process at any time. The mediation process will typically commence within ten days after consent is received from both complainant and respondent and will continue until concluded or terminated by either the complainant or respondent. If the mediation results in a resolution, the disciplinary process will be concluded and the matter will be closed. If a resolution cannot be reached, the disciplinary process will proceed. The University will not use mediation for cases involving allegations of sexual assault.

Administrative Resolution

After the complainant and respondent have had an opportunity to review the investigative report and related material, the Gender-Based Misconduct Office will ask the respondent to respond to the alleged violation in one of the following ways: 1) Responsible; 2) Not Responsible; or 3) No Response. If the respondent accepts responsibility, the matter will proceed to the sanctions stage, followed by any appeals. If the respondent declines responsibility, or chooses not to respond, the University will convene a hearing panel.

Hearings

Hearing Panel

If informal resolution, mediation or administrative resolution is not available, the University will convene a hearing panel following the end of the investigation. The hearing panel determines whether the respondent is responsible or not responsible for a violation of the Policy. If the respondent is determined to be responsible, the matter proceeds to the sanctions stage.

The hearing panel will generally have three members drawn from a small group of specially-trained University student affairs administrators. In certain matters, the University may include retired judges, lawyers or other individuals with relevant experience and special training. Panelists will not be from the school of either the complainant or the respondent. All panel-

ists will receive training from experts in the field at least once a year. In addition to training on how the adjudicatory process works, the training will include specific instruction about how to approach students about sensitive issues that may arise in the context of gender-based misconduct. The complainant and respondent will be informed of the panel's membership before the hearing process begins.

Written Submissions

Both the complainant and respondent will have the opportunity to submit written responses to the investigation report and other relevant information to the hearing panel. Each of the complainant and respondent will have the opportunity to review any written submissions by the other. The hearing panel may set reasonable parameters for these written submissions. The hearing panel will review the investigation report and written submissions. The panel may determine that a hearing is not necessary when all three panel members agree that the information in the investigation report and the written submissions (if any) is sufficient to make a determination (for example, where the complainant and the respondent do not disagree about the relevant facts). If the panel decides that a hearing is not necessary, the panel will proceed directly to make a determination, including an explanation of why a hearing is not necessary, as described below.

Hearing Procedures

The Gender-Based Misconduct Office will, whenever possible, give the complainant and respondent at least five days' advance notice of the hearing. The hearing is a closed proceeding, meaning that no one other than the panel members, the complainant and respondent, their respective advisors, witnesses (when called), and necessary University personnel may be present in the hearing room or rooms during the proceeding. The Office will work with other University personnel so that any student whose presence is required may participate in the hearing.

In general, hearings will proceed as follows:

- Complainant statement
- Respondent statement
- Questions to the complainant by the hearing panel
- Questions to the respondent by the hearing panel

- Witness testimony and questioning by the hearing panel
- Questions to the investigator by the hearing panel
- Closing statement by complainant
- Closing statement by respondent

The panel may set reasonable time limits for any part of the hearing. Each of the complainant and respondent will have the opportunity to present witnesses and other information consistent with the Policy and these Procedures. The panel may determine the relevance of, place restrictions on, or exclude any witnesses or information. When the complainant and respondent are not able to be present for the hearing panel, arrangements will be made for participation via alternate means.

In cases where either the complainant or respondent opts not to participate in the hearing, the panel may still hear from the other.

Additional hearing rules include:

- **Testimony via Closed-Circuit Television.** Only the person testifying (and that person's advisor, if applicable) is in the hearing room during his or her testimony. Each of the complainant and respondent is able to view testimony from a separate, private room via closed-circuit television.
- **Questioning.** Only the panel may ask questions of the complainant and respondent and any witnesses. Both the complainant and respondent will have the opportunity to suggest questions of the other and of witnesses by submitting suggested questions to the panel in writing. The panel may revise or not ask any or all submitted questions.
- **Information Regarding Romantic or Sexual History.** The panel will not consider the romantic or sexual history of either the complainant or respondent in cases involving allegations of gender-based misconduct, except for testimony offered by one or the other about the complainant's and respondent's shared sexual history that the panel deems relevant. If such information is offered by the complainant or respondent, the other has the right to respond. The existence of a prior consensual dating or sexual relationship between the complainant and respondent by itself does not support an inference of consent to alleged gender-based misconduct.

▪ **Prior Conduct Violations.** The hearing panel will not consider the respondent's prior conduct violations, unless the Gender-Based Misconduct Office or the respondent's school provided that information to the investigator because:

- The respondent was previously found to be responsible, and
- The previous incident was substantially similar to the present allegation(s) and/or the information indicates a pattern of behavior by the respondent.

▪ **Hearing Recording.** The University will keep an audio recording of the hearing for the use of the panel, for sanctioning, and for purposes of appeal. The panelists and the Sanctioning Officer (described below) and/or the Dean of the respondent's and/or the complainant's school(s) may request a transcript of the recording.

▪ **Cell Phones and Recording Devices.** Cell phones and recording devices may not be used in the hearing room(s) unless approved by the panel in advance.

Panel Determinations/Standard of Proof

The panel will use "preponderance of the evidence" as the standard of proof to determine whether a violation of the Policy occurred. Preponderance of the evidence means that a panel must be convinced based on the information it considers that the respondent was more likely than not to have engaged in the conduct at issue in order to find the respondent responsible for violating the Policy.

The panel will find a student responsible, or not responsible, based on a majority vote. The panel will generally render a decision within 5 days after the conclusion of a hearing. The panel's decision will include an explanation of the basis for the decision.

If the panel finds the respondent responsible, the matter will proceed to the sanctions stage. The Gender-Based Misconduct Office will transmit the panel's determination to the Sanctioning Officer (described below) of the respondent's school, the respondent, and the complainant.

Sanctions and Other Remedies

How Sanctions Are Determined

Each school will designate a Sanctioning Officer. To promote consistency with the University's handling of similar cases: (1) appropriate training will be provided to Sanctioning Officers at least once a year; and (2) prior to imposing any sanction, a Sanctioning Officer will consult with the Gender-Based Misconduct Office about sanctions imposed in similar cases. Available sanctions will be consistent across all University schools. Similar offenses may result in different sanctions where there are distinguishing facts and circumstances in the opinion of the Sanctioning Officer.

All hearing panel determinations will be referred to the Sanctioning Officer of the respondent's school. The Sanctioning Officer will impose sanctions that are:

- 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 gender-based misconduct.

The Sanctioning Officer will consider relevant factors, including if applicable: (1) the specific gender-based misconduct at issue (such as penetration, touching under clothing, touching over clothing, unauthorized recording, etc.); (2) 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.

In determining what sanctions will protect the safety of the University community, the Sanctioning Officer will be advised by University Public Safety or other experts and will consider: (1) the risk that the respondent may engage in additional gender-based misconduct; and (2) the deterrent or permissive effect of a particular sanction on the campus community, including on particular individuals and organizations aware of the offense (keeping in mind that a sanction must always be fair and appropriate for the particular case).

The Sanctioning Officer will render a sanctioning decision within five days following the receipt of the panel's determination. The sanctioning decision will be communicated in writing to the complainant and the respondent.

List of Sanctions

The University may impose any one or more of the following sanctions on a student determined to have violated the Policy:

- Reprimand/warning
- Changing the respondent's academic schedule
- Disciplinary probation
- Revocation of honors or awards
- Restricting access to University facilities or activities (including student activities and campus organizations)
- Community service
- Issuing a "no contact" order to the respondent or requiring that such an order remain in place
- Moving the respondent's residence
- Dismissal or restriction from University employment
- Removal from student housing
- Suspension (limited time or indefinite)
- Expulsion
- Revocation of degree

In addition to any other sanction (except where the sanction is expulsion or revocation of a degree), the University will require any student determined to be responsible for a violation of the Policy to receive appropriate education and/or training related to the gender-based misconduct violation at issue. The University may also recommend counseling or other support services for the student.

Ongoing Accommodations for Complainant

Whatever the outcome of the hearing process, a complainant may request ongoing or additional accommodations and the Gender-Based Misconduct Office, in consultation with the designated student affairs officer of the complainant's school, will determine whether such measures are appropriate. Potential

ongoing accommodations include:

- Providing an escort for the complainant
- Moving the complainant's residence
- Changing the complainant's academic schedule
- Adjusting the complainant's work schedule
- Allowing the complainant to withdraw from or retake a class without penalty
- Providing access to tutoring or other academic support, such as extra time to complete or re-take a class

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 misconduct occurred
- Additional training and educational materials for students and employees
- Revision of the University's policies relating to gender-based misconduct
- Climate surveys regarding gender-based misconduct

Appeals

Either the respondent or the complainant or both may appeal the determination of the hearing panel and/or the sanctions. Appeals are decided by the Dean of the respondent's school. The three grounds for appeal are:

1. A procedural error affecting the determination or sanction;
2. New information that was not available at the time of the investigation or hearing and that may change the determination or sanction; and
3. Excessiveness or insufficiency of the sanction.

Disagreement with the finding or sanctions is not, by itself, grounds for appeals.

The appealing student must submit the appeal in writing to the Dean of the respondent's school within five days after receiving the sanctioning notice. If either the complainant or respondent submits an appeal, the Gender-Based Misconduct Office will notify the other that an appeal has been filed and the grounds of the appeal. The non-appealing student may submit a written response within five days after notice of an appeal.

If the Dean concludes that a change in the hearing panel's determination is warranted, the Dean may enter a revised determination, reconvene the panel to reconsider the determination, or return the matter for additional investigation. After consultation with the Gender-Based Misconduct Office, the Dean may also change the sanction. In cases where the complainant and respondent are in different schools, the Dean of the respondent's school will consult with the Dean of the complainant's school in considering any appeal. If both the complainant and respondent appeal, the appeals will be considered concurrently.

The Dean of the respondent's school will notify the complainant and respondent of the final decision in writing. Appeals decisions will be rendered within ten days after the receipt of the written appeal. All appeal decisions are final.

Records Disclosure

Disciplinary proceedings conducted by the University are subject to the Family Educational Records and Privacy Act (FERPA), a federal law governing the privacy of student information. FERPA generally limits disclosure of student information outside the University without the student's consent, but it does provide for release of student disciplinary information without a student's consent in certain circumstances.

Any information gathered in the course of an investigation may be subpoenaed by law enforcement authorities as part of a parallel investigation into the same conduct, or required to be produced through other compulsory legal process.

Additional information about FERPA can be found in Essential Policies for the Columbia Community at <http://www.essential-policies.columbia.edu/policy-access-student-records-ferpa> and <http://barnard.edu/Policy/FERPA> and www.tc.edu/policylibrary/ferpa.

Amendments

The University may amend the Policy or the Procedures from time to time. Nothing in the Policy or Procedures shall affect the inherent authority of Columbia, Barnard or Teachers College to take such actions as it deems appropriate to further the educational mission or to protect the safety and security of the University community.

GENDER-BASED MISCONDUCT POLICY FOR STUDENTS (POLICY)

DEFINITIONS AND SCENARIOS

Definitions of Gender-Based Misconduct

- **Sexual Assault—Non-Consensual Sexual Intercourse.** Any form of sexual intercourse (vaginal, anal, or oral) with any object without consent. Intercourse means: vaginal or anal penetration (however slight) by a penis, object, tongue, or finger; and oral copulation (mouth to genital contact or genital to mouth contact).
- **Sexual Assault—Non-Consensual Sexual Contact.** Any intentional sexual touching, however slight, with any object without a person's consent. Intentional sexual contact includes contact with the breasts, buttocks, or groin, or touching another with any of these body parts; making another person touch any of these body parts; and any intentional bodily contact in a sexual manner.
- **Domestic Violence.** The use of physical violence, coercion, threats, intimidation, isolation, stalking, or other forms of emotional, sexual or economic abuse directed towards (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 any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound 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, sexual or economic abuse directed towards 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, blame, hurt, injure, or wound 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 non-legitimate purpose. Examples of sexual exploitation include: observing another individual's nudity or sexual activity or allowing another to observe nudity or sexual activity without the knowledge and 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 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 conduct directed at a specific person that would cause a reasonable person to feel fear or suffer substantial emotional distress. Stalking involves repeated and continued harassment against the expressed wishes of another individual, which causes the targeted individual to feel emotional distress, including fear or apprehension. Stalking behaviors may include: pursuing or following; unwanted communication or contact—including face-to-face, telephone calls, voice messages, electronic messages, web-based messages, text messages, unwanted gifts, etc.; trespassing; and surveillance or other types of observation.

▪ **Sexual Harassment.** Unwelcome sexual advances, requests for sexual favors, and other verbal, physical, or visual conduct of a sexual nature constitute sexual harassment when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's education, or educational or campus life activities; or
- submission to or rejection of such conduct by an individual is used as the basis for academic or student life decisions affecting that individual; or
- such conduct has the effect of unreasonably interfering with an individual's academic performance or creating an intimidating, hostile, demeaning, or offensive campus or living environment.

▪ **Gender-based Harassment.** Acts of aggression, intimidation, stalking, or hostility based on gender or gender-stereotyping constitutes gender-based harassment. Gender-based harassment can occur if students 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 an individual's education or educational activities or create an intimidating, hostile, demeaning, or offensive academic or living environment.

▪ **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.

▪ **Retaliation.** Any adverse action, or attempted adverse action, against an individual (or group of individuals) because of their participation in any manner in an investigation, proceeding, or hearing under this Policy, including individuals who file a third-person report. Retaliation can take many forms, including sustained abuse or violence, threats, and intimidation. Any individual or group of individuals, not just a respondent or complainant, can engage in retaliation.

Important Related Concepts

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

▪ **Coercion.** Unreasonable pressure for sexual activity. When someone makes it clear that he or she does not want to en-

gage in sexual activity or does not want to go beyond a certain point of sexual interaction, continued pressure beyond that point can be considered coercive. The use of coercion can involve the use of pressure, manipulation, substances, and /or force. Ignoring objections of another person is a form of coercion.

▪ **Consent.** Consent requires unambiguous communication and mutual agreement concerning the act in which the participants are engaging.

- A sexual interaction is considered consensual when individuals willingly and knowingly engage in the interaction.
- Someone who is incapacitated (by alcohol or drug use, unconsciousness, disability, or other forms of helplessness) cannot consent.
- Consent cannot be procured by the use of physical force, compulsion, threats, intimidating behavior, or coercion.
- Consent to one form of sexual activity does not imply consent to other forms of sexual activity. Previous relationships or previous consent for sexual activity is not consent to sexual activity on a different occasion.
- Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another.
- Silence or the absence of resistance is not the same as consent.
- Consent can be withdrawn at any time.
- Previous consent does not mean ongoing consent. (For example, consent to certain acts at one point in an evening does not mean consent to the same acts later in the same evening.)
- How drugs and alcohol affect consent:
 - Individuals should be aware of, and carefully consider, the potential consequences of the use of alcohol or drugs. Alcohol and other drugs can lower inhibitions and create an atmosphere of confusion over whether consent is freely and affirmatively given. If there is a question about whether someone consented to sexual activity after consuming drugs or

alcohol, the University will examine the issue from the perspective of a reasonable person. Specifically, the University will consider whether the respondent reasonably should have known about the impact of alcohol and other drugs on the complainant's ability to give consent.

- The use of alcohol or drugs does not justify or excuse behavior that constitutes gender-based misconduct.
- The use of alcohol or other drugs never makes someone at fault for experiencing gender-based misconduct.
- **Force.** The use of physical violence and/or imposing on someone physically to engage in sexual contact or intercourse. Force can also include threats, intimidation (implied threats), or coercion used to overcome resistance.
- **Hostile Environment.** A hostile environment may arise when unwelcome conduct of a sexual or gender-based nature affects a student's ability to participate in or benefit from an education program or activity, or creates an intimidating, threatening or abusive educational and/or living environment. A single, isolated incident of sexual or gender-based harassment may, based on the facts and circumstances, create a hostile environment.
- **Incapacitation.** A state where a person cannot make a rational, reasonable decision because the person lacks the ability to understand his or her decision. A person can become incapacitated as a result of disability, involuntary physical constraint, sleep, or consumption of alcohol or other drugs.

Other Definitions

- **Complainant.** The person making the allegation(s) of gender-based misconduct.
- **Respondent.** The person alleged to have committed gender-based misconduct.

Sexual Assault Scenarios

- Pat and Dana met at a party. They spent the entire party getting to know each other and dancing. Dana had four shots of tequila and four beers over the course of the evening. At one point, Dana went to the bathroom. Pat noticed that Dana staggered upon returning from the bathroom. Dana's friend

informed Pat that Dana had been vomiting. Pat volunteered to take Dana home. When they arrived at Dana's dorm room, Pat began kissing Dana and proceeded to have sexual intercourse with Dana. Upon waking up in the morning, Dana asked Pat what happened that evening. Pat told Dana that they had sex and that Dana had asked to have sex. Dana began crying and said "I didn't want to have sex with you." *This is a violation of this Policy. A reasonable person could have concluded that Dana was incapacitated due to her alcohol use because Dana was stumbling and had vomited in the bathroom. Dana was therefore not able to give consent.*

- Taylor and Hong have been dating for a few months. On several occasions, Taylor and Hong have engaged in consensual sexual intercourse. One night, Hong and Taylor were making out when Hong said, "I don't feel like having sex tonight." Taylor continued to kiss Hong and took off Hong's clothing despite Hong's verbal and physical objections. Eventually, Hong became silent and submitted to Taylor's insistence to have sex. *This is a violation of this Policy. Hong objected to having sex and Taylor ignored these objections. Although Taylor and Hong have previously had consensual sexual intercourse, Hong did not consent to sexual activity on this particular evening.*
- Peyton and Jordan were in the hallway of their residence hall with a group of their neighbors on the floor joking around and telling stories. Peyton placed his arms around Jordan's waist as they continued their conversation. Jordan removed his hands from her body. A few minutes later, Peyton touched Jordan's breasts, stating he did not understand why she was making such a big deal about him touching her. *This is a violation of this Policy. After Jordan removed Peyton's hands from her body, Peyton touched her breasts. This behavior constitutes intentional physical contact of a sexual nature.*

GENDER-BASED MISCONDUCT POLICY FOR STUDENTS (POLICY)

ON-CAMPUS RESOURCES

All contact information for the listed resources was confirmed at the time of the Policy's initial publication August 15, 2014. Up to date contact information can always be found on the University's Sexual Respect website at www.SexualRespect.columbia.edu.

UNIVERSITY ADVOCACY AND CRISIS COUNSELING (Confidential)

- Rape Crisis/Anti-Violence Support Center 212-854-HELP (4357)
- Columbia Ombuds Office 212-854-1234
- Teachers College Ombuds Office 212-678-4169

Note: See the chart on the following pages for an explanation of these resources' reporting obligations.

MEDICAL SERVICES (Confidential)

- Barnard 877-941-1695
- Columbia Morningside 212-854-9797
- CUMC 212-305-3400
- Teachers College 212-854-9797

Note: The medical treatment resources listed above can provide treatment for injuries and for potential exposure to sexually transmitted diseases. They also provide emergency contraception and other health services. They can assist in preserving evidence or documenting any injuries, including by helping find a Sexual Assault Nurse Examiner, who is specially trained to collect evidence. Taking these steps promptly after an incident can be very helpful in later criminal proceedings and/or in seeking a protective order.

Note: See the chart on the following pages for an explanation of these resources' reporting obligations.

UNIVERSITY MENTAL HEALTH AND PASTORAL COUNSELING (Confidential)

- Counseling and Psychological Services
 - Barnard (Furman Counseling Center) 212-854-2092 /After-hours 877-941-1695
 - Columbia 212-854-2878
 - CUMC 212-305-3400
 - Teachers College 212-854-2878
- Office of the University Chaplain (Ordained Clergy) 212-854-6242

Note: See the chart on following pages for an explanation of these resources' reporting obligations.

UNIVERSITY GENDER-BASED MISCONDUCT OFFICE (Not Confidential)

- Jeri Henry, Interim Director, 212-854-1717

UNIVERSITY TITLE IX COORDINATORS (Not Confidential)

- Title IX Coordinator for Columbia University
Melissa Rooker, Associate Provost
Office of Equal Opportunity and Affirmative Action
103 Low Library | (212) 854-5918
mrooker@columbia.edu
- Title IX Coordinator for Barnard College
Amy Zavadil, Associate Dean for Equity
105 Milbank Hall | (212) 854-0037
azavadil@barnard.edu
- Title IX Coordinator for Teachers College
Janice Robinson, Vice President,
Diversity and Community Affairs
128 Zankel | (212) 678-3391
jrobinson@tc.edu

UNIVERSITY PUBLIC SAFETY (Not Confidential)

- Barnard College 212-854-3362
- Columbia Morningside 212-854-5555
- CUMC 212-305-7979
- Teachers College 212-678-3333

Note: See the chart on the following pages for an explanation of these resources' reporting obligations.

OFF-CAMPUS RESOURCES

All contact information for the listed resources was confirmed at the time of the Policy's initial publication August 15, 2014. Up to date contact information can always be found on the University's Sexual Respect website at www.SexualRespect.columbia.edu.

OFF-CAMPUS ADVOCACY, COUNSELING, AND HEALTH SERVICES

- Safe Horizon 212-523-4728
- Mt. Sinai/St. Luke's Hospital Crime Victims Treatment Center 212-523-4728
- New York Presbyterian/CUMC Emergency Room 212-305-6204
- NYC Domestic Violence Hotline (24-hours) 800-621-HOPE (4673)
- Gay and Lesbian Anti-Violence Project (24-hours) 212-714-1141

Note: Mt. Sinai/ St. Luke's Hospital's Emergency Room at 1111 Amsterdam Avenue (113th Street between Amsterdam and Morningside) and New York Presbyterian Hospital/CUMC Emergency Room at 630 West 168th Street (168th and Broadway) can provide treatment for injuries and for potential exposure to sexually transmitted diseases, emergency contraception and other health services. They can assist in preserving evidence or documenting any injuries and have personnel who are specially trained to collect evidence.

OFF-CAMPUS LAW ENFORCEMENT

- New York City Police Department
 - Emergency 911
 - 26th Precinct 212- 678-1311
- 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

Requesting Accommodations for a Disability

Students seeking accommodations for a disability in connection with the process of reporting or responding to an incident of gender-based misconduct may contact the Gender-Based Misconduct Office or the office responsible for disability services at their institution, as listed below.

- Columbia University, Disability Services
(212) 854-2388
<http://www.health.columbia.edu/ods>
- Barnard College, Office of Disability Services
(212) 854-4634
<http://www.barnard.edu/ods>

- Teachers College, Office of Access and Services for Individuals with Disabilities
(212) 678-3689
<http://www.tc.columbia.edu/oasid/staff.html>

Additional Government Resources

The government resources listed here may provide additional assistance for students wishing to file an external complaint of gender-based misconduct or students with inquiries regarding the application of Title IX and its implementing regulations:

<http://www.notalone.gov>

U.S. Department of Education, Office for Civil Rights
<http://www.ed.gov/ocr>

US Department of Education
Office for Civil Rights
New York – Region II
32 Old Slip, 26th Floor
New York, NY 10005
646-428-3800
OCR.NewYork@ed.gov

U.S. Department of Justice, Office on Violence Against Women
<http://www.ovw.usdoj.gov>

US Department of Justice
Office on Violence Against Women
145 N Street, NE, Suite 10W.121
Washington, DC 20530
(202) 307-6026

CONFIDENTIALITY PROTECTIONS & REPORTING OBLIGATIONS

*As a reminder, confidential resources will not share information with anyone.
Non-confidential resources are also required to respect and protect students' privacy to the greatest extent possible.
They will disclose identifying information to others only on a need to know basis.*

PERSONNEL	STATUS	REPORTING OBLIGATIONS
University Chaplains (Ordained Clergy)	Confidential	None, unless acting in a role described below.
Counseling and Psychological Services	Confidential	<p>If a patient's clinical state poses a substantial risk of harm to the patient or others, as manifested by conduct, this resource will report to New York County Mental Health officials. (NY Mental Hygiene Law)</p> <p>If there is reasonable cause to suspect that a minor has been sexually abused, this resource will report to the requisite state officials. (NY Social Services Law)</p>
Rape Crisis/ Anti-Violence Support Center	Confidential	<p>This resource will report on an aggregate, periodic basis incidents without any identifying information to the Gender-Based Misconduct Office to enable the University to understand the existence and extent of the problem. (Title IX)</p> <p>If there is reasonable cause to suspect that a minor has been sexually abused, this resource will report to the requisite state officials. (NY Social Services Law)</p>
Columbia Ombuds Office	Confidential	<p>This resource will report on an aggregate, periodic basis incidents without any identifying information to the Gender-Based Misconduct Office to enable the University to understand the existence and extent of the problem. (Title IX)</p> <p>If there is reasonable cause to suspect that a minor has been sexually abused, this resource will notify University leadership. (NY Social Services Law)</p>
Physicians and Other Health Professionals	Confidential	<p>These resources will report on an aggregate, periodic basis incidents without any identifying information to the Gender-Based Misconduct Office to enable the University to understand the existence and extent of the problem. (Title IX)</p> <p>If a patient's clinical state poses a substantial risk of harm to the patient or others, as manifested by conduct, these resources will report to New York County Mental Health officials. (NY Mental Hygiene Law)</p> <p>If there is reasonable cause to suspect that a minor has been sexually abused, these resources will report to the requisite state officials.</p>

CONFIDENTIALITY PROTECTIONS & REPORTING OBLIGATIONS

PERSONNEL	STATUS	REPORTING OBLIGATIONS
Gender-Based Misconduct Office	Not Confidential	<p>Unless a complainant requests otherwise and the request is granted, this resource will investigate and respond to reported gender-based misconduct incidents. (Title IX)</p> <p>If the incident is a crime, this resource will report it without any identifying information to Campus Public Safety for inclusion in the daily crime log and annual statistical report and for issuance of any required timely warning. (Clery Act)</p> <p>This resource will share information with University personnel who need to know it in order to carry out University policies and procedures.</p>
Title IX Coordinators	Not Confidential	<p>Unless a complainant requests otherwise and the request is granted, this resource will supervise the investigation and response to reported gender-based misconduct incidents. (Title IX)</p> <p>If the incident is a crime, this resource will report it without any identifying information to Campus Public Safety for inclusion in the daily crime log and annual statistical report and for issuance of any required timely warning. (Clery Act)</p> <p>This resource will share information with University personnel who need to know it in order to carry out University policies and procedures.</p>
Public Safety Personnel	Not Confidential	<p>Public Safety will report to the Gender-Based Misconduct Office all information received about gender-based misconduct incidents so the University can investigate and respond. (Title IX)</p> <p>If the incident is a crime, Public Safety will include it in a crime log and annual crime statistics without identifying the alleged victim. (Clery Act)</p> <p>If the incident is a crime and poses a serious or continuing threat, Public Safety will issue an emergency notification or timely warning. (Clery Act)</p> <p>If the incident is a violent felony under the New York Penal Code, Public Safety will report it to the New York Police Department and cooperate in any investigation. (Memorandum of Understanding between NYPD and University)</p> <p>If there is reasonable cause to suspect that a minor has been sexually abused, Public Safety will notify University leadership. (NY Social Services Law)</p> <p>Public Safety will share information with University personnel who need to know it in order to carry out University policies and procedures.</p>

CONFIDENTIALITY PROTECTIONS & REPORTING OBLIGATIONS

PERSONNEL	STATUS	REPORTING OBLIGATIONS
Other University Personnel	Not Confidential	<p>Will report to the Gender-Based Misconduct Office all information received about gender-based misconduct incidents so the University can investigate and respond. (Title IX)</p> <p>If the incident is a crime, a “campus security authority” will report it without any identifying information to Campus Public Safety for inclusion in the daily crime log and annual statistical report and for issuance of any required timely warning. (Clery Act)</p> <p>If there is reasonable cause to suspect that a minor has been sexually abused, other university personnel will notify University leadership. (NY Social Services Law)</p> <p>Other University personnel will share information with University personnel who need to know it in order to carry out University policies and procedures.</p>