



GENDER-BASED MISCONDUCT  
PREVENTION AND RESPONSE  
2015-16 ANNUAL REPORT

GENDER-BASED MISCONDUCT OFFICE  
STUDENT CONDUCT AND COMMUNITY STANDARDS

**COLUMBIA UNIVERSITY GENDER-BASED MISCONDUCT  
PREVENTION AND RESPONSE  
2015-16 Annual Report**

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# I. INTRODUCTION

Welcome to the third annual Report on Gender-Based Misconduct Prevention and Response at Columbia University.<sup>1</sup> The Report’s central aim is to engage the full University community—students,<sup>2</sup> faculty, administrators, and staff—in creating a climate where all can study, work, and live free from gender-based misconduct, including sexual violence.

This report includes information about many topics, including:

- Ongoing efforts at the University to enhance **resources** and prevention and training efforts related to gender-based misconduct prevention and response;
- Highlighted updates to the University’s **Gender-Based Misconduct Policy** (the “Policy”) and **Procedures for Responding to Student Gender-Based Misconduct** (“Procedures”);
- Student training, prevention, and education efforts; and
- Data from the Gender-Based Misconduct Disciplinary Process during the 2015-16 academic year.

By summarizing key features of the University’s work and compiling data from gender-based misconduct cases involving students during the previous academic year, the Report aims to contribute to the University’s work in addressing gender-based misconduct, including sexual assault, for this and future academic years.

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<sup>1</sup> Throughout this Report, references to “the University” include Columbia University and Teachers College. Barnard College adopted its own policy and procedures for addressing gender-based misconduct accusations against Barnard students; information regarding matters handled under that policy is not included here.

<sup>2</sup> The policy and resources described in this report apply to undergraduate, graduate, and professional school students of Columbia University or Teachers College. Some of the resources described here are available to Barnard College students as well.

## II. OVERVIEW OF RESOURCES, TRAINING, AND EDUCATION

This section reviews three major resources at Columbia that address gender-based misconduct prevention and response through support, education and training, and/or policy enforcement:

- Sexual Violence Response
- Gender-Based Misconduct Office
- Office of Equal Opportunity and Affirmative Action

In addition to these resources, the University has numerous additional resources that work with and support students who have experienced or have concerns about gender-based misconduct:

The following resources are confidential, meaning that they will not provide information to others without the student's permission: Counseling and Psychological Services (Morningside); Mental Health Services (CUMC); Medical Services (Morningside); Student Health Services (CUMC); Office of the University Chaplain; and the Ombuds Office.

The University also has additional non-confidential resources. These resources are required to report incidents to the University's Gender-Based Misconduct Office but will also protect students' privacy to the greatest extent possible. They include: Department of Public Safety; Residential Programs [for Columbia College and School of Engineering and Applied Sciences (SEAS) undergraduates]; and student affairs offices across the University.

### A. Sexual Violence Response

**Sexual Violence Response (SVR)** is a confidential office within Columbia Health and is directly supervised by La'Shawn Rivera, Executive Director, reporting to Melanie Bernitz, Interim Associate Vice President of Columbia Health.

SVR provides trauma-informed, confidential support focused on sexual assault, interpersonal violence, and harassment. SVR's mission is to eradicate all forms of gender-based violence. Through collective community action, SVR is committed to social change and creating a culture of accountability.

A comprehensive team of 10, SVR works within the three-point model of Advocacy, Prevention and Outreach, utilizing all three of these approaches to address sexual and intimate partner violence, stalking, and harassment.

#### 1. Advocacy

SVR is certified by the New York State Department of Health as a Rape Crisis Center, and has been since 1995. SVR employs Survivor Advocates (SA) who assist survivors and co-survivors of sexual, intimate partner, and gender-based violence by helping them navigate various systems, and explore their rights and options while also supporting their individual choices. Survivor Advocates mobilize systems that impact students in both short- and long-term capacities, during and after an abusive or traumatic experience. Survivor Advocates also support students who may be dealing with previous exposure to these types of issues. Advocates connect survivors with support services, which together with the survivor have been identified as being helpful to their emotional, psychological, familial, residential, and spiritual well-being.

## 2. Prevention

SVR implements prevention strategies aimed at eradicating the underlying conditions that foster unhealthy, abusive and violent behaviors. Specifically, SVR works to stop violence before it starts by cultivating healthy attitudes, actions, and norms through education and encouraging a community of accountability.

Part of SVR's prevention model includes cross-collaboration with other Columbia departments and student groups, and programs and workshops tailored to specific communities across campus.

## 3. Outreach

SVR engages, trains, and supervises students who volunteer as peer advocates and peer educators. Peer Advocates provide survivors and their supporters with confidential emotional support, accompaniment and referrals to on-campus and off-campus resources. They help survivors make informed decisions about their medical, legal, and disciplinary options.

Peer Educators lead interactive workshops and provide the campus community with information about sexual, intimate partner, and gender-based violence, campus services, and positive ways to communicate about sex. Through the Peer Education and Peer Advocacy volunteer programs, SVR works to create an informed community and supportive environment.

## 4. Locations

SVR currently has three locations accessible to students from Columbia University and its affiliate institutions. SVR's main office, located in Alfred Lerner Hall 700, serves as the primary hub for SVR operations. This location houses the majority of the SVR staff.

SVR also has a location on the Barnard campus, located in Hewitt Hall, Room 105, as well as a location on the Columbia Medical Campus in Bard Hall, Room 206.

Students are welcome to walk in to any of these three locations to seek services from SVR staff, explore designing an educational program, ask for co-sponsorship for an event, or to seek information about volunteering and other ways to get involved.

## 5. Training, Prevention, and Education Efforts

SVR conducted 75 sessions during new student orientation programming educating 12,235 new undergraduate and graduate students about sexual and gender-based violence prevention and response.

SVR conducted 37 bystander intervention workshops throughout the 2015-16 academic year, reaching 3,568 students. Building off the *Step UP! Bystander Intervention Education* program model, SVR staff and student volunteers collaborated to develop a revised program, *Step Up and Get SAVI: Preventing Sexual Assault/Violence through Bystander Intervention*, that focuses on bystander skills specifically related to sexual assault, and a follow up program focused on intervention related to intimate partner violence. In addition, SVR staff developed a program on bystander intervention and cultural factors, *Stop What You're Doing! Intervention and Intersectionality*.

SVR conducted 95 workshops, trainings, and presentations for the Columbia community outside of New Student Orientation. These educational activities addressed the dynamics of sexual, intimate partner, and gender-based violence, crisis intervention techniques, bystander intervention skills, consent, healthy sexuality, and other topics. In total, 1,899 students and 310 faculty and administrators were trained by SVR during the 2015-2016 academic year.

During October's Relationship Violence Awareness Month (RVAM) SVR hosted 7 events recognizing issues of violence in intimate relationships. The events focused on the issues of intimate partner, sexual, and gender-based

violence, engaging 286 students, faculty and staff. In addition, to support the prevention and intervention of relationship violence, SVR spearheaded lighting Alfred Lerner Hall in purple the entire month. Purple is the symbolic color for RVAM and over 70,000 students, employees and community members bore witness.

In April, SVR hosted 37 events, workshops, and outreach tables for Sexual Assault Awareness Month (SAAM). During this time, 2,304 students, faculty and staff participated in SVR-hosted events. As part of SAAM, SVR organized an initiative for Denim Day, an international prevention education campaign to protest against the misconceptions surrounding sexual assault. 2,750 stickers and palm cards were distributed to faculty and staff who were encouraged to wear denim in solidarity with survivors. 113 staff joined together for a group photo, and SVR's table engaged 201 students and staff resulting in 92 signatures pledging to stand together against violence.

## **B. Gender-Based Misconduct Office**

The Gender-Based Misconduct Office is within Student Conduct and Community Standards and is directly supervised by Jeri Henry, Associate Vice President for Student Conduct and Community Standards, reporting to Suzanne Goldberg, Executive Vice President in the Office of University Life. During the fall of 2015, the Office moved to a new location on 115th Street with enhanced facilities for meeting with students and conducting interviews and hearings.

The Gender-Based Misconduct Office provides these services:

- Conducts investigations and coordinates the disciplinary process related to gender-based misconduct complaints against students from all parts of the University.
- Assists students who seek to bring complaints against University employees; and
- Serves as a centralized resource to support and provide assistance to all University students who have experienced or have been accused of gender-based misconduct.

### **1. Case Managers**

Case Management serves as the primary mechanism through which students receive support when coming to the Gender-Based Misconduct Office to seek assistance, file a complaint, or respond to an accusation of a Policy violation. The office has three Case Managers, each of whom is responsible for assisting students with academic, residential and other accommodations they might need related to the experiences of gender-based misconduct as well as the various needs that arise in connection with the investigation and adjudication process.

Case Managers work with all students who come to the Office, separate and apart from any investigation or adjudication, and can maintain a relationship with students through their graduation or separation from the University. They serve as a resource to help students understand the investigation and adjudication process and their rights within it. They also assist with appropriate accommodations regardless of whether a student chooses to file a complaint in the disciplinary process. While they are not a confidential resource, Case Managers protect student privacy to every extent possible and only share information that is essential to providing desired support and resources. Case Managers also provide support for gender-based misconduct cases involving a student complainant and a faculty or staff respondent.

Finally, in addition to working with individual students, Case Managers engage the campus community at large through trainings for students, faculty, and staff. By educating students and others about the Gender-Based Misconduct Policy, they promote community standards while affirming the Policy's standard of sexual respect.

### **2. Title IX Investigators**

The Gender-Based Misconduct Office has four full-time investigators ("the Investigative Team") whose primary

responsibility is to investigate complaints made against Columbia students under the Gender-Based Misconduct Policy, make credibility assessments, and recommend findings of responsibility to hearing panelists in a written Investigative Report. Investigators work in two-person teams. All investigators receive specialized training related directly to their responsibilities. The Office is responsible for designating a two-person team of investigators to conduct each inquiry and, when appropriate, conducting an investigation and recommending by a *preponderance of the evidence* standard whether a violation of Policy occurred.

In cases that do not involve a formal investigative process, the investigators are also responsible for working in conjunction with Case Management to facilitate alternate resolutions. Additionally, the Investigative Team provides ongoing training to students throughout the academic year to ensure that the student body is educated on the contents of the Policy and the expectations the University has of its students.

### 3. Continued Training

In addition to training on Title IX investigation and adjudication, all staff receive ongoing training on a variety of related topics, including: substance use on college campuses; resources available for victims and survivors in New York City; the role of Law Enforcement and the Department of Public Safety; domestic violence; diversity; and effective communication.

### 4. Adjudication

The adjudication of gender-based misconduct cases is completed by a hearing panel, as specified by the Policy. The hearing panel generally has three members drawn from specially trained administrators within the University's Student Conduct and Community Standards Office and/or the University's Office of Equal Opportunity and Affirmative Action, excluding the investigative team and Case Managers. All panelists receive relevant training at least once a year. Panelists receive training on the adjudicatory process, as well as sensitive issues that may arise in the context of gender-based misconduct. The Complainant and Respondent are always informed of the panel's membership before the hearing process begins and may request a panelist substitution if a conflict exists. The hearing panel determines outcomes based on a *preponderance of the evidence* standard in consideration of the investigative report, supplementary materials, and presentations by the parties during a hearing.

## C. Office of Equal Opportunity and Affirmative Action

During the 2015-16 academic year, the Office of Equal Opportunity and Affirmative Action ("EOAA") was responsible for administering the University's *Employment Policy and Procedures on Discrimination, Harassment, Sexual Assault, Dating Violence, Domestic Violence, and Stalking*. The Office was also, and continues to be, responsible for monitoring compliance with policies and laws that ensure equal opportunity for students, employees and applicants for employment or admission and has been designated as the University's Compliance Office Section 504 of the Rehabilitation Act, and other equal opportunity, nondiscrimination and affirmative action laws. It was directly supervised during the 2015-16 academic year by Associate Provost Melissa Rooker, reporting to John Coatsworth, University Provost. Beginning in July 2016, the office will be supervised by Associate Provost Heather Parlier, who will continue to report to Provost Coatsworth. The University's new Title IX coordinator and Associate Vice President, Marjory Fisher, will oversee administration of the University's *Employee Policy and Procedures on Discrimination, Harassment, Sexual Assault, Dating Violence, Domestic Violence, and Stalking*. (More on AVP Fisher to follow.)

### 1. Office Functions related to Gender-Based Misconduct

- Manage compliance related to issues of discrimination, harassment, and gender-based misconduct in contracting and employment practices; and

- Conduct internal investigations of employees and third-party affiliates of the University for claims of discrimination, harassment, and gender-based misconduct, and recommend courses of resolution.

## **2. Title IX Investigators**

EOAA employs three full-time investigators whose responsibility is to investigate complaints made against employees and third-party affiliates under the Employment Policies and Procedures on Discrimination and Harassment, as well as the Supplemental Procedures for Sexual Assault, Dating Violence, Domestic Violence, and Stalking Charges against Employees. In conducting their investigations, the investigators make credibility assessments in their role as neutral fact-finders and make determinations of responsibility. When a respondent is found responsible, the investigative report is shared with specially trained sanctioning officers for sanctions/discipline.

## **3. Compliance Training**

EOAA is also responsible for ensuring that students, faculty and staff receive training in accordance with applicable federal, state, and local laws governing discrimination, harassment and gender-based misconduct. This is accomplished through:

- Live group trainings with students, faculty and staff;
- Individual one-on-one training with faculty and staff; and
- Orientations for new students.

## **D. Faculty and Staff Training**

The Gender-Based Misconduct Office, Sexual Violence Response, and the Office of Equal Employment Opportunity and Affirmative Action conducted extensive staff and faculty trainings throughout the University.

During the 2015-16 academic year, EOAA and the Gender-Based Misconduct Office conducted 57 policy training sessions for faculty and staff regarding the Policies and Procedures on Discrimination and Harassment, and the Gender-Based Misconduct Policy for Students.

As discussed above, Sexual Violence Response conducted training sessions for students, faculty and staff, designed to increase awareness of on-campus resources for survivors, the dynamics of violence, and ways to screen for sexual, intimate partner and gender-based violence.

A new online training regarding gender-based misconduct was launched for new University staff during the 2015-16 academic year. In addition, work began on a required training for faculty, which will be provided during the 2016-17 academic year.

## **E. Additional Updates, Initiatives, and Ongoing Efforts**

### **1. New Title IX Coordinator**

Marjory Fisher joined Columbia as the University's new Title IX Coordinator on June 6, 2016. Previously, the role of Title IX Coordinator was fulfilled by the Director of the Columbia Office of Equal Opportunity and Affirmative Action. With this new appointment, Ms. Fisher will be dedicated full-time to supporting efforts to ensure a safe, welcoming, and harassment-free environment for all members of the Columbia community. Her duties as Title IX Coordinator include overseeing the prompt and fair investigation and resolution of all complaints related to sexual assault, gender-based harassment, dating or domestic violence, and stalking; and ensuring that Columbia is in compliance with Title IX and state laws prohibiting discrimination based upon sex.

### **2. Sexual Respect and Community Citizenship Initiative**

Between October 2015 and March 2016, all new Columbia students were required to participate in the University's Sexual Respect and Community Citizenship Initiative, which focuses on the link between sexual respect and membership in the University community. Returning students were strongly encouraged to participate as well. Students could choose from among five participation options: workshops; film and discussion sessions; video and reflection; an Independent Projects Option; and Resources for Healing and Resilience, which was designed for students who had experienced trauma, supported someone through trauma, or were especially interested in trauma and healing. This initiative was created by Columbia students, faculty and staff. For more information, please visit the University's Sexual Respect website: <http://www.sexualrespect.columbia.edu>.

### **3. Climate Survey**

In September 2015, Columbia shared with the entire University community the results and an analysis of the Association of American Universities Climate Survey on Sexual Assault and Sexual Misconduct, in which all enrolled Columbia students were invited to participate during April 2015. This detailed survey, which was administered at 27 higher-education institutions across the United States, is the largest survey to date on issues related to sexual assault and other forms of sexual misconduct on college and university campuses. The survey findings and analysis are available on the Sexual Respect website.

### **4. Gender-Based Misconduct Prevention Task Force**

The Office of University Life convened a University-wide task force on Gender-Based Misconduct Prevention. The Task Force, which includes students, faculty and administrators, with representation from all of Columbia's schools (not including affiliates), met multiple times throughout the year as a large group and additionally in several committees that focused on pre-arrival and orientation; ongoing programming; resources awareness; data analysis; and specialized interventions. A separate report discussing the Task Force's work during the 2015-16 academic year will be shared on the Sexual Respect website.

### III. GENDER-BASED MISCONDUCT POLICY UPDATES

The Gender-Based Misconduct Policy for Students was updated on September 1, 2015, with changes that reflected many recommendations and comments from students throughout the University, including students who received support from the Gender-Based Misconduct Office's Case Managers and students who were parties or witnesses in the disciplinary process. Attorney-advisors and others who participated in the process last year also provided valuable input. This updating process is in keeping with the University's commitment to ongoing policy review.

The Policy also incorporated requirements from New York's "Enough is Enough" law, which applies to all of the State's higher education institutions.

Here are several highlights from the updates that took effect in September 2015:

- The updated policy was reorganized so that important information, including definitions of consent and related terms, is found in the opening pages. The definitions are substantively the same as in the 2014-15 policy, including the definition of consent, which continues to require affirmative consent, conveyed by words or actions, for all sexual contact. The definitions' language has been modified to enhance clarity and to comply with New York law;
- The policy includes additional descriptive examples that help explain its application to real-life scenarios;
- The policy contains an expanded statement about amnesty for alcohol and other drug use;
- The policy contains additional information about accommodations for students affected by gender-based misconduct;
- The provisions describing the disciplinary procedures include additional detail about the steps in the investigation and resolution process;
- The policy provides information about mandatory notations that will appear on the transcripts of students who are suspended or expelled after adjudication;
- Hearing panels that are part of the disciplinary process now comprise three professionals affiliated with Student Conduct and Community Standards;
- Appeals are now heard by three deans instead of one, as the previous policy had provided;
- The policy includes New York State Students' Bill of Rights; and
- Barnard adopted its own policy and procedures for the 2015-16 academic year for cases in which Barnard students are respondents. Columbia's policy and procedures apply in all other instances, including when a Barnard student is a complainant and a Columbia student is a respondent. Barnard will provide an attorney-advisor on request to its students who are directly involved in the gender-based misconduct disciplinary process, just as Columbia has been doing.

## IV. REPORTED VIOLATIONS OF THE GENDER-BASED MISCONDUCT POLICY FOR STUDENTS: JULY 1, 2015–JUNE 30, 2016

This is the third annual release of aggregate data related to reported violations of the University's Gender-Based Misconduct Policy for Students. The primary reasons for providing this data are:

- To improve understanding of sexual assault and other gender-based misconduct at the University;
- To increase awareness of these reported incidents and their handling by the University; and
- To encourage discussion that helps to prevent gender-based misconduct and support the creation of a campus environment that promotes sexual respect.

Consistent with the previous year's release of data, this report responds to the community's expressed interest in the release of aggregate data. The disclosure of this data is also compliant with New York State legislation and, in support of the University's goals described above, goes beyond the annual publication of crime reports required by the Clery Act. At the same time, this Report is careful to provide only anonymous data to ensure that there is no disclosure of information that might indicate the identity of any students who brought or who were the subject of complaints. It is essential that students can report gender-based misconduct without concern that the University will share identifying information or comment on their individual reports.

As discussed in the first section of this Report, the disclosure of aggregate data and the discussion it generates is only one among many initiatives at the University to prevent gender-based misconduct and to respond to its occurrence effectively and fairly. In addition to reading Part II, we urge you to visit Columbia's Sexual Respect website, <http://www.sexualrespect.columbia.edu>, to familiarize yourself with available resources and learn more about the University's efforts to prevent and respond to gender-based misconduct.

### A. Understanding the Data

The data in this Report includes alleged violations reported to the Gender-Based Misconduct Office in which a University student was the respondent. Additionally, this Report also includes alleged violations from student complainants in which the respondent was not affiliated with the University. Although these cases did not engage the disciplinary process, the student complainants received support from the Gender-Based Misconduct Office. These cases were filed between July 1, 2015 and June 30, 2016, and were reviewed under the University's Gender-Based Misconduct Policy for Students issued in September 2015.

During the period covered by this Report, additional students experienced gender-based misconduct and chose to discuss their experiences with peer counselors at the Sexual Violence Response and Rape Crisis/Anti-Violence Support Center, University clergy, Health Services, University counseling services, University Ombuds officers, or other "confidential" sources, but decided not to file a complaint under the Gender-Based Misconduct Policy for Students. Some students also chose to speak with friends, family, medical professionals, faith leaders and/or law enforcement outside of the University. These communications, some of which are confidential, are not included in the data reported here.

There are many reasons students may choose not to pursue disciplinary action within the University. For some, the trauma leaves them feeling unready to engage in an investigation and disciplinary process that requires further conversation with investigators and, possibly, a hearing panel. Others believe they will heal from their experience more quickly if they devote their energy to counseling and/or pursuing a complaint in the criminal justice process. Still other students are concerned about the degree to which engaging in a formal disciplinary process will distract their attention from their studies or other campus activities. **While students may choose among these alternatives, the University remains committed to providing a supportive, sensitive, and fair process to all**

**parties, so no student feels dissuaded from reporting violations within the University system.**

Readers familiar with the Campus Crime Statistics Act (Clery Act) may note that the data presented in this Report differs from that released pursuant to the Clery Act, which requires the University to record and report incidents of certain crimes on or near campus. The reporting requirements of the Clery Act are different from those of the Gender-Based Misconduct Policy in several ways, including: the time frame for data collection; the geographic scope (Clery covers incidents on or near campus while Columbia's Policy is not geographically restricted); the affiliation of the parties involved (Clery does not limit reporting to incidents involving alleged Policy violations by Columbia students); and other circumstances of the incident. Consequently, the numbers reported in Columbia's Clery report for sexual assault, domestic violence, dating violence, and stalking may differ from the numbers in this Report, which covers complaints under Columbia's Gender-Based Misconduct Policy for Students. For additional information regarding Columbia University's Clery report, please visit:

<http://publicsafety.columbia.edu/content/annual-security-report/>.

## 1. Data Related to Sexual Assault

As summarized below and described in the tables in this Report, some reported instances of gender-based misconduct did not require a final determination reached through the University adjudication process and others proceeded through an investigation and adjudication. Through Case Management and the Investigative Team, the Gender-Based Misconduct Office engaged with all complainants, regardless of the status or outcome of the investigation and adjudication process, to identify appropriate campus and other resources.

- In 63% of **sexual assault**<sup>3</sup> reports identified in the aggregate data (ten cases of non-consensual intercourse, eight cases of non-consensual contact, and 27 cases where the type was not specified), no further investigation could be conducted because either the complainant or third-party reporter did not know the identity of the respondent and/or the respondent was a non-affiliate. Support was provided to the complainant by a case manager in these instances;
- In 17% of **sexual assault reports** identified in the aggregate data (seven cases of non-consensual intercourse, two cases of non-consensual contact, and three cases where the type was not specified), the complainant declined to identify a respondent, declined to provide sufficient detail to support an investigation, and/or requested that no investigation or disciplinary process be undertaken. In these cases, the Title IX Coordinator, working with the Gender-Based Misconduct Office evaluated the facts presented, weighed the complainant's request against the University's commitment to provide a safe and non-discriminatory environment, and determined that no further action was required (*See data table on the resolution of all sexual assault reports.*);
- In sexual assault cases involving nonconsensual contact or intercourse, where a formal investigation was completed, 33% of respondents (three out of nine) accepted responsibility or were found responsible; and
- Thirteen percent (four cases) were not yet resolved at the time of this report; updates on the outcomes of those matters will be included in the next release of aggregate data.

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<sup>3</sup> The phrase "sexual assault" has been divided into two distinct subsets within the Policy: Sexual Assault: Intercourse; and Sexual Assault: Contact. Sexual Assault: Intercourse refers to any form of vaginal, anal, or oral penetration, however slight, by a penis, object, tongue, or finger without a person's affirmative consent; and oral copulation (mouth to genital contact or genital to mouth contact) without a person's affirmative consent. Sexual Assault: Contact refers to any intentional sexual touching, without a person's affirmative consent. Intentional sexual touching includes contact under or over clothing with the breasts, buttocks, or groin, or touching another with any of these body parts; making another person touch any of these body parts under or over clothing; and the emission of ejaculate on the clothing or body of another person without that person's consent. In certain cases, the assault type was not specified because the complainant did not provide sufficient detail of the alleged assault.

## 2. Data Related to Other Forms of Gender-Based Misconduct

Types of gender-based misconduct other than sexual assault include domestic violence, dating violence, sexual exploitation, stalking, sexual harassment, and gender-based harassment. The tables below consolidate 120 reports of such misconduct made during the period July 1, 2015, to June 30, 2016, in a manner similar to the sexual assault cases described above (*see Table 4 for data on the resolution of these reports*), with two important exceptions:

- First, for these cases, the Gender-Based Misconduct Policy allows for “alternate resolution” of the reported violation – an outcome that is not permitted for an allegation of sexual assault. To reach this resolution, there is no formal investigation, determination of responsibility, or disciplinary action; instead, if the complainant, respondent, and the Gender-Based Misconduct Office are satisfied with the agreed-upon resolution and outcome, the matter is closed. The resolution of these cases can take the form of a “no contact directive,” mediation, another accommodation to support and protect a student, and/or education for a respondent relevant to the alleged misconduct. The complainant or respondent may opt out of the alternate process at any time and proceed with the disciplinary process.
- The parties and the Gender-Based Misconduct Office alternately resolved 20 reports of gender-based misconduct other than sexual assault identified in this report. These matters included allegations of domestic violence, dating violence, sexual harassment, and stalking; in each case, the Title IX Coordinator deemed an alternate resolution to be consistent with preserving a safe and non-discriminatory University environment.
- The second point of differentiation are the 11 reports of gender-based misconduct where the complainants’ allegations were accepted as true and accurate, but the Gender-Based Misconduct Office determined that the behavior described was not a violation of the Policy. These cases were referred to and resolved by a partner office. No sexual assault allegations were resolved in this manner.

Please see the following tables for additional information.

## B. Tables Showing Reported Violations of Gender-Based Misconduct Policy for Students: July 1, 2015 - June 30, 2016

1. Reports of Sexual Assault and Other Gender-Based Misconduct by Complainant Affiliation
  - a. Data Related to Known, Affiliated Complainants
  - b. Data Related to Non-affiliate, Undisclosed, or Unknown Complainants
2. Reports of Sexual Assault and Other Gender-Based Misconduct by Respondent Affiliation<sup>4</sup>
  - a. Data Related to Known, Affiliated Respondents
  - b. Data Related to Non-affiliate, Undisclosed, or Unknown Respondents
3. Resolution of Reports of Sexual Assault with Known, Affiliated Respondents
4. Resolution of Reports of Other Gender-Based Misconduct with Known, Affiliated Respondents

C. Sanctions Applied to Responsible Parties

D. Disposition of Appeals

E. Time Frames for Resolution of Reported Violations

*Note on Cases where the Sexual Assault type was Not Specified by the Reporter:* A number of cases reported in the following tables involved a situation where the Gender-Based Misconduct Office was notified that a sexual assault occurred but the reporter declined or was unable to provide further specific information.

*Note on Cases with Multiple Charges:* The cases reported in the following tables may contain more than one allegation of gender-based misconduct within one case. In these cases, a “hierarchy of charges” was applied and the cases are counted to reflect the more serious charge. For example: one case that includes allegations of Sexual Assault: Intercourse and Sexual Assault: Contact would be counted as one case of Intercourse.

*Note on Affiliate/Student Currently Unenrolled:* This category in the tables that follow includes students who recently graduated or are currently on leave from the University (the disciplinary process may be suspended while a student is on leave and away from campus; if the student re-enrolls, the disciplinary process continues).

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<sup>4</sup> The data for undergraduate complainants may include Barnard students while the data for undergraduate respondents do not.

# 1. Reports of Sexual Assault and Gender-Based Misconduct by Complainant Affiliation

## a. Data Related to Known, Affiliated Complainants

|  | Undergraduate<br>(Morningside) | Graduate &<br>Non-degree<br>Programs<br>(Morningside) | Graduate &<br>Non-degree<br>Programs<br>(CUMC) | Faculty, Staff,<br>or Unenrolled/<br>Former Student |
|--|--------------------------------|---|--|---|
| Sexual Assault: Intercourse                    | 17                             | 5   | -  | -   |
| Sexual Assault: Contact                        | 5                              | 5   | 1  | -   |
| Sexual Assault: Type Not Specified by Reporter | 25                             | 5   | -  | -   |
| Domestic Violence                              | 5                              | 6   | 1  | 1   |
| Dating Violence                                | 27                             | 4   | -  | 2   |
| Sexual Exploitation                            | 1                              | 2   | 0  | 0   |
| Sexual Harassment                              | 23                             | 12  | 2  | 4   |
| Gender-Based Harassment                        | 1                              | 7   | -  | -   |
| Stalking                                       | 11                             | 3   | 1  | 1   |

b. Data Related to Non-affiliate, Undisclosed, or Unknown Complainants

In addition to the reports in the previous table, there were also instances where a third-party reporter declined to disclose the identity of the complainant to a Case Manager, where the complainant was unknown, and where the complainant was not affiliated with the University. In these instances, the third party reporter was provided with resources to pass onto the complainant on behalf of the Gender-Based Misconduct Office. The following table provides information about these reports.

|  | Non-affiliate | Undisclosed | Unknown |
|--|---------------|-------------|---------|
| Sexual Assault: Intercourse                    | 2             | 1           | -       |
| Sexual Assault: Contact                        | 1             | -           | -       |
| Sexual Assault: Type Not Specified by Reporter | 1             | -           | 3       |
| Domestic Violence                              | -             | -           | -       |
| Dating Violence                                | 3             | 2           | -       |
| Sexual Exploitation                            | -             | -           | -       |
| Sexual Harassment                              | -             | -           | -       |
| Gender-Based Harassment                        | -             | -           | -       |
| Stalking                                       | -             | -           | -       |

## 2. Reports of Sexual Assault and Other Gender-Based Misconduct by Respondent Affiliation

### a. Data Related to Known, Affiliated Respondents

|  | Undergraduate<br>(Morningside) | Graduate &<br>Non-degree<br>Programs<br>(Morningside) | Graduate &<br>Non-degree<br>Programs<br>(CUMC) | Unenrolled/Former<br>Student |
|--|--------------------------------|---|--|------------------------------|
| Sexual Assault: Intercourse                    | 11                             | 1   | -  | 1                            |
| Sexual Assault: Contact                        | 2                              | 1   | 1  | 1                            |
| Sexual Assault: Type Not Specified by Reporter | -                              | 1   | -  | -                            |
| Domestic Violence                              | 2                              | -   | -  | -                            |
| Dating Violence                                | 12                             | 3   | 1  | -                            |
| Sexual Exploitation                            | 1                              | -   | -  | -                            |
| Sexual Harassment                              | 13                             | 8   | 1  | 3                            |
| Gender-Based Harassment                        | -                              | 5   | -  | -                            |
| Stalking                                       | 9                              | 2   | -  | -                            |

b. Data Related to Non-affiliate, Undisclosed, or Unknown Respondents

In addition to the reports in the previous table, there were also instances of sexual assault and other gender-based misconduct where the respondent was not affiliated with the University, where a complainant did not know the identity of the respondent, and where a complainant did not disclose the identity of the respondent to the Gender-Based Misconduct Office. In all of these instances, the disciplinary process was not initiated and the complainant was offered support from Gender-Based Misconduct Office Case Managers. The following table provides information about these reports:

|  | Non-affiliate | Undisclosed | Unknown |
|--|---------------|-------------|---------|
| Sexual Assault: Intercourse                    | 7             | 3           | 2       |
| Sexual Assault: Contact                        | 3             | -           | 4       |
| Sexual Assault: Type Not Specified by Reporter | 15            | 4           | 14      |
| Domestic Violence                              | 6             | 5           | -       |
| Dating Violence                                | 12            | 10          | -       |
| Sexual Exploitation                            | 1             | -           | 1       |
| Sexual Harassment                              | 7             | -           | 9       |
| Gender-Based Harassment                        | 1             | 2           | -       |
| Stalking                                       | 2             | 1           | 2       |

### 3. Resolution of Reports of Sexual Assault with Known, Affiliated Respondents

|  | Sexual Assault:<br>Non-Consensual<br>Sexual Intercourse | Sexual Assault:<br>Non-Consensual<br>Sexual Contact | Sexual Assault: Type<br>Not Specified by<br>Complainant |
|--|---|---|---|
| Respondent accepted responsibility or indicated no contest to the recommended findings | 1   | 1   | -   |
| Complaint resolved after a finding of responsibility                                   | 1   | -   | -   |
| Complaint resolved after a finding of no responsibility                                | 5   | 1   | -   |
| Investigation and disciplinary proceedings ongoing <sup>5</sup>                        | 2   | 1   | 1   |

There were no cases where a complainant recanted and stated that the respondent had not engaged in conduct that violated the University's policy or where a respondent was not currently enrolled or was suspended for a violation of accommodations (interim measure).

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<sup>5</sup> Resolutions for reports received by June 30, 2016 but not resolved prior to the release of this report will be reflected in the next data report.

#### 4. Resolution of Reports of Other Gender-Based Misconduct with Known, Affiliated Respondents

|  | Domestic Violence | Dating Violence | Sexual Exploitation | Sexual Harassment | Gender-Based Harassment | Stalking |
|--|-------------------|-----------------|---------------------|-------------------|-------------------------|----------|
| Behavior described by reporting individual did not meet the definition of a violation of the Gender-Based Misconduct Policy for Students; case referred to a partner office for adjudication and/or follow up. | 1                 | 2               | 1                   | 5                 | 2                       | -        |
| Behavior described by reporting individual may be a violation of the Gender-Based Misconduct Policy for Students; but not a sexual assault; case resolved via an alternate Resolution and/or Mediation         | -                 | 3               | -                   | 10                | 3                       | 4        |
| Investigation and disciplinary proceedings ongoing <sup>6</sup>  | -                 | 1               | -                   | 1                 | -                       | 1        |

There were no cases where a complaint was reported by a third party but the identified complainant did not corroborate the complaint; where a complaint was resolved after a respondent accepted responsibility (administrative resolution); where a complaint was resolved after a finding of responsible; where a respondent was not currently enrolled at the University; or where a complaint resolved after a finding of no responsibility.

<sup>6</sup> Resolutions of reports received by June 30, 2016 but not resolved prior to the release of this report will be reflected in the next Gender-Based Misconduct Prevention and Response Annual Report.

### C. Sanctions Applied to Responsible Parties

The University releases aggregate data in a way that aims to avoid the identification of specific students involved with individual cases. The reason for this is that the Gender-Based Misconduct Office is a University resource committed to protecting students' privacy to the greatest extent possible. Linking sanctions to hearing outcomes or cases where students accepted responsibility raises the risk that others may be able to determine who was involved in a particular case and what the outcome was because the number of such cases is relatively small. Therefore, case-by-case sanction information is not provided in this Annual Report. However, this Report does provide data on sanctions as described below. In all cases where there were findings of responsibility, in addition to changes in disciplinary status (i.e. Disciplinary Probation, Disciplinary Suspension, or Expulsion), respondents were required to participate in education and training related to the Gender-Based Misconduct Policy provision at issue, and were subjected to other loss of privileges (e.g., alumni privileges, ability to enroll at Columbia in the future, etc.); sanctions also included education and/or training related to the gender-based misconduct for which the respondent was found responsible.

**Sanctions for Sexual Assault:** The determination to suspend or expel a student found responsible for any type of sexual assault takes into account numerous factors, including (1) the specific gender-based misconduct at issue; (2) the circumstances accompanying the lack of consent; (3) the respondent's state of mind at the time of the gender-based misconduct; (4) the impact of the offense on the complainant; (5) the respondent's prior disciplinary history; and (6) the safety of the University community.

The category of Sexual Assault: Intercourse includes any form of vaginal, anal, or oral penetration, however slight, by a penis, object, tongue, or finger without a person's affirmative consent; and oral copulation (mouth to genital contact or genital to mouth contact) without a person's affirmative consent. *There were two findings of responsibility in this category, one that resulted in Disciplinary Suspension for two years and the other in Expulsion.*

The category of Sexual Assault: Contact includes any intentional sexual touching, without a person's affirmative consent; Intentional sexual touching includes contact under or over clothing with the breasts, buttocks, or groin, or touching another with any of these body parts; making another person touch any of these body parts under or over clothing; and the emission of ejaculate on the clothing or body of another person without that person's consent. *There was one finding of responsible in this category which resulted in Disciplinary Suspension for one semester.*

**Sanctions for Other Gender-Based Misconduct:** For the broad range of Policy violations identified as gender-based misconduct other than sexual assault, sanctions issued during this reporting period included Policy education, disciplinary probation, registration hold, access restriction, *persona non grata* status, loss of alumni privileges, and ineligibility for future enrollment in any University program.

### D. Disposition of Appeals

Either party can file an appeal challenging the underlying hearing panel determination and/or the sanction. During the time period covered by this report, appeals were filed in five cases: three cases where an appeal was filed by a complainant and two cases where an appeal was filed by both the complainant and respondent. Of all of the appeals, one resulted in a change of the sanction.

## E. Time Frames for Resolution of Reported Violations

Numerous factors impacted the time frame for resolving reports of Sexual Assault that met the definition of a violation under the Gender-Based Misconduct Policy for Students, were fully investigated, and then resolved via a hearing or administrative resolution. These factors included:

The complainant initially declined participation in the investigation but then changed this decision; the complainant or respondent was out of the country and unable to participate in the investigation; difficulty was experienced when contacting the parties and/or witnesses; difficulty was experienced in the process of obtaining attorney-advisors and securing their presence for investigative interviews and other meetings; and the complainant and/or respondent were on leave from the University.

Taking these factors into account, the median length of time to resolve reports of Sexual Assault that met the definition of a violation under the Gender-Based Misconduct Policy for Students, which were fully investigated, and then resolved via a hearing or administrative resolution was 205 days (not including the appeal).

The median length of time for resolving all 29 reports of Gender-Based Misconduct where a respondent was a known affiliate and the allegation(s) met the definition of a violation under the Gender-Based Misconduct Policy for Students was 28 days.

The median length of time to resolve reports of other Gender-Based Misconduct that met the definition of a violation under the Gender-Based Misconduct Policy for Students, were investigated, and then resolved was 23 days.

|                             | Resolution Time Frame |             |              |              |              |
|-----------------------------|-----------------------|-------------|--------------|--------------|--------------|
|                             | 0-60 Days             | 61-120 Days | 121-180 Days | 181-240 Days | 240-270 Days |
| Sexual Assault: Intercourse | -                     | 1           | 2            | 3            | 1            |
| Sexual Assault: Contact     | -                     | -           | 1            | 1            | -            |
| Domestic Violence           | -                     | -           | -            | -            | -            |
| Dating Violence             | 3                     | -           | -            | -            | -            |
| Sexual Harassment           | 8                     | 2           | -            | -            | -            |
| Gender-Based Harassment     | 2                     | 1           | -            | -            | -            |
| Stalking                    | 4                     | -           | -            | -            | -            |

## V. ADDITIONAL INFORMATION ABOUT THE SCOPE OF THE DATA

The data in the preceding tables is based on reports of gender-based misconduct from July 1, 2015-June 30, 2016 to the Gender-Based Misconduct Office in which the respondent was a Columbia University or Teachers College student. If the respondent was a Columbia, Barnard, or Teachers College employee, or other person doing business with Columbia, Barnard, or Teachers College, a different set of investigation and disciplinary processes applied. The Columbia, Barnard, and Teachers College processes now in effect can be viewed at their respective links:

<http://eoaa.columbia.edu>

<http://barnard.edu/doc/titleix>

[http://www.tc.edu/policylibrary/protection\\_from\\_harassment](http://www.tc.edu/policylibrary/protection_from_harassment)

The designated time period of July 1, 2015-June 30, 2016 for this Report refers to the period for the filing of the report of gender-based misconduct, rather than the time period of the alleged incident. Some of the reports filed during the July 1, 2015-June 30, 2016 period were for incidents that occurred prior to July 1, 2015. The University does not limit the time for submitting a report of gender-based misconduct. Additional data tables in Appendix A reflect reports of gender-based misconduct filed prior to July 1, 2015 that were concluded during the July 1, 2015-June 30, 2016 period.

As discussed above, reports of gender-based misconduct often contain allegations of more than one category of gender-based misconduct within a single report (e.g., Sexual Harassment and Sexual Assault: Intercourse). For reporting purposes, complaints involving more than one allegation are listed only once, and the data tables reflect the more severe allegation under University policy.

## VI. DEFINITIONS OF VIOLATIONS; RESOLUTIONS, AND OTHER WORDS AND PHRASES

### A. Definitions of Gender-Based Misconduct Violations<sup>7</sup>

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

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

**Domestic Violence:** The use of physical violence, coercion, threats, intimidation, isolation, stalking, or other forms of emotional, psychological, sexual, technological, or economic abuse directed toward (1) a current or former spouse or intimate partner; (2) a person with whom one shares a child; or (3) anyone who is protected from the Respondent's acts under the domestic or family violence laws of New York. This includes behaviors that intimidate,

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<sup>7</sup> The definitions of violations are from the September 2015 Gender-Based Misconduct Policy for Students, which was in place during the September 1, 2015 - June 30, 2016 period of the present report.

manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, or physically injure someone. Domestic violence can be a single act or a pattern of behavior in relationships.

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

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

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

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

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's academic, co-curricular, or campus life activities
- Submission to or rejection of such conduct by an individual is used as the basis for academic or student life decisions affecting that individual
- Such conduct is intentional, serves no legitimate purpose, and involves contact with parts of another individual's body that may cause that person to feel degraded or abused
- When the behavior is for the purpose of gratifying the actor's sexual desire
- Such conduct has the effect of unreasonably interfering with another person'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 constitute 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 another person's education or participation in educational programs or activities or create an intimidating, hostile, demeaning, or offensive academic or living environment.

**Retaliation:** Any adverse action or threatened action, taken or made, personally or through a third party, against someone who has filed a gender-based misconduct complaint (a Complainant) or has been the subject of a gender-based misconduct complaint (a Respondent) or any other individual who engages with the Office.

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

Here are some examples of conduct that could constitute gender-based misconduct under these 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 a person's genitals or breasts;
- Belittling remarks about a person's gender or sexual orientation based on gender stereotypes;
- Videotaping or photographing of activity of a sexual or private nature without the consent of the person(s) being videotaped or photographed;
- Graffiti concerning the sexual activity of another person; and
- Use of e-mail, the Internet, or other forms of digital media to facilitate any of the conduct listed above.

## B. Resolutions

This section provides additional information about the types of resolutions discussed on page 19.

**Complainant declined to identify a respondent and/or declined to provide significant detail to support an investigation; no further investigation was conducted – complainant offered support by the Gender-Based Misconduct Case Manager:** In these cases the Gender-Based Misconduct Office evaluated the facts presented, weighed the complainant’s request with the University’s commitment to provide a safe and non-discriminatory environment, and determined that no further action was required. Case Management continued to assist the complainant in identifying appropriate campus and other resources.

**Complainant did not know the identity of a respondent and/or the respondent was a non-affiliate; no further investigation was conducted – complainant offered support by the Gender-Based Misconduct Case Manager:** In these cases the Gender-Based Misconduct Office evaluated the facts presented, weighed the complainant’s request with the University’s commitment to provide a safe and non-discriminatory environment, and determined that no further action was required. Case Management continued to assist the complainant in identifying appropriate campus and other resources.

**A complaint was submitted by a third party but the identified complainant reported that no sexual assault occurred and/or did not corroborate this complaint; no further investigation was conducted – complainant offered support by the Gender-Based Misconduct Case Manager:** A third-party report was submitted to the Gender-Based Misconduct Office by someone who was not the complainant. This may have been a faculty member, residential-life staff member, advising dean, student, etc. In these cases the Gender-Based Misconduct Office evaluated the facts presented, weighed the complainant’s request with the University’s commitment to provide a safe and non-discriminatory environment, and determined that no further action was required. Case Management continued to assist the complainant in identifying appropriate campus and other resources.

**Behavior described by reporting individual did not meet the definition of a violation of the Gender-Based Misconduct Policy for Students:** This category describes reports where, after accepting the complainant’s report as true and accurate, the Gender-Based Misconduct Office determined that the behavior described was not gender-based misconduct. The complainant was notified of the Gender-Based Misconduct Office determination, including that no further action would be taken and that the matter would be closed. These matters were referred to and resolved by a partner office.

**Alternate Resolution or Mediation:** For a case to be resolved in this manner, the complainant, respondent, and the Gender-Based Misconduct Office must agree upon the resolution and outcome. Resolution could take the form of a “no contact” directive, an accommodation to support or protect a student, or education of a respondent relevant to the alleged misconduct. Complainants and respondents may opt out at any time. Resolution of cases in this manner is not permitted for reported allegations of sexual assault.

**Respondent accepted responsibility for the violation of the Policy or indicated no contest of the recommendations of the Investigative Team:** Under the terms of the September 2015 Policy, after a review of the Investigative Report, the respondent was given the opportunity to respond to the alleged violation(s) of Policy in the following ways: (1) no response; (2) not responsible; (3) responsible; or (4) no contest. If the respondent accepted responsibility or indicated no contest of the findings, the Sanctioning Officer of the respondent’s school was notified and determined the appropriate sanction based on the evidence provided in the Investigative Report. The complainant and respondent were informed of the sanctioning decision and the respondent and complainant then had the opportunity to appeal the sanctioning. The acceptance of responsibility or indication of *no contest*, however, is not appealable.

## C. Other Words and Phrases

**Accommodations/Interim Measures:** The accommodations discussed in this Report are measures that were put into place by the Gender-Based Misconduct Office to support and protect a student after a report of an incident of gender-based misconduct. Students may request an accommodation outside of the investigative and disciplinary process. (The term “interim measures,” sometimes used interchangeably with “accommodations,” refers to measures put into place during the course of an investigation or disciplinary proceeding and describes a subset of all accommodations.) Under appropriate circumstances, accommodations may include, but are not limited to: moving a student’s residence; adjusting a student’s work schedule for University employment; changing a student’s academic schedule; allowing a student to withdraw from or retake a class without penalty; providing access to tutoring or other academic support; and issuing a “no contact” directive. The Gender-Based Misconduct Office will evaluate any request for accommodations in light of the circumstances and information available at the time of the request. The University will reveal information about the accommodations only to those who need to know in order to make them effective. Failure to comply with the parameters of any accommodation by a party is a violation of University policy and may lead to additional disciplinary action. The policy also has procedures in place so that students may challenge or adjust the terms of any accommodations, as appropriate.

**Appeals:** Under the terms of the September 2015 Policy, an appeal is a request, by either the respondent or the complainant, to the dean of the respondent’s school to review and change the responsibility determination of the hearing panel and/or the sanction(s) applied. 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(s); and 3) Excessiveness or insufficiency of the sanction(s). Disagreement with the finding or sanction(s) is not, by itself, a ground for appeals. If the three-dean panel concludes that a change in the hearing panel’s determination is warranted, the panel may enter a revised determination, reconvene the panel to reconsider the determination, or return the matter for additional investigation. The panel may also change the sanction.

**Complainant:** The person making the allegation(s) of gender-based misconduct.

**Hearing panel:** The hearing panel determines whether the respondent is responsible or not responsible for a violation of the Gender-Based Misconduct Policy for Students. If the respondent declines responsibility or chooses not to respond after reviewing the investigative report, a hearing panel is convened.

**Investigation:** An investigation is the fact-finding process that commences following the receipt of a report of gender-based misconduct by the Gender-Based Misconduct Office.

**Preponderance of the evidence/Findings of responsibility:** The Investigative Team and Hearing Panel uses “preponderance of the evidence” as the standard of proof to determine whether a Policy violation has occurred. Preponderance of the evidence means that a panel must determine, based on the information provided, that a Policy violation was more likely than not to have occurred in order to find a student responsible for violating the Policy. The Hearing Panel will find a student responsible or not responsible based on a majority vote. The Hearing Panel’s decision includes an explanation of the basis of the decision.

**Respondent:** The person alleged to have committed gender-based misconduct.

**Sanctions:** Sanctions are disciplinary actions taken when a student is found responsible or accepts responsibility for violating the Gender-Based Misconduct Policy for Students. A student found responsible for violating the Policy may be subject to sanctions including, but not limited to, reprimand/warning, disciplinary probation, suspension, and expulsion. A student may also be barred from certain University facilities or activities, or required to participate in educational programming.

**Student Currently Unenrolled:** A currently unenrolled student is a matriculated student at the University who is on leave (e.g., personal, medical, academic, disciplinary, etc.) from the University.

**Undisclosed student:** An undisclosed student is a student whose identity is known by the complainant or a third-party reporter, but is not disclosed to the Gender-Based Misconduct Office.

**Unknown student:** An unknown student is a student whose identity is not known to the complainant or a third-party reporter.

## VII. UPDATE TO 2014-15 CASES

The Gender-Based Misconduct Office resolved a number of cases that were designated as “ongoing” in the 2014-15 Report. The table below is from page 15 of the 2014-15 Report and is updated here to reflect these resolutions.

|  | Sexual Assault:<br>Non-Consensual<br>Sexual Intercourse | Sexual Assault:<br>Non-Consensual<br>Sexual Contact | Sexual Assault: Type<br>Not Specified by<br>Complainant |
|--|---|---|---|
| Complainant recanted and stated that respondent had not engaged in conduct that violated the policy <sup>8</sup>                 | 1   | -   | -   |
| Respondent suspended for violation of accommodations (interim measures) or not currently enrolled at the University <sup>9</sup> | -   | 3   | 1   |
| Respondent accepted responsibility   | 3   | -   | -   |
| Complaint formally resolved: finding of responsibility   | 2   | 2   | -   |
| Complaint formally resolved: finding of no responsibility  | 5   | 1   | -   |

<sup>8</sup> The Gender-Based Misconduct Office conducts an inquiry into all allegations of sexual assault, even if a complainant recants.

<sup>9</sup> The respondents in these cases are not present on campus. Investigation and disciplinary proceedings will be reinstated if any of these respondents were to return to the University.

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