Gender-Based Misconduct Prevention & Response: Special Advisor Update

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In recent weeks and months, Columbia University has taken extensive steps to strengthen our response to all forms of gender-based misconduct, including sexual assault. Building on comments and suggestions from students throughout the past academic year, as well as the ideas of faculty, administrators and staff, new initiatives have been launched and existing programs and resources have been strengthened, all with the aim of creating an environment where students and other community members can flourish free from gender-based misconduct, including sexual violence.

These issues are much-discussed both throughout the University (including within Barnard College and Teachers College) and across the country. Because this discussion is important for informing and engaging the community, I offer this commentary, in my role as Special Advisor to President Bollinger on Sexual Assault Prevention and Response, to highlight some of the recent changes, to identify some of what’s to come in the academic year, and to talk about some ways that interested students can get involved.

Here is a guide to what you’ll find below:

1. An overview of recent resource developments;
2. An overview of recent and ongoing prevention efforts;
3. A list of some of what is to come both soon (including the release of the University’s first Annual Report on Gender-Based Misconduct Prevention and Response in mid-September) and throughout the year; and
4. Comments on questions related to student input and some of the policy provisions.

RECENT RESOURCE DEVELOPMENTS

I’ll start with what has been happening of late, some of which was mentioned briefly in a mid-August letter to the community from President Bollinger.

Sexual Violence Response & Rape Crisis/Anti-Violence Support Center

As those who were around the University last year know, students asked for additional resources related to the University’s Sexual Violence Response & Rape Crisis/Anti-Violence Support Center, a confidential resource and support center that is available to students around the clock, every day of the week. During the summer, developments related to this resource included:

• **A second location for the office**, in Lerner Hall Room 700 to complement the existing office at Barnard. The new office provides an additional, easily accessible location for students seeking support and services.
Six new staff positions, including an assistant director located at the University Medical Center. The new staff will supplement the existing staff and network of extensively-trained Sexual Violence Response Peer Advocates.

Gender-Based Misconduct Office

In addition, the University’s Gender-Based Misconduct Office expands and enhances the services provided by its predecessor office, Student Services for Gender-Based and Sexual Misconduct (SSGBSM). The Office serves two critical functions:

- It is a centralized resource to support and provide assistance to all University students who have experienced or have been accused of gender-based misconduct, and
- It conducts investigations and coordinates the disciplinary process related to gender-based misconduct complaints against students from all parts of the University and assists students who seek to bring complaints against faculty and staff.

The Gender-Based Misconduct Office also has new case managers, whose responsibility is to help students:

- Access community resources (both on and off campus);
- Secure accommodations in ways specified by the University’s Gender-Based Misconduct Policy; and
- Navigate the investigation and disciplinary process, if a complaint is filed.

Gender-Based Misconduct Policy

As many are also aware, the University has a new Gender-Based Misconduct Policy that is in place for this academic year. The new policy builds on the already-strong foundation of the previous policy and strengthens it in numerous ways that respond both to student requests and to recent federal guidance. Much more information, including FAQs regarding the policy, is available on Columbia’s Sexual Respect website (www.sexualrespect.columbia.edu).

The policy was designed with students in mind and I encourage you to check it out and inform yourself about its coverage. Please note that the policy also stresses, in several places, that University employees (both faculty and staff) who learn of possible misconduct, provide support, and/or participate in the disciplinary process, are responsible for maintaining students’ privacy to the greatest extent possible. The reason for this repeated emphasis is to help encourage students to report policy violations that occur.

All aspects that I have mentioned so far—the expanded resources for Sexual Violence Response, the Gender-Based Misconduct Office, and the Gender-Based Misconduct Policy—are about providing support, an investigation and disciplinary process, and clear rules for when violations occur. But, as I
mentioned at the outset, the central goal is to create an environment free from gender-based misconduct.

**RECENT PREVENTION EFFORTS**

On the prevention front, here is just some of what has happened in recent weeks. First, the Policy itself is meant to serve a prevention purpose. By having clear and accessible rules, the entire University community is on notice that the University expects all of its members to abide by the policy.

**Orientation Training/CU Step Up**

In addition, significant orientation training related to gender-based misconduct, including sexual violence, and the new policy has been conducted for new students in all parts of the University. New undergraduates, in particular, received three hours of expanded training – including in large sessions and small discussion groups – that focus on bystander intervention as well as all forms of gender-based misconduct. A campaign that asks all community members to Step Up – Be a Leader, Make a Difference – is part of this broader effort to engage the full community to act with character and integrity in all of what we do, including in all interactions related to gender and sexuality. Just before the start of classes, hundreds of members of the Class of 2018 participated in a CU Step UP rally, helping to inaugurate the campaign on the steps of Low Library. All new undergraduates at Columbia College and the Fu Foundation School of Engineering and Applied Science also received a required-viewing video that specifically addresses consent in sexual relationships, and Barnard College students received a tutorial addressing similar issues.

• **Poster Campaign**

Complementing these trainings is a poster campaign on the Barnard, Morningside and Medical Center campuses – in residences and student activities areas – that will introduce and reinforce information related to consent, healthy relationships, and more. The first posters on consent are up now; more will come throughout the year.

• **Deans’ Outreach**

Many deans have also reached out to their students directly, or will be reaching out soon, to highlight key policy provisions related to consent and the specific definitions of conduct that violate the policy.

• **Prevention and Response Efforts to Come**

Going forward, you can look out for a video competition, significant events and programs, and more. Some of this is scheduled to occur in connection with Relationship Violence Awareness and Substance Abuse Prevention Month in late October. In addition, the University will release its first annual report on gender-based misconduct prevention and response in mid-September.
STUDENT INVOLVEMENT

Many students are already involved working on these issues, whether through student government, the Coalition Against Sexual Violence and its member organizations, and/or in other ways. In addition, the new policy itself specifically invites comments and suggestions from community members, including students – the quickest means is to email titleix@columbia.edu, as the policy indicates. In addition, new formats are in the works to enable all interested students to share their views. You’ll hear more about those as the school year progresses.

A few additional comments about student input and policy-related questions

Finally, I thought it might be helpful to address a couple of specific questions about the policy related to student input and the qualifications of those responsible for handling hearings, sanctions, and appeals.

Student Input

First, student input was received during the last academic year in town halls, group meetings, and individual discussions.

• This input helped to shape the expanded staffing and new additional location of Sexual Violence Response/Rape Crisis Center, and the expanded staffing and enhanced qualifications of Title IX Investigators.

• The Gender-Based Misconduct Policy also specifically addresses student suggestions in several ways. For example, the Policy makes clear that appropriate accommodations are available to students who have experienced gender-based misconduct throughout a student’s time at the University and regardless of whether the student pursues a resolution through the University’s investigation and disciplinary processes.

• In addition, and also in response to student comments, the Gender-Based Misconduct Office has responsibility for insuring that the University monitors accommodations, such as those related to housing and classes, so that oversight is centralized to minimize problems and maximize efficiency throughout a student’s enrollment.

• In relation to student input, it might be helpful to know, as well, that University administrators were working through the summer to have the policy ready for the new academic year. This work required study of the federal guidance released in late April; analysis of the University’s existing policies; drafting, and then extensive revisions to insure that the policy would be responsive to the governing law and our University community; and editing to have a policy that is not only legally sound and tailored to the University but also written and formatted in an accessible manner for all students covered by its provisions.
These extensive efforts were completed before the academic year’s start, and the policy itself opens with an invitation to all members of the community to share their ideas and comments so that the policy can continue to evolve in response to suggestions. Of course, as with almost any policy or enhanced office, implementation may reveal additional ways in which the changes can be made going forward to enhance effectiveness.

**Accommodations and Sanctions**

Second, some students have raised questions about why the policy does not mandate specific accommodations or sanctions in connection with violations. Here, several points may be useful to keep in mind:

- Regarding accommodations, students’ needs and interests in accommodations vary in relation to experiences with gender-based misconduct; a one-size-fits-all accommodations model would not be respectful of or effective in responding to the range of student needs and preferences.
- At the same time, the policy specifies possible accommodations and case managers will talk with individual students directly to help with this process.
- Regarding sanctions, the University must, both by law and as a matter of fairness, handle each case individually rather than categorically impose a particular set of sanctions when a student is found responsible.
- The Director of the Gender-Based Misconduct Office has explained in meetings with students an additional point regarding implementation that I want to repeat here for all: The University will respond to the most egregious behaviors under the policy by imposing the most serious sanctions, including suspension or expulsion.
- Also, in addition to any other sanction (other than expulsion or revocation of degree), the policy mandates that any student found responsible for gender-based misconduct must receive education and/or training related to the violation at issue.
- The Gender-Based Misconduct Office tracks sanctions in all cases involving student respondents and provides consistent information related to sanctions imposed throughout the University.

**Qualifications of Participants in Hearing, Sanctioning, and Appeals**

Third, some students have raised questions about the qualifications of the participants in the hearing, sanctioning, and appellate process. A description of the process follows.

For those less familiar with the process, here, first, is a brief description of the process and the participants’ role in it.

- Hearing panel members have responsibility for determining, after the investigation is completed, whether a student is responsible for a gender-based misconduct policy violation. Hearing panel members are drawn from a small group of designated University
administrators who receive specialized training annually, additional training in advance of assignment to a case, and ongoing training throughout the year.

- **Sanctions** are imposed by a “sanctioning officer” who is a student affairs officer at the responsible student’s school within the University. If the responsible student and the complainant (the person who filed the complaint) are from different schools, the sanctioning officer will consult with the appropriate student affairs officer at the complainant’s school when deciding on sanctions. If there is an appeal, the dean of the responsible student’s school makes a final decision, again in consultation with the dean of the complainant’s school, if the students are from different schools. **All sanctions decisions – at the initial stage and on appeal – are made in consultation with the Director of the Gender-Based Misconduct Office, who maintains information about all sanctions imposed throughout the University.**

**Questions regarding conflicts of interest**

Some students have asked about the qualifications of hearing panel members, sanctioning officers, and deans as participants in the process. One underlying question in some comments concerns whether these University employees might have a conflict of interest because of their roles within the University, including, for some, responsibility for fundraising and otherwise maintaining the reputation of their schools. Another underlying question has been whether individuals without formal legal training can be effective panelists or appellate decision-makers. I’ll address both.

- **On the conflict of interest point,** it may be useful to keep in mind that deans of schools and student affairs officers have – as a central part of their role – an interest in creating a learning and living environment free from gender-based misconduct as well as other harms. That is, deans, as well as student affairs officers, are fundamentally responsible for helping to shape an environment within their schools where students can learn, participate in extracurricular activities, and flourish more generally. Responsibility for determining sanctions and handling appeals in gender-based misconduct cases flows directly from – rather than conflicts with – these roles and responsibilities.

- Likewise, a dean’s responsibility for fundraising strengthens the need for that individual to play an effective role in implementing the policy by handling appeals because a school’s reputation is linked, in significant part, to the experiences of its students. For this reason, deans handle appeals in a range of disciplinary matters. This does not mean that a dean, or any of us, will be able to eliminate misconduct, including gender-based misconduct, all of the time. It does mean that a dean will necessarily take seriously his or her role in handling appeals and in overseeing communications with students aimed at preventing policy violations.

- Finally on this point, student affairs officers are, by virtue of their roles, most directly connected with the impact of gender-based misconduct on students and with programming that works toward prevention. And deans, likewise, have ultimate oversight over their
students’ experiences. Consequently, within a University, these individuals and others who similarly are experienced with student affairs are best positioned to handle implementation of a policy and response to conduct that has such a significant impact on students’ experiences and lives.

Questions regarding qualifications

Relatedly, the University’s process for handling gender-based misconduct allegations is precisely that – a university process.

- For the reasons just mentioned, University officials who have a student-facing role and are responsible for significant aspects of student life at the University are, by virtue of their responsibility and experience, in the best position to implement the hearing and sanctioning roles in consultation with the Gender-Based Misconduct Office director.
- As the policy explains, each person with a formal role in the process, from investigators, to hearing panel members, sanctioning officers, and deans, receive specialized training to enable them to perform their roles with sensitivity and a commitment to fairness to all parties.

A FINAL WORD

Two final words, really. First, please note that I prepared this commentary prior to the start of classes to share information with the Columbia community and beyond. It is not offered in response to any individual or collective student activities and activism that began with the new school year. In fact, it is University policy to respect the choice of any community member to peacefully express personal and/or political views on gender-based misconduct and other issues.

And second, to those of you who have read this far, thank you for your engagement and attention. Please keep in mind the avenues for student engagement mentioned above, and keep on the lookout for more to come.

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