



# GENDER-BASED MISCONDUCT PREVENTION AND RESPONSE 2017-18 ANNUAL REPORT

GENDER-BASED MISCONDUCT OFFICE  
STUDENT CONDUCT AND COMMUNITY STANDARDS

**COLUMBIA UNIVERSITY GENDER-BASED MISCONDUCT  
PREVENTION AND RESPONSE  
2017-2018 Annual Report**

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# I. INTRODUCTION

Welcome to the fifth annual Report on Gender-Based Misconduct Prevention and Response at Columbia University.<sup>1</sup> This Report, together with the Annual Report issued by the office of Equal Opportunity and Affirmative Action, aims to engage the University community – students, faculty, administrators, and staff – in creating a climate where all can study, work, and live free from gender-based misconduct, including sexual harassment and violence.

This report includes information about many topics, including:

- Ongoing efforts by the University community to enhance **resources** and **prevention and training efforts** related to gender-based misconduct prevention and response;
- Information regarding the University’s **Gender-Based Misconduct Policy and Procedures for Students** (“Policy” and “Procedures”); and
- Data from the Gender-Based Misconduct process for students, faculty, and staff during the 2017-18 academic year.

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

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

This section reviews Columbia’s resources and initiatives that address gender-based misconduct prevention and response through support, education and training, and policy enforcement

The following student 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 (CUIMC); Medical Services (Morningside); Student Health Service (CUIMC); Disability Services (Morningside, CUIMC); Office of the University Chaplain; and the Ombuds Office. The Ombuds Office is also a confidential resource for faculty and staff.

The University also has additional non-confidential resources that are specially trained to provide support and assistance. By “non-confidential,” we mean that staff members who work with these resource offices are required to report incidents to the University’s Gender-Based Misconduct Office or Equal Opportunity and Affirmative Action but will also protect individuals’ privacy to the greatest extent possible. These resources include: the Department of Public Safety and Student Life and Student Affairs offices across the University.

For more information on resources, training, and education through Equal Opportunity and Affirmative Action, please view their Annual Report at: <https://eoaa.columbia.edu/>.

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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. 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.



Our major resources for preventing and responding to gender-based misconduct are:

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

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

## A. Sexual Violence Response

Sexual Violence Response (SVR) is a confidential office within Columbia Health that is supervised by La'Shawn Rivera, Executive Director, reporting to Melanie Bernitz, 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 professionally trained staff of 12, SVR works within the three-point model of Advocacy, Prevention and Outreach, using 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 1998. SVR employs Survivor Advocates (SA) who assist survivors and co-survivors of sexual, intimate partner, and gender-based violence by helping them navigate resources within and outside of the University and explore their rights and options while also supporting their individual choices. Survivor Advocates engage resources that provide support to 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 that they, together with the survivor, identify as being helpful to the survivor's 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. In 2017-2018, SVR had 33 certified Peer Advocate volunteers actively supporting the Columbia University community.

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. In 2017-2018, there were 28 students who volunteered with SVR as Peer Educators.

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 for 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 team.

SVR has two satellite offices, one on the Barnard campus in Hewitt Hall, Room 105, and one on the Columbia University Medical Center Campus in Bard Hall, Room 206.

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

#### 5. Training, Prevention, and Education Efforts

From July 1, 2017 to June 30, 2018, SVR reached 18,411 students, faculty, staff and community members at Columbia University through 270 training, prevention, education and outreach activities. The table below provides more detailed information about participation in each type of these activities.

#### Sexual Violence Response Programming

July 1, 2017 – June 30, 2018

Type of Program	Number of Programs	Number of Participants		
		Students	Faculty and Staff	Non-affiliates
New Student Orientation Program (NSOP)	82	9,495	100	N/A
Student Leaders	18	1,313	11	N/A
Sexual Respect & Community Citizenship Initiative (SRI)	17	707	13	N/A
Other In-Person Programs	112	2,130	664	139
Outreach Tables	41	3,711	107	21
<b>Total</b>	<b>270</b>	<b>17,356</b>	<b>895</b>	<b>160</b>

During New Student Orientation programming, SVR educates new undergraduate and graduate students about sexual and gender-based violence prevention, response and services available. These programs allow incoming students to meet a SVR staff member, gain an understanding of support and response for survivors, community responsibility, and efforts to prevent sexual violence.

SVR provides programming for executive board members of student groups, in compliance with New York State *Enough is Enough* legislation, to focus on recognizing and responding to violence in their student groups and communities. In the 2017-2018 academic year, student leaders learned about stalking behaviors and what they can do if stalking arises among their group and community members.

SVR also provides in-person programs for the Office of University Life's Sexual Respect & Community Citizenship Initiative (SRI), which is a requirement for all new students to complete. During the SRI in fall 2017, SVR offered eight different types of sessions for students, including topics such as trauma-informed care, sexual harassment, gender norms, and bystander intervention.

In addition to required programming such as New Student Orientation, student leaders training, and the SRI, SVR led 163 workshops, trainings, presentations, and outreach events for the Columbia community. These educational activities covered topics such as the dynamics of sexual, intimate partner, and gender-based violence, bystander intervention skills, consent, healthy sexuality, and other topics that were held with student groups, departments/programs, and other groups on campus. In particular, SVR staff collaborated with several student groups in response to incidences of sexual violence in their communities to support students' understanding of the issues and the impact violence can have on a community. Through individual and group meetings, SVR staff engaged in needs assessments, leadership development, and coordinated response that resulted in the development of several new workshops, such as *Exploring Power Dynamics in the Workplace* and *Impact; Accountability*. SVR also holds regular skills-based training sessions with residential staffs from CC/SEAS, Barnard, Teachers College and Jewish Theological Seminary and members of the anonymous student-run helpline Nightline on topics such as understanding trauma response and crisis intervention techniques. These programs help support peer-to-peer interactions and cultivate effective helping skills.

During October's Relationship Violence Awareness Month (RVAM) SVR hosted 22 outreach, awareness and educational events recognizing issues of violence in intimate relationships (this number is included in the "other in-person programs" and "outreach" categories in the table above). The events focused on the issues of intimate partner, sexual, and gender-based violence focused on the theme *Unsilence the Violence*, engaging 779 students, faculty and staff. In addition, to support the prevention of and intervention in relationship violence, SVR spearheaded the lighting of Alfred Lerner Hall in the symbolic color to recognize RVAM, purple for the entire month with the support of Columbia Dining Services, Athletics, School of Social Work, Office of University Life, Print Services, Office of Sustainability and Environmental Stewardship, and the University Chaplain's Office.

In April, SVR hosted 27 different in-person activities for Sexual Assault Awareness Month (SAAM). During this time, 913 students, faculty and staff participated in events all centered on the theme *Envision Change: Institutional, Societal and Cultural* (this number is included in the "other in-person programs" and "outreach" categories in the table above). SAAM events included one lecture, three panel discussions, four film/television clip screenings with discussion, and 14 outreach events. As part of SAAM, SVR organized an initiative for Denim Day, an international prevention education campaign to protest the misconceptions surrounding sexual assault, recognized on April 25, 2018. There were 2,500 stickers and 1,900 action cards distributed to faculty and staff who were encouraged to wear denim in solidarity with survivors. SVR hosted three Denim Day tables reaching 355 people, which resulted in 105 students and staff signing a pledge to stand together against violence, with an additional 50 completing an

online pledge.

Sexual Violence Response was awarded a total of \$159,733 in New York State grants to support advocacy, training and prevention efforts in the city of New York. With this funding, the SVR team was able to distribute 503 survivor care packages, host trainings to support the professionals working in both higher education and community based organizations, and maintain 1 full-time staff position.

During 2017, SVR implemented a variety of events to recognize the 25<sup>th</sup> anniversary of Sexual Violence Response, which first opened its doors on February 2, 1992. The events ranged from intimate conversations with key founders and historical figures, to large-scale panels with influential speakers in the field. A statement from President Lee C. Bollinger recognized the 25<sup>th</sup> Anniversary of Sexual Violence Response at Columbia University. President Bollinger congratulated SVR's milestone and shared in the goal of eliminating sexual violence and gender-based misconduct from the Columbia community. President Bollinger spoke to the importance of SVR and acknowledged SVR's past and current leaders in growing the office.

## **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.

The Gender-Based Misconduct Office is located in Watson Hall on West 115th Street and provides the following services:

- Conducts investigations and administers the disciplinary process related to gender-based misconduct complaints against students from all schools within Columbia University as well as Teachers College;
- 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 Managers serves as the primary resource within the Gender-Based Misconduct Office to support students who file a complaint or respond to an accusation of a Policy violation. The Office provides Case Managers to Complainants and Respondents to ensure that students understand their rights within the Policy and, if necessary, the investigation and adjudication process. Case Managers share this information during the intake session and, as needed, in subsequent meetings and communications with the Case Manager. Case Management is available to receive reports of concern and determine an appropriate response to assist the student.

Case Managers may also help to facilitate a variety of support for students:

- Academic support, including notifying academic advisors regarding missed classes, dropping classes, withdrawal, exam extensions, etc.
- Referrals to supportive and confidential resources on campus, such as counseling and Sexual Violence Response
- Exploration of housing options, including emergency housing
- Referrals to Attorney-Advisors
- Identification of other supportive services on and off campus to meet students' needs
- Navigation of the Gender-Based Misconduct process from filing a complaint to resolution, e.g., restorative justice, mediation, investigation, adjudication, and appeal

Case Managers abide by FERPA, the federal law restricting disclosure of certain student information, and are not a confidential resource. Importantly, Case Managers protect student privacy to the greatest extent possible and only share essential information with other resources and partner offices as needed to assist the student appropriately. Case Managers also engage the campus community through trainings for students, faculty, and staff to promote community standards, including the University's standard of sexual respect.

## 2. Title IX Investigators

The Gender-Based Misconduct Office has four full-time investigators 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 panels in a written Investigative Report. Investigators work in two-person teams ("the Investigative Team"). All investigators receive specialized training related directly to their responsibilities and other relevant competencies. The Office is responsible for designating the Investigative Team to conduct each inquiry and, when appropriate, will conduct an investigation and recommend 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 also work in conjunction with Case Managers to facilitate alternate resolutions as set out in the Policy, such as mediation and restorative justice. Additionally, the Investigative Team provides ongoing training to students, faculty, and staff 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 students.

## 3. Continued Training

In addition to training on Title IX investigation and adjudication, all staff involved in administering the Gender-Based Misconduct process receive ongoing training on a variety of related topics, including: alternative conflict resolution methods (e.g., mediation and restorative justice), LGBTQ+ awareness, substance use on campus, 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 by Hearing Panel

Gender-based misconduct cases are adjudicated by a hearing panel, as specified by the Policy. The hearing panel is comprised of three specially-trained administrators, generally from within the University's Student Conduct and Community Standards Office (excluding the investigative team and Case Managers) and/or the University's Office of Equal Opportunity and Affirmative Action. 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. All panelists receive relevant training at least once annually. The hearing panel determines outcomes based on a *preponderance of the evidence* standard, which is applied to consideration of the investigative report, supplementary materials, and presentations by the parties during a hearing.

### C. Title IX Coordinator at Columbia University

Columbia University's Title IX Coordinator, Associate Vice President Marjory Fisher works to ensure a safe, welcoming and harassment-free environment for all members of the Columbia community. AVP Fisher is responsible for ensuring that University policies and procedures are in compliance with Title IX, the federal law that prohibits sex discrimination in federally-funded educational institutions. In addition, AVP Fisher audits and provides guidance on Title IX investigations involving both students and staff at the University, oversees Deputy Title IX Coordinators, and is responsible for training University staff and other community members on Title IX issues. AVP Fisher is involved in the training of all University staff who interact with students and are mandated reporters, and assists in annual training of investigators, adjudicators and appellate officers who play a role in cases involving gender-based misconduct. AVP Fisher also arranges the unique, individually-based accommodations for pregnant students that Title IX requires they are granted, by professors and department administrators.

Under New York State's law governing sexual assault on campus, student leaders and athletes must be trained regarding the concept of *affirmative consent* and other important issues of which students must be aware on campus. Since 2016, AVP Fisher has conducted or collaborated on over 140 training sessions that discussed sexual assault, dating and domestic violence, stalking, and gender-based or sexual harassment. Ms. Fisher has conducted numerous trainings for staff and faculty on the duty to report such cases, and most recently, sexual harassment in an academic setting and in the workplace. Ms. Fisher has also participated in town hall meetings with students and staff on issues involving reporting sexual harassment, and the concerns that students, faculty, and staff have with the risk of retaliation.

AVP Fisher oversees the prompt and fair investigation and resolution of all complaints related to sexual assault, gender-based harassment, and intimate partner violence and stalking, and ensures that Columbia complies with Title IX and state laws prohibiting gender-based discrimination. She also participates in the investigation of complaints as needed.

### D. Office of Equal Opportunity and Affirmative Action

The Office of Equal Opportunity and Affirmative Action ("EOAA") is responsible for administering the University's *Employee Policies and Procedures on Discrimination, Harassment, Sexual Assault, Domestic Violence, Dating Violence and Stalking*. The Office also monitors compliance with policies and laws that ensure equal opportunity for students, employees and applicants for employment or admission and is designated as the University's Compliance Office for Section 504 of the Rehabilitation Act and other equal opportunity, nondiscrimination and affirmative action laws. Associate Provost Heather Parlier directly supervises the Office, reporting to University Provost John Coatsworth.

#### 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:

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

## **E. Training and Education for Faculty, Staff, Researchers, Teaching Assistants, and Research Assistants**

### **1. Faculty and Staff Briefing and Training<sup>2</sup>**

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

During the 2017-8 academic year, EOAA and the Gender-Based Misconduct Office conducted 165 policy training sessions for faculty and staff regarding the *Employee Policies and Procedures on Discrimination, Harassment, Sexual Assault, Domestic Violence, Dating Violence and Stalking*.

As noted above, Sexual Violence Response also 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.

### **2. Columbia Faculty and Researcher Briefing: Student Resources, Policies; and Title IX**

During 2017, Columbia developed a briefing for all University faculty and research officers that covers requirements and best practices on topics including academic integrity, student mental health, teaching challenges, discrimination and harassment, gender-based misconduct and reporting obligations. In 2017-2018, all full and part-time faculty and researchers, totaling over 13,000, were required to complete the Briefing.

In additional, Columbia developed an online guide that all Teaching Assistants and Research Assistants were required to complete during the 2017-18 academic year. The guide: *Columbia TA Guide: Essential Roles, Responsibilities and Guidance* covers how to navigate situations that may arise in and outside of the classroom in TA and RA interactions with students and faculty, and University resources that exist to support all students. Discrimination, harassment and gender based misconduct are also covered.

Additionally, all new Columbia staff complete an online Anti-Harassment, Discrimination and Title IX Training that provides detailed training on how to identify and avoid legal and University policy violations relating to sexual harassment and discriminatory practices. The course covers bystander intervention, Title IX, the Campus SaVE act, definitions of harassment, discrimination, consent and anti-retaliation. It provides interactive scenarios that allow the learner to put into practice concepts learned throughout the training. This course also provides comprehensive coaching on how to speak with victims of harassment, emphasizing the need to clarify issues of confidentiality and describes how to provide access to resources available on campus and off.

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<sup>2</sup> Faculty and Staff briefings and training conducted by SVR are indicated in the table on page 3.

## F. Additional Initiatives, Updates, and Ongoing Efforts

### 1. Sexual Respect and Community Citizenship Initiative

All new Columbia students are required during the fall semester 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. All continuing students are strongly encouraged to participate as well. This initiative was created by Columbia students, faculty and staff in 2014-15 to promote a campus climate that reinforces sexual respect and rejects sexual harassment, sexual assault, and other forms of gender-based misconduct.

Students can choose among many participation options offered: professionally-facilitated workshops; film screenings and discussions; online video collection and tutorial; and resources for healing and resilience, which are designed for students who have experienced trauma, supported someone through trauma, or are interested in trauma and healing. Students also have the option of developing an independent project to satisfy their participation requirement.

In the 2017-18 academic year, more than 11,400 students completed the Sexual Respect and Community Citizenship Initiative. Of those who responded to a post-Initiative survey, 90% expressed satisfaction - including more than 40% who indicated they were "extremely satisfied" - with the program. Comparing data from previous years, respondents participating in the Initiative demonstrated an increased knowledge in identifying problematic behavior and societal attitudes or norms that support violence while also becoming aware of Columbia-specific resources designed to help students.

For more information about the Sexual Respect and Community Citizenship Initiative, please visit:

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

### 2. Pre-Arrival Tutorials

All new Columbia students prior to their arrival on campus are required to participate in two online tutorials: *Welcome to Columbia* and *Haven* (undergraduate students) or *Haven Plus* (graduate students). *Welcome to Columbia* covers the range of resources available at Columbia, as well as policies on important topics including community citizenship, inclusion and belonging, sexual respect, and health and wellness.

*Haven/Haven Plus* focuses in depth on sexual respect and shares essential information about Columbia's gender-based misconduct policies.

These tutorials were developed by the Office of University Life with significant input from the Gender-Based Misconduct Prevention Task Force described below.

### 3. Gender-Based Misconduct Prevention Task Force

Several times over the course of the 2017-2018 academic year, 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 from all of Columbia's schools (not including affiliates), met both as a large group and in several smaller working groups that focused on pre-arrival training, peer leadership, multi-year engagement, and data analysis.

A separate report discussing the Task Force's work during the 2017-18 academic year and its evolution will be made available on the Sexual Respect website. For more information, please visit <https://sexualrespect.columbia.edu/learn-more>.

### III. GENDER-BASED MISCONDUCT POLICY UPDATES

The Gender-Based Misconduct Policy for Students is updated at the beginning of each academic year, usually by September, to reflect the many recommendations and comments that come from students throughout the University, including students who received support from the Gender-Based Misconduct Office's Case Management Team, students who were parties or witnesses in the disciplinary process, and other students on campus. Attorney-advisors and others who participated in the process during the past year also provided valuable input. For 2017-18, the Policy was posted on the Sexual Respect website on August 29, 2017. This updating process is in keeping with the University's commitment to ongoing policy review.

### IV. REPORTED VIOLATIONS OF THE GENDER-BASED MISCONDUCT POLICY FOR STUDENTS: JULY 1, 2017–JUNE 30, 2018

This is the fifth annual release of aggregate data resulting from 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 years' release of data, this report also responds to the community's expressed interest in the release of aggregate data. In addition, the disclosure of this data complies with New York State legislation and, in support of the University's goals described above, provides information beyond the annual publication of crime reports required by the Clery Act. At the same time, this Report provides only anonymous data to ensure that no information is disclosed 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.

The disclosure of aggregate data and the discussion it generates is 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 this report, we urge you to visit Columbia's Sexual Respect website, <http://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 include 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. The data discussed here includes reports filed between July 1, 2017 and June 30, 2018, and reviewed under the University's Gender-Based Misconduct Policy for Students issued in late August 2017.<sup>3</sup>

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<sup>3</sup> Reports filed prior to the release of late August 2017 Policy were reviewed under the University's Gender-Based Misconduct Policy for Students issued in September 2016.

During the period covered by this Report, additional students who experienced gender-based misconduct chose to discuss their experiences with peer counselors at the Sexual Violence Response and Rape Crisis/Anti-Violence Support Center, with University clergy, Health Services staff, University counselors, 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 a mediated or restorative conference, counseling, 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.** Accordingly, students can report gender-based misconduct they have experienced at any time during their matriculation, i.e. regardless of any time lapse between the alleged incident and the decision to report. As a result, the data here may include incidents alleged to have occurred prior to the 2017-18 academic year.

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 committed 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 a full 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 18% of **sexual assault reports**<sup>4</sup> identified in the aggregate data (one case of non-consensual intercourse, one case of non-consensual contact, and 8 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 or the respondent was a non-affiliate. Support was provided to the complainant by a Case Manager in these instances;
- In 48% of **sexual assault reports** identified in the aggregate data (four cases of non-consensual intercourse, one case of non-consensual contact, and 22 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 non-consensual contact or intercourse, where a formal investigation was completed, one third of respondents (three out of nine) did not contest the recommended finding of responsible or were found responsible; and
- Six 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.

## 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 in this report consolidate the 158 reports of misconduct; other than sexual assault; made during the period July 1, 2017, to June 30, 2018, 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 and one clarification noted below:

- First, for these cases, the Gender-Based Misconduct Policy permits options other than investigation and adjudication for resolving the reported violation – these options are not permitted for an allegation of sexual assault. If the parties agree to an alternate resolution option in a case not involving sexual assault, there may be no formal investigation, determination of responsibility, or disciplinary action. Instead, the resolution of these cases can take the form of a directive prohibiting contact between the parties (“no-contact directive”), an access restriction, another accommodation to support and protect a student, and/or education for a party relevant to the alleged misconduct (all referred to as “alternate resolutions”). Additionally, a case may be resolved by the parties participating in mediation or a restorative justice process, and in consultation with the Gender-Based

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<sup>4</sup> The Policy includes two categories of sexual assault: Sexual Assault: Intercourse; and Sexual Assault: Contact. (Please see below for the definitions of each type of violation.) In certain cases included in this data, the assault type is not specified because the complainant did not provide sufficient detail of the alleged assault.

Misconduct Office, agreeing to a resolution and outcome that will close the case. If the parties engage in mediation or restorative justice, either party may opt out of the alternate process at any time and proceed with an investigative process.

- The second point of differentiation are the four 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 a partner office for follow up. The parties and the Gender-Based Misconduct Office reached alternate resolutions for 32 reports of gender-based misconduct other than sexual assault identified in this report. Additionally, one report of gender-based misconduct was resolved through mediation and two reports of gender-based misconduct were resolved through restorative justice. These resolutions were facilitated by the Gender-Based Misconduct Office and involved allegations of sexual harassment. In each case, the Title IX Coordinator deemed an alternate resolution or mediation to be consistent with preserving a safe and non-discriminatory University environment. No sexual assault allegations were resolved in this manner.
- Allegations of retaliation may be reviewed through the gender-based investigation process or through Dean's Discipline. One allegation of retaliation was reviewed but not ultimately substantiated. Corollary matters of retaliation reviewed through the Dean's Discipline process are not addressed in this report.

Please see the following tables for additional information.

## B. Tables of reported violations of Gender-Based Misconduct Policy for Students: July 1, 2017 – June 30, 2018

1. Reports of Sexual Assault and Other Gender-Based Misconduct by Complainant Affiliation
2. Reports of Sexual Assault and Other Gender-Based Misconduct by Respondent Affiliation<sup>5</sup>
3. Resolution of Reports of Sexual Assault with Known, Affiliated Respondents
4. Resolution of Reports of Other Gender-Based Misconduct with Known, Affiliated Respondents

*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 received a report that a sexual assault occurred but the reporter declined or was unable to provide further specific information.

*Note on Cases with Multiple Charges:* Some reported cases involve more than one allegation of gender-based misconduct. In those cases, a “hierarchy of charges” was applied and the tabulations reflect the most serious charge. For example: one case that includes allegations of Sexual Assault: Intercourse and Sexual Assault: Contact would be counted as one case of Sexual Assault: 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>5</sup> Although Barnard College has its own policy and procedure for investigation and adjudication of allegations involving Barnard student respondents, Case Management facilitates support for Barnard student complainants between Columbia University and Barnard College resources. As such, Barnard College complainants are included within the total number of Morningside Undergraduate Complainants but Barnard College respondents are not included.

## 1. Reports of all Gender-Based Misconduct by Complainant Affiliation

### Data Related to Known, Affiliated Complainants

	Undergraduate (Morningside)	Graduate & Non-degree Programs (Morningside)	Graduate & Non-degree Programs (CUIMC)	Faculty, Staff, or Unenrolled/ Former Student
Sexual Assault: Intercourse	14	3	-	1
Sexual Assault: Contact	2	2	1	-
Sexual Assault: Type Not Specified by Reporter	22	3	1	1
Domestic Violence	6	10	1	-
Dating Violence	11	7	2	-
Sexual Exploitation	1	1	-	-
Sexual Harassment	49	20	2	6
Gender-Based Harassment	4	-	2	-
Stalking	12	8	2	1

Data Related to Non-affiliate, Undisclosed,<sup>6</sup> or Unknown<sup>7</sup> Complainants

	Non-affiliate	Undisclosed	Unknown
Sexual Assault: Intercourse	1	3	-
Sexual Assault: Contact	-	-	-
Sexual Assault: Type Not Specified by Reporter	1	1	-
Domestic Violence	2	-	-
Dating Violence	1	-	-
Sexual Exploitation	1	-	-
Sexual Harassment	2	4	1
Gender-Based Harassment	-	-	-
Stalking	-	-	-

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<sup>6</sup> An undisclosed complainant is a student whose identity is known by a third-party reporter, but is not disclosed to the Gender-Based Misconduct Office.

<sup>7</sup> An unknown complainant is an individual whose identity is not known to a third-party reporter.

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

### Data Related to Known, Affiliated Respondents

	Undergraduate (Morningside)	Graduate & Non-degree Programs (Morningside)	Graduate & Non-degree Programs (CUIMC)	Unenrolled/Former Student
Sexual Assault: Intercourse	13	2	1	1
Sexual Assault: Contact	1	3	-	-
Sexual Assault: Type Not Specified by Reporter	2	-	-	-
Domestic Violence	-	2	1	2
Dating Violence	1	2	-	1
Sexual Exploitation	1	-	-	-
Sexual Harassment	32	14	1	1
Gender-Based Harassment	3	1	1	-
Stalking	9	7	1	1

### Data Related to Non-affiliate, Undisclosed<sup>8</sup>, or Unknown<sup>9</sup> 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 Management. The following table provides information about these reports:

	Non-affiliate	Undisclosed	Unknown
Sexual Assault: Intercourse	1	4	-
Sexual Assault: Contact	1	-	-
Sexual Assault: Type Not Specified by Reporter	8	7	12
Domestic Violence	12	1	1
Dating Violence	12	5	-
Sexual Exploitation	1	1	-
Sexual Harassment	15	12	9
Gender-Based Harassment	-	-	1
Stalking	3	1	1

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<sup>8</sup>An undisclosed respondent 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.

<sup>9</sup> An unknown respondent is an individual whose identity is not known to the complainant or a third-party reporter.

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

	Sexual Assault: Intercourse	Sexual Assault: Contact
Respondent accepted responsibility (Disciplinary Action Agreement) or indicated No Contest to the recommended finding(s) of responsibility	-	1
Complaint resolved after a finding of responsibility	2	-
Complaint resolved after a finding of no responsibility	5	1
Investigation and disciplinary proceedings ongoing <sup>10</sup>	5	1

There were no cases where a complainant recanted and stated that the respondent had not engaged in conduct that violates the University's policy. There was one case where a respondent unenrolled from the University during the course of the investigation.

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<sup>10</sup> Resolutions for reports received by June 30, 2018 but not resolved prior to the release of this report will be reflected in the next annual 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	Retaliation
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.	-	-	-	3	1	-	-
Behavior described by reporting individual may be a violation of the Gender-Based Misconduct Policy for Students; case resolved via an Alternate Resolution.	2	2	-	17	2	9	-
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 Restorative Justice and/or Mediation.	-	-	-	3	-	-	-
Respondent not enrolled at the time of the alleged violation or the University no longer had jurisdiction over the respondent.	1	-	-	-	-	2	-
Complaint resolved after a hearing: finding of responsibility.	-	-	-	1	-	-	-
Complaint resolved after a hearing: finding of no responsibility.	-	-	-	-	-	-	-
Investigation and disciplinary proceedings ongoing. <sup>11</sup>	1	-	1	-	-	-	-

<sup>11</sup> Resolutions of reports received by June 30, 2018 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 or 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.

However, this Report does provide aggregate data on sanctions as described below. In all cases where there were findings of responsibility for a Policy violation, respondents lost their good disciplinary standing at the University (i.e. Disciplinary Probation, Disciplinary Suspension, or Expulsion); some students lost other privileges (e.g., revocation of alumni privileges or ability to enroll at Columbia in the future); sanctions also included education and/or training related to the gender-based misconduct for which the respondent was found responsible. In order to return to campus following a suspension, students must meet the individual requirements prescribed by the sanctioning officer, which may include reflective assignments, education-based training, writing, and meetings.

**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.

**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. *There were two findings of responsibility in this category, one that resulted in **Disciplinary Suspension** and the other in **Expulsion**.*

**Sexual Assault:** Contact includes any sexual contact, including sexual touching for the purpose of sexual gratification of either party, without a person's affirmative consent. Sexual touching includes contact under or over clothing with the breasts, buttocks, genitals, groin or inner thigh, or touching another with any of these body parts; making another person touch any of these body parts under or over clothing; or the emission of ejaculate on the clothing or body of another person without that person's consent. *Within this category, one case where a party did not contest the recommended finding resulted in **Disciplinary Probation**.*

**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*<sup>12</sup> 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. For cases reported during the time period covered by this report, appeals were filed in three cases: In all cases, the appeal was filed by a respondent. All three appeals upheld the original sanction.

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<sup>12</sup> The status of *Persona Non Grata* indicates that an individual is no longer permitted on any part of Columbia University's property.



## E. Table of Time Frames for Resolution of Reported Violations

The Gender-Based Misconduct Office recognizes the importance for all parties of resolving cases in a timely manner while also ensuring that the Policy and Procedures are followed carefully and carried out with fairness to both parties. Numerous factors impacted the time frame for resolving reports of Gender-Based Misconduct. These factors may include:

- A party initially opted for an alternative resolution, mediation, or restorative justice in lieu of investigation but then changed this decision;
- A party was on leave or out of the country, and unable to participate in the investigation;
- Difficulty contacting parties or witnesses;
- Cases that involved a large number of witnesses required for interview; or
- Difficulty securing a party's advisor's presence for investigative interviews and other meetings.

Taking these factors into account, 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 within seven months, not including the appeal, which can take up to an additional 22 days.<sup>13</sup> Please note that time frame data do not include cases with ongoing proceedings, which will be included in next year's Report.

Reports of other gender-based misconduct where a respondent was a known affiliate and the allegation(s) met the definition of a violation other than Sexual Assault were typically resolved within two months.

Reports that were resolved via Restorative Justice and involved additional administrative planning were resolved on average; within four months.

	1-60 Days	61-120 Days	121-180 Days	181-240 Days
Sexual Assault: Intercourse	-	-	-	7
Sexual Assault: Contact	-	-	-	2
Domestic Violence	3	-	-	-
Dating Violence	2	-	-	-
Sexual Exploitation	-	-	-	-
Sexual Harassment	14	7	1	-
Gender-Based Harassment	2	-	-	-
Stalking	9	3	-	-

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<sup>13</sup> This time frame does not include matters that are returned to the Hearing Panel or Investigative Team for reconsideration through the appeal process, which can exceed 22 days.

## 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, 2017 - June 30, 2018 to the Gender-Based Misconduct Office in which the respondent was a Columbia University or Teachers College student. For information involving cases where the respondent was a Columbia, Barnard, or Teachers College employee, or other person doing business with Columbia, Barnard, or Teachers College, the investigation and disciplinary processes can be found/read at:

<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)

As noted earlier, the designated time period of July 1, 2017-June 30, 2018 for this Report refers to the period when reports of gender-based misconduct were filed, rather than to the time of the alleged incident. Some of the reports filed during the July 1, 2017-June 30, 2018 period were for incidents that occurred prior to July 1, 2017. 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, 2017 that were concluded during the July 1, 2017-June 30, 2018 period.

Also 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>14</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.

**Sexual Assault: Contact:** Any sexual contact, including sexual touching for the purpose of sexual gratification of either party, without a person's affirmative consent. Sexual touching includes contact under or over clothing with the breasts, buttocks, genitals, groin or inner thigh, or touching another with any of these body parts; making another person touch any of these body parts under or over clothing; or the emission of ejaculate on the clothing or body of another person without that person's consent.

**Domestic Violence:** The use or threat of physical violence or sexual assault that is 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 violation includes behavior that seeks to establish power and control over another person by causing fear of physical or sexual violence. Domestic

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<sup>14</sup> The definitions of violations are from the September 2016 Gender-Based Misconduct Policy for Students, which was in place during the September 15, 2016 - June 30, 2017 period of the present report.

violence can be a single act or a pattern of behavior, based on the frequency, nature, and severity of the conduct.

**Dating Violence:** The use or threat of physical violence or sexual assault that is directed toward a person who is or has been in a social relationship of a romantic or sexually intimate nature with the Respondent. This violation includes behavior that seeks to establish power and control over another person by causing fear of physical violence or sexual assault. Dating violence can be a single act or a pattern of behavior, based on the frequency, nature, and severity of the conduct.

**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. Acts of sexual exploitation include, but are not necessarily limited to:

- Non-consensual streaming, sharing, or distribution of images, photography, video, or audio recording of sexual conduct, nudity, or state of undress when and where there is a reasonable expectation of privacy, without the knowledge and affirmative consent of all participants;
- Observing, photographing, videotaping, or making any other visual or audio recording of sexual conduct or nudity or state of undress when and where there is a reasonable expectation of privacy, without the knowledge and affirmative consent of all participants;
- Exposing one's genitals in non-consensual circumstances; or
- Inducing incapacitation for the purpose of making another person vulnerable to gender-based misconduct.

**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 telephone calls, text messages, unwanted gifts, letters, e-mails, surveillance, or other types of observation and communication. For more information regarding "hostile environment," see below.

**Sexual Harassment:** Unwelcome sexual advances, requests for sexual contact, 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 academic, co-curricular, or student life activities;
- Submission to or rejection of such conduct by an individual is used as the basis for academic evaluation, grades, advancement or student life decisions affecting that individual (i.e. "quid pro quo"). Quid pro quo sexual harassment can occur whether a person resists and suffers the threatened harm, or a person submits and avoids the threatened harm, and can occur even if the person delays in reporting the harm;
- 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; or

Such conduct has the effect of unreasonably interfering with another student's education or participation in educational programs or activities or such conduct creates an intimidating, hostile, demeaning, or offensive academic, campus, and/or living environment

**Gender-Based Harassment:** Gender-based harassment can occur if students are harassed either for exhibiting what is perceived as a stereotypical characteristic of their gender or for failing to conform to stereotypical notions of masculinity or femininity, and that harassing conduct unreasonably interferes with another student's education or participation in educational programs or activities, or creates an intimidating, hostile, demeaning, or offensive academic, campus, and/or living environment. The following describes some conduct that may be gender-based

harassment:

- Acts of aggression, intimidation, stalking, or hostility based on gender or gender stereotyping; or
- Threats or non-consensual disclosure of a person's gender identity or that a person is transgender or non-binary (i.e. "outing")

"Hostile Environment" in the Context of Sexual and Gender-Based Harassment: A hostile environment may arise when unwelcome conduct of a sexual or gender-based nature unreasonably interferes with a student's ability to participate in or benefit from an education program or activity, or creates an intimidating, threatening, demeaning, or offensive academic, campus, and/or living environment. In evaluating a hostile environment, the University will consider the totality of the known circumstances from the point of view of a reasonable person, including but not limited to:

- The frequency, nature and severity of the conduct;
- Whether the conduct was physically threatening;
- The effect of the conduct on the Complainant's mental or emotional state;
- Whether the conduct was directed at more than one person;
- Whether the conduct arose in the context of other discriminatory conduct; and
- Whether the conduct unreasonably interfered with the Complainant's educational or work performance and/or University programs or activities. A single, isolated incident of sexual or gender-based harassment may, based on the facts and circumstances, create a hostile environment. The more severe or pervasive the conduct, the less need there is to show a repetitive series of incidents to demonstrate a hostile environment.

**Retaliation:** Any adverse action or threatened action, taken or made, personally or through a third-party, against someone who has reported a gender-based misconduct complaint (a Complainant) or has been the subject of a gender-based misconduct complaint (a Respondent) or any other individual (a Witness, Third-Party Reporter or Advisor etc.) because the individual engages with the Office and/or the disciplinary process.

- All individuals and groups of individuals, not just a Respondent or Complainant, are prohibited from engaging in retaliation. Retaliation can refer to actions or threatened actions by any individual, including students and others who are not engaged with the Office.
- Retaliation includes threatening, intimidating, harassing, or any other conduct that would discourage a reasonable person from seeking services; receiving protective measures and accommodations; reporting gender-based misconduct; or participating in the disciplinary process as a Complainant, Respondent, Witness, Third-Party Reporter or Advisor.
- Retaliation includes maliciously and purposefully interfering with, threatening, or damaging the academic or professional career of another individual, before, during or after the resolution of a report of gender-based misconduct under this Policy.
- Reports made in good faith, even if the allegations are ultimately determined to be inaccurate, are not considered retaliation.

Reports found to have been made frivolously or in bad faith may constitute retaliation and/or may be considered by the Sanctioning Officer if an individual is otherwise found responsible for a violation of the Policy. Retaliation may also include violations of a no-contact directive and/or other interim measures, in conjunction with any of the behavior described above, during the course of an investigation.

- If the alleged retaliation occurs between the Complainant and the Respondent while a matter is pending, these allegations may be investigated separately through the Dean's Discipline process or folded into the pending investigation, based on the circumstances of the allegations.

Allegations of retaliation by other parties, i.e., not between the Complainant and the Respondent, will be investigated separately by the Office when the allegations involve gender-based misconduct. Any other allegations of retaliation will be investigated and adjudicated through the Dean's Discipline process. Below 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;
- Use of e-mail, the Internet, or other forms of digital media to facilitate any of the conduct listed above; and
- Publishing a social media post threatening to harm an individual who speaks with the Office.



## B. Resolutions

This section provides additional information about the types of resolutions beginning 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 resources, on and off campus.

**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, or any other person. 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 resources, on and off campus.

**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, although the complainant's report as true and accurate, the Gender-Based Misconduct Office determined that the behavior described was not gender-based misconduct under the Policy. 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 a partner office for adjudication, as appropriate; and other follow-up including support for the student(s) involved, if needed.

**Alternate Resolution:** This category describes reports where the Gender-Based Misconduct Office may have limited information to pursue an investigation and/or the complainant is unidentified or does not wish to engage an investigation. After an evaluation of the facts presented and available information, the Gender-Based Misconduct Office may determine that corrective action is warranted to provide a safe and non-discriminatory environment. Corrective action that may be implemented includes, but is not limited to: a no-contact directive, an access restriction, an accommodation to support and protect a student, and/or education for a respondent relevant to the alleged misconduct. Case Management continued to assist the complainant and the respondent in identifying appropriate resources, on and off campus.

**Mediation:** For a case to be resolved in this manner, the complainant, respondent, and the Gender-Based Misconduct Office must agree that mediation is appropriate for resolving the allegations. If a mediated agreement was reached by the involved parties and approved by the Gender-Based Misconduct Office, the matter would be

closed. In these cases, Case Management continued to assist the complaint and respondent in identifying appropriate resources, on and off campus. Examples of resolutions are: a no-contact directive, letter of apology, an accommodation to support or protect a student, education of a respondent relevant to the alleged misconduct, restriction from extra-curricular activities, and change in housing assignment. Complainants and respondents may opt out of participating at any time and engage the investigative process. As noted earlier, reported allegations of sexual assault cannot be resolved through alternate resolution or mediation.

**Restorative Justice:** For a case to be resolved in this manner, parties should be comfortable being in the same room with each other and participating in a conversation guided by a specifically trained University administrator. The purpose of restorative justice is for all affected parties to identify the harms that were caused by a student's actions and to collaboratively determine the best method for repairing those harms.

The Restorative Justice conference only proceeds if all parties willingly agree to participate. The process typically commences within 10 business days after the Office receives written agreements from all involved parties. The conference will continue until it the Office determines that the conference will not be successful or until the conference is successfully concluded. If successful, an agreeable resolution is reached by all involved parties, at which point, the disciplinary process is concluded, and the matter is resolved. If a resolution cannot be reached, the matter will be referred to the AVP who will reassess the matter and determine another appropriate resolution method.

The Office will monitor the parties' adherence to their proposed solution and reserves the right to close the matter when compliance is satisfactory.

**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 August 2017 Policy, after a review of the Investigative Report, the respondent is 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 accepts responsibility or indicates no contest of the findings, the Sanctioning Officer of the respondent's school is notified and determines the appropriate sanction based on the evidence provided in the Investigative Report. The complainant and respondent are informed of the sanctioning decision and the respondent and complainant then have 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 are put into place or facilitated 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 effectuated during the course of an investigation or disciplinary proceeding.) 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:** An appeal is a request, by either the respondent or the complainant, to a panel of deans including 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 (An appeal based on procedural error must identify with specificity each alleged error within the investigative and/or hearing process and the ways in which the specified error(s) substantially affected the decision of the Hearing Panel and/or Sanctioning Officer to the detriment of the appealing party); 2) New information (An appeal based on new information must explain why this information was not available or not provided to the Investigative Team in a timely manner, and how this information would have substantially altered the decision by the Hearing Panel. If a party declined to participate or withdrew from the process, the panel will not consider information that the party could have provided if they had fully participated in the process. This includes situations where a student declines to participate on the advice of their advisor); and 3) Excessiveness or insufficiency of the sanction(s) (An appeal based on the imposed sanction must explain why the sanction is inappropriate based on the weight of the information provided during the investigation, hearing and/or sanction). 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 receiving 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 leave) 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 2016-17 CASES

The Gender-Based Misconduct Office resolved a number of cases that were designated as “ongoing” in the 2016-17 Report. The tables below are from pages 17-18 of the 2016-17 Report updated here to reflect these resolutions.

	Sexual Assault: Intercourse	Sexual Assault: Contact
Respondent accepted responsibility (Disciplinary Action Agreement) or indicated No Contest to the recommended findings	-	-
Complaint resolved after a finding of responsibility	3	-
Complaint resolved after a finding of no responsibility	4	1
Investigation and disciplinary proceedings ongoing	-	-

	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	1	-	6	2	1
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.	3	2	-	10	2	3
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 Restorative Justice and/or Mediation.	-	1	-	5	1	1
Respondent not currently enrolled at the University.	-	-	2	1	-	-
Complaint resolved after a hearing: finding of responsibility.	-	3	2	4	-	-
Complaint resolved after a hearing: finding of no responsibility.	-	-	-	1	-	1

Note: One ongoing complaint of sexual harassment did not move forward because the complainant declined to provide sufficient details in order to support an investigation.

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