



2021 ANNUAL CAMPUS SECURITY & FIRE SAFETY REPORT

(Including Data for Calendar Years 2018–2020)

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Acknowledgements

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The Campus Security Act (Clery Act)

The Clery Act requires colleges and universities to publish annual security and fire safety reports. These reports must contain certain policies and procedures as well as campus crime and fire statistics. These statistics are also reported to the U.S. Department of Education and are available on the Department website ope.ed.gov/campusafety

These statistics are compiled by the Office of Public Safety (OPS). They are based not only on information reported directly to the offices but also on information provided by the New York City Police Department 26th Precinct and by other “Campus Security Authorities” (CSAs). CSAs are individuals or organizations that “have significant responsibility for student and campus activities including student housing, student discipline, and campus judicial proceedings.”

At Teachers College, individuals occupying the following positions are CSAs: Office of Public Safety (all managers and officers), Office of Residential Services (directors, associate directors and community assistants), Office of the Provost (vice provost, associate provost), Office of Student Affairs (directors and associate directors), Office of Access/Disabilities (director and associate directors), and Office of Diversity and Community Affairs (vice president and director). Faculty and staff responsible for certain off-site programs for which reporting is required are also CSAs.

Note: Campus pastoral and professional counselors are obligated to protect the confidentiality of communications with those they counsel and are not CSA’s. They are encouraged to provide information about college resources to those they counsel and if they deem it appropriate, they may inform the persons they are counseling on procedures to report crimes on a voluntary basis, that may be included in the crime statistics.

About This Report

The members of the Teachers College Office of Public Safety are pleased to present this Annual Campus Security and Fire Safety Report. This report contains important information for the TC community and is prepared in accordance with the Campus Security Act (Clery Act), as amended by the Violence Against Women Act (VAWA), and New York State Education Law Articles 129A and 129B. The current version may be found at:

www.tc.columbia.edu/policylibrary/public-safety/campus-security-report/

The report also includes your Annual Notice regarding the College’s policies and programs to prevent the use of illicit drugs and alcohol under the Drug-Free Schools and Communities Act. This notice includes important information regarding the College’s policies and programs to prevent the use, sale, possession and manufacture of illicit drugs and alcohol.

Paper copies are available from the Office of Public Safety, in Suite 1A, of Whittier Hall, 212-678-3111.



Teachers College Office of Public Safety

Teachers College maintains a full-service Office of Public Safety charged with providing a safe and secure environment in which College community members can enjoy the Teachers College experience. Public Safety staff members work 24 hours a day, seven days a week, providing security for both the academic and the residential buildings on campus.

The administrative offices for the Office of Public Safety are located in Whittier Hall, Suite 1A. The office is open during normal business hours, Monday through Friday, from 9:30 A.M. to 5 P.M. The phone number for the administrative office is (212) 678-3111.

The Public Safety Central Information Center (CIC) is located in the Whittier Hall lobby and is open 24 hours a day, seven days a week. The phone number for CIC is (212) 678-3220. The emergency extension is **3333** or (212) 678-3333.

Public Safety Officers are assigned to both fixed and mobile posts. Officers are stationed at Public Safety desks throughout campus. The Public Safety desks at the Zankel building, Whittier Hall, and New Residence Hall are staffed 24 hours a day, seven days a week. The Public Safety Booth at the 528 Building

driveway is generally staffed Monday through Thursday from 6:30 A.M. to 9:30 P.M. and Friday from 6:30 A.M. to 6:00 P.M.

The Office of Public Safety enforces laws, rules, and regulations on campus; controls access to the campus; deters and investigates crime (in cooperation with the New York City Police Department); maintains a Lost and Found; supervises special events; and provides general information for visitors and members of the College community. The Office provides community education in crime prevention, personal safety, and fire safety. The Office manages a technically advanced system of electronic access control, closed circuit television cameras, and emergency alarms. Members of the Office of Public Safety provide medical assistance and emergency response to conditions of fire and smoke.



Managers and officers of TC Public Safety at C.P.R. training.

The Office of Public Safety is staffed by approximately 50 members. It is led by an Assistant Vice President of Public Safety and Environmental Health and Safety. The management team is comprised of a Director of Public Safety Administration, a Director of Public Safety Operations, and a Director of Environmental Health & Safety. Uniformed Public Safety Officers are licensed by New York State and are certified as New York City Fire Life & Safety Directors. They are also certified in CPR and the operation of Automatic External Defibrillators (AED). Public Safety Officers are not commissioned police officers, do not carry firearms, and do not have police or arrest powers.

Environmental Health and Safety

The Environmental Health & Safety Team, part of the Office of Public Safety, works to protect the College from fire. EH&S takes the lead in educating the College community about fire safety. It also manages the advanced fire detection and suppression systems located throughout the campus.

Interagency Cooperation with Law Enforcement

New York Police Department

The Teachers College Office of Public Safety enjoys an excellent working relationship with the 26th Precinct of the NYPD. The Office has a formal written Memorandum of Understanding (MOU) with the NYPD for investigation of violent felonies and reports of missing students.

Local and City-wide crime and crime prevention information is regularly shared between the Office of Public Safety and the Police Precinct. The Police Department actively supports the TC Office of Public Safety in providing security for special events and high-profile visitors. The Police Department provides crime prevention programs for the College community and actively investigates crimes that occur on campus. The Office of Public Safety regularly confers with the Police Department to control and deter criminal activity on or around the College campus. The Office of Public Safety has radio communications capability with both the Columbia University Public Safety Department and the New York City Police Department.

Federal Law Enforcement

The Office of Public Safety works closely with a variety of Federal Law Enforcement agencies including the U.S. Secret Service, State Department, and Federal Bureau of Investigations to provide security for dignitaries who visit campus.

Publication of Crime and Fire Statistics

The Clery Act requires publication of certain crime statistics for the three most recent calendar years. The statistical information on crimes is found on page 17. Fire statistics may be found in Appendix A. Other important policies are found in the additional appendices included in the back of this report. (See Appendices A–L)

The crimes reported were not necessarily committed against members of the College community. Crimes reported on the campuses of other Morningside Heights Institutions (Columbia University, Barnard College, Union Theological Seminary, Jewish Theological Seminary, and the Manhattan School of Music) are not included in Teachers College statistics, as those institutions compile their own crime statistics.

Columbia University's current Annual Campus Security Report can be found at: publicsafety.columbia.edu. Teachers College wishes to thank James McShane, Columbia University's Vice President for Public Safety, for generously sharing portions of the Columbia University's Report with Teachers College.

Daily Crime Logs

The Office of Public Safety compiles and reviews campus crime statistics and reports those crime statistics to the United States Department of Education. The Office of Public Safety also maintains a daily crime log which contains criminal acts reported to the Office within two business days of the report unless confidentiality of the victim would be jeopardized or the disclosure of such would be prohibited by law. The information in the logs typically includes the type of crime, date, time, and location of occurrence. The log is available for review during normal business hours.

The Office of Public Safety is located in Suite 1A, Whittier Hall, 1230 Amsterdam Avenue, New York City, NY 10027-6696. Business hours are Monday through Friday, 9:30 A.M. to 5:00 P.M.

Reporting Procedures

In case of an emergency, dial extension **3333** from any campus phone, (212) 678-3333 from any phone, and/or **911** from any phone.

Teachers College and the Office of Public Safety encourage the accurate and prompt reporting of crimes to the Office of Public Safety (212-678-3220) and to local law enforcement. This can be done either by calling **911** or going to the 26th Precinct in person. The 26th Precinct, 520 West 126th Street (West of Amsterdam Ave.), is within walking distance of campus.

In an emergency, the Office of Public Safety can be reached by immediately dialing **3333** from any on-campus phone or by calling **(212) 678-3333** from any phone. Police-NYPD, Fire-FDNY, and FDNY Emergency Medical Services can be reached by dialing **911** from any phone.

The Office of Public Safety recommends that College community members dial **3333** in any emergency so that the Office of Public Safety can facilitate a direct response by both on-campus and off-campus emergency services. On-campus emergency phones are strategically located in residence halls laundry rooms, outside of residence halls, and in key locations in the academic areas. Some of the campus phones may be programmed and labeled to allow the user to reach Public Safety by dialing the number "1".

Investigations of Criminal Incidents

The Office of Public Safety reviews all reports of crime on campus. Crimes are reported to the New York City Police Department (unless doing so would be inconsistent with the Violence Against Women Act) and typically investigated by the Police Department and/or the Office of Public Safety.

Confidential or Anonymous Reporting of Crimes

Teachers College encourages all victims of crimes to alert the Office of Public Safety and the New York City Police Department. If you are the victim of a crime and do not want to pursue action within the College system or the criminal justice system, you may still make a confidential or anonymous report. If you become aware of a crime through observation or information you may report that crime without identifying your sources or yourself. Call Crime Stoppers at 1-800-577-TIPS or report at crimestoppers.nypdonline.org

Confidential and/or anonymous reports of crimes can be included in the College's annual crime statistics. You may leave an anonymous voicemail to the Office of Public Safety at 212.678.3111 during non-business hours, or you may send an anonymous email to publicsafety@tc.columbia.edu or complete the Confidential/Anonymous Report form found in the "Forms" channel of the Office of Public Safety website at www.tc.columbia.edu/security/public-safety-contact-forms. Anonymous reports may also be filed through EthicsPoint, 888-329-6420 or secure.ethicspoint.com/domain/media/en/gui/22716/index.html

With such information, the College can keep a more accurate record of the number of incidents involving students, employees and visitors; identify any pattern of crimes with regard to a particular location, method or assailant; and alert the campus community to potential danger.

Important Phone Numbers

Campus Public Safety-Emergency	3333
Whittier Hall Public Safety Desk (CIC)	3220
Zankel Public Safety Desk	3334
New Residence Hall Public Safety Desk	6100
Police, Medical, and Fire-Emergency	3333 or 911
NYPD 26th Precinct	(212) 678-1311
Columbia Escort Service	(212) 854-5555

Timely Warnings

The Campus Security Act also requires “timely warnings” or “immediate notifications” of Clery Act crimes and fire logs, and other efforts designed to protect and inform students, faculty and staff.

The Assistant Vice President of Public Safety (AVP of PS) or designee reviews all crime and incident reports to determine if there is an on-going threat to the community and if distribution of a Timely Warning is warranted. Timely Warning Notices may be disseminated for any crime classifications as deemed necessary.

Timely Warning Notices are generally written by the AVP of PS or his designee and distributed to the community as a “Personal Safety Alert” via email and/or text message by the Office of Public Safety. Notices and updates may also be disseminated to the Teachers College community through other forms of communications such as campus information monitors (e-boards), voice mails, or web sites.

There are two classifications of Timely Warnings: *Non-Emergency* and *Emergency*.

Non-Emergency Warnings

The Office of Public Safety provides Timely Warnings of crimes and other incidents that may pose a threat to members of the TC Community. Non-emergency notices are generally provided via College-wide broadcast emails.

Emergency Warnings

The Office of Public Safety immediately notifies the campus community upon confirmation of a significant emergency or dangerous situation involving an immediate threat to health or safety of community members. In coordination with federal, state, and local law enforcement and public safety authorities, warnings may be delayed if they would compromise efforts to contain the emergency.



Members of the TC Public Safety staff at FEMA training.

Prior to activating the Electronic Notification System (ENS), the Authorizing Individual may consider the following:

1. Is this a situation where human life is in jeopardy and timely notification may protect human life?
2. Is this a situation where public safety is in jeopardy and timely notification may protect the safety of members of the TC community?
3. Is this a situation that requires the immediate evacuation of a campus building or multiple buildings?
4. Is this a situation of an approaching extreme weather event that could jeopardize safety?
5. Is this a situation that requires immediate notification to and/or immediate response from a critical group of TC staff members?

If the answer is yes to any of the above questions, then the ENS may be activated. The Authorizing Individual shall determine to what groups the message shall be sent.

Note: Timely Warnings and Emergency notifications do not identify crime victims.

Emergency Text Messaging–TC Alert

Emergency warnings may be made to the community via TCAAlert, an emergency notification system that enables fast and efficient dissemination of critical information to members of the College community. TCAAlert allows the College to send simultaneous emergency text and voice message alerts. TC Alert may not be used for general announcements. Emergency text messaging (TCAAlert) may be used in conjunction with other communication methods, such as College-wide broadcast emails, on-line updates via the Teachers College homepage, coordinated use of public media outlets, and public address systems within most college buildings. The TC Alert system is tested twice each year.

All members of the community are strongly encouraged to partner with the College by registering their cell phone number with TCAAlert. Individuals who cannot receive text messages may receive these notifications via voice messages. There is no charge for the TCAAlert service from Teachers College. Some wireless phone carriers may charge a fee for receiving SMS text messages; please check with your carrier.

To sign up for TCAAlert please follow the steps below:

1. Click on the link to go to the Teachers College MyTC Portal.
2. Log into the system using your UNI ID and password.
3. Select “TC Services” from the menu at the top of the page.
4. Select “TC Alert” in the “personal information” channel.
5. Enter a phone number to receive TEXT messages OR a phone number to receive a VOICE message.
6. Press SUBMIT.



TC Lowell Hall, corner of Amsterdam Ave. and 120th St., looking westward.

The Teachers College Campus

The Teachers College Main Campus is located in the Morningside Heights neighborhood of the upper west side in the Borough of Manhattan, New York City. The Campus is bordered by West 120th Street, Broadway, West 122nd Street, and Amsterdam Avenue.

There are seven academic buildings on campus: 1) the Zankel building, 2) Thompson Hall, 3) Horace Mann Hall, 4) 528 Building, 5) Macy Hall, 6) Grace Dodge Hall, and 7) Russell Hall. There are five residential halls on campus: 1) Grant, 2) Sarasota, 3) Bancroft, 4) New Residence, and 5) Whittier. The College also maintains two faculty residences: 1) Lowell Hall on-campus and 2) Seth Low, just off-campus at Morningside Drive and West 121st Street.

Access to Campus

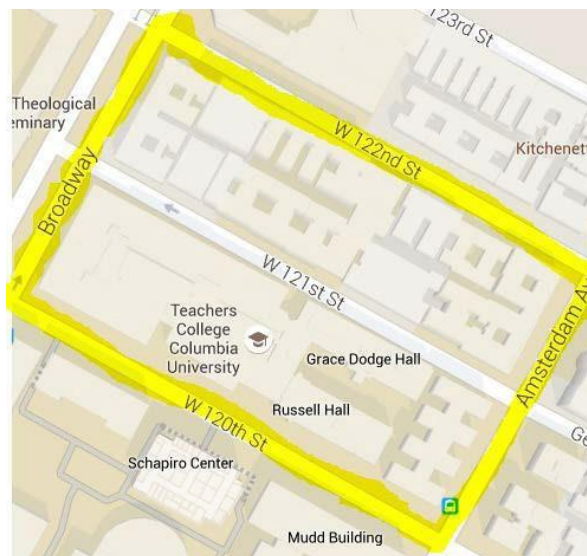
Academic buildings on the main campus are generally open seven days a week from 7:30 A.M. to 11:00 P.M. On College holidays the academic buildings are open from 9:00 A.M. to 5:00 P.M. and access is limited.

The Gottesman Libraries are open to students, faculty, and staff of Teachers College and affiliated institutions, namely Columbia University, Barnard College, Union Theological and Jewish Theological seminaries. Non-affiliated researchers and scholars may make arrangements for visitor access to the libraries by contacting Libraries Administration at (212) 678-3494. The Gottesman Libraries are open from 8:00 A.M. to 11:00 P.M. Monday through Friday; 8:00 A.M. to 8:00 P.M. on Saturday; and 9:00 A.M. to 10:00 P.M. on Sunday. The Libraries have extended hours during midterm and final exam periods.

Access to academic buildings and the Libraries is through the main entrance at the Zankel building at 525 West 120th Street. A valid Teachers College ID card or a valid ID card from the affiliated institutions of Columbia University, Barnard College, Union Theological or Jewish Theological seminaries must be presented at the Public Safety Desk in the Zankel lobby to gain entry to academic buildings on campus.

Students, faculty or staff from Teachers College or affiliated institutions may also enter the academic campus through the 528 Building driveway entrance on West 120th Street by presenting a valid ID card at the 528 Building driveway Public Safety Booth. The 528 Building driveway entrance is generally open Monday through Friday from 6:30 A.M. to 9:30 P.M. The entrance is closed on weekends and holidays.

College academic buildings and dining room are generally not open to the public; however, non-affiliated visitors may enter the College for specific events that are open to the public or as a guest of a member of the College community. All non-affiliated visitors to the campus must enter through the main entrance at the Zankel building, present a valid government issued photo identification card and sign in at the Public Safety Desk in the Zankel lobby. A **one-day** visitor pass shall be provided to visitors.



For campus maps, see: www.tc.columbia.edu/about/visit

Access to closed College facilities by authorized individuals is permitted only with assistance from the Office of Public Safety. Faculty may access their offices at any time. Residential halls are closed to the public and may be entered or occupied only by authorized residents, their guests, and College employees.

The residential buildings are always locked and require a TC ID card for access. All residential buildings are equipped with CCTV and are monitored by the Office of Public Safety. New Residence and Whittier Hall residences are staffed 24 hours a day, seven days a week by a Public Safety Officer assigned to a desk in the lobby. Proper identification will be verified and documented upon entering.

A valid Teachers College ID card is needed for access to campus. A valid Teachers College ID must be presented to a card reader and/or Public Safety Officer to gain entry. Teachers College community members who do not have their Teachers College ID card upon their person when entering campus must show a valid government issued photo ID (e.g. State Driver's License), sign in, and receive a visitor's pass.

All students, faculty, and staff are encouraged to wear their Teachers College or affiliate institution ID card on their outermost garment when on campus. Visitors are required to wear their Public Safety issued visitors pass on their outermost garment while in campus buildings and residence halls at all times.

New students may receive a Teachers College ID card once they have registered for classes. Students moving into on-campus housing may receive their ID card on the day that they move in.

Maintenance and Security of Campus Facilities

The Office of Public Safety is responsible for the evaluation, planning, development, coordination and execution of health and safety programs in compliance with federal and state statutes and regulations. The Facilities Department is responsible for removing recognizable hazards through routine housekeeping and maintenance or contracting with the appropriate experts.

Heads of departments and supervisors are responsible for providing safe working conditions and implementing health and safety programs as they relate to operations. Employees are responsible for complying with health and safety guidelines, attending required fire safety training, properly using provided safety equipment and promptly reporting incidents and hazards.

Teachers College is mindful of the security needs in the daily operation of campus facilities, particularly as they relate to residential areas. Keys are signed in and out, as needed, by authorized maintenance staff members who are also required to display a photo identification badge. Whenever possible, prior arrangements are made with resident students requesting facilities services for their residence room so that the students may be present when repairs are made.

The campus maintains a strong commitment to campus safety and security. Adequate exterior lighting is an important part of this commitment. Public Safety Officers are required to report hazardous conditions during the course of their routine patrols. All inoperative lights, malfunctioning emergency phones, and other hazardous conditions are reported immediately and are given the highest priority when repairs are needed.

Clery Geographical Reporting Area for TC

The College is required to collect statistics on crimes reported to have taken place within “Clery Geography”:

1. Buildings and property that are part of the institution’s campus;
2. The institution’s non-campus buildings and property; and
3. Public property within or immediately adjacent to and accessible from the campus.

Definitions

On-Campus – 1) Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of or in a manner related to the institution’s educational purposes, including residence halls; and

2) Any building or property that is within or reasonably contiguous to the area identified in section 1 that is owned by the institution but controlled by another person, is frequently used by students and supports institutional purposes (such as a food or retail vendor).

On-Campus Student Housing – Any student housing facility that is owned or controlled by the institution or is located on property that is owned or controlled by the institution and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility. On-Campus Student Housing is a subset of On-Campus; crimes reported to have taken place in On-Campus Student Housing are reported in both On-Campus and On-Campus Student Housing statistics.

Non-Campus Building or Property – 1) Any building or property owned or controlled by a student organization that is officially recognized by the institution; or 2) Any building or property owned or controlled by an institution that is used in direct support of or in relation to the institution’s educational purposes, is frequently used by students,

and is not within the same reasonably contiguous geographic area of the institution.

Public Property – All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus. This includes West 120th Street, West 121st Street, and West 122nd Street, between Amsterdam and Broadway; Broadway between 120th Street and 122nd Street; and Amsterdam Avenue between West 120th Street and West 122nd Street.

All crimes, whether subject to Clery or not, including Domestic Violence, Dating Violence, Stalking, Sexual Assault, and Bias or Hate Crimes can be reported to any TC Public Safety Officer and/or the local police department. Gender-based crimes and misconduct can also be reported to those responsible for addressing such matters on campus, see www.tc.columbia.edu/titleix

For additional information about reporting crimes please see section on Reporting Criminal Incidents on page 8.

Definitions of Criminal Offenses

The Clery Act uses the Federal Bureau of Investigation's Uniform Crime Reporting Handbook (UCR) for most crimes. The Violence Against Women Act (VAWA) sets out additional definitions.

The following definitions are drawn from these sources and from the most recent U.S. Department of Education Handbook for Campus Safety and Security Reporting (2011).

State Law has varying definitions of many sex and gender-related crimes and bias crimes. In accordance with New York State Education Law Article 129-A and VAWA, these definitions are available as "New York Sex Crimes and Bias Crimes" at <https://www.tc.columbia.edu/i/a/document/32925>
[NYS Education Law Article 129A.pdf](#)

New York State Education Law Article 129-B uses a third set of definitions, adopted from an alternate federal source. These definitions are also set out below.

Aggravated Assault – An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury results from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)

Arson – Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

Arrests and Disciplinary Actions – Clery also requires the reporting of alcohol, drug and firearm related arrests and referrals for campus disciplinary action.

Bias or Hate Crimes – A hate crime is a criminal offense committed against a person or property which is motivated, in whole or in part, by the offender's bias. Bias is a pre-formed negative opinion or attitude toward a group of persons based on a protected class.

For Clery purposes, hate crimes are those in which the victim is intentionally selected because of actual or perceived race, gender, religion, national origin, sexual orientation, gender identity, ethnicity, or disability. Reportable hate crimes include bias-motivated homicide, sex-offenses, robbery, aggravated assault, burglary, motor-vehicle theft, arson (as previously defined) and Larceny, Simple Assault, Intimidation and Destruction / Damage / Vandalism. For more information, refer to the policy on Hate or Bias Crime Reporting at www.tc.columbia.edu/policylibrary/public-safety/hate-or-bias-crime-reporting or the appendix.

Burglary – The unlawful entry of a structure to commit a felony or a theft. For reporting purposes, the definition includes: unlawful entry with intent to commit larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of these offenses.

Destruction/Damage/Vandalism – To willfully or maliciously destroy, damage, deface or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

Intimidation – To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

Larceny (except motor vehicle theft) – The unlawful taking, carrying, leading, or riding away of property from possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.

Motor Vehicle Theft – The theft or attempted theft of a motor vehicle. (Incidents are classified as motor vehicle thefts in all cases where automobiles are taken by persons not having lawful access, even though the vehicles may be later abandoned, including joyriding.)

Murder and Non-Negligent Manslaughter – The willful (Non-Negligent) killing of one human being by another.

Manslaughter by Negligence – The killing of another person through gross negligence.

Rape – The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

Robbery – The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Simple Assault – An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.

Sexual Assault Definitions

Sex Offenses – Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. Under Clery, sexual assault includes all of these offenses.

Fondling – The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

Incest – Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Rape – The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

Statutory Rape – Non-forcible sexual intercourse with a person who is under the statutory age of consent. (In New York, the age of consent is 17.)

Violence Against Woman Act (VAWA) Crimes: Dating Violence, Domestic Violence, and Stalking

State Law has varying definitions of many sex- and gender-related crimes and bias crimes. In accordance with New York State Education Law Article 129-A and VAWA, these definitions are available as “New York Sex Crimes and Bias Crimes” at https://www.tc.columbia.edu/i/a/document/32925_NYS_Education_Law_Article_129A.pdf

These crimes were added to those that must be reported under Clery by the 2013 VAWA reauthorization:

Dating Violence – Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. It does not include acts covered under the definition of domestic violence.

Domestic Violence – A felony or misdemeanor crime of violence committed:

1. By a current or former spouse or intimate partner of the victim,
2. By a person with whom the victim shares a child in common,
3. By a person who is co-habiting with or has co-habited with the victim as a spouse,
4. By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime occurred; or
5. By any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime occurred.

New York treats some dating violence as domestic violence. State’s domestic violence laws (“Family Offenses”) cover persons who are related by blood; persons who are married or formerly married; persons with a child in common; intimate partners who live together (or used to); and those who are or have been in an “intimate relationship” (regardless whether sexual). In determining whether a relationship is an “intimate relationship” New York looks to factors similar to those of Clery’s definition of dating violence. Neither a casual acquaintance nor ordinary fraternization between two individuals in business or social contexts constitutes an “intimate relationship.”

Stalking – Engaging in a course of conduct directed at a specific person that would cause a reasonable

person to: 1) Fear for a person’s safety or the safety of others; or 2) Suffer substantial emotional distress.

For the purposes of the definition of “stalking”:

1. **Course of conduct** means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person’s property.
2. **Reasonable person** means a reasonable person under similar circumstances and with similar identities to the victim.
3. **Substantial emotional distress** means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment of counseling.

Arrests, Referrals and Disciplinary Actions

Clery also requires the reporting of alcohol, drug and firearm related arrests and referrals for campus disciplinary action.

Drug-Related Violations – Violations of Federal, State and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

Liquor Law Violations – Violation of State or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

For Drug and Alcohol abuse education programs see www.tc.columbia.edu/policylibrary/public-safety/drug-free-campus

Weapons Law Violation – The violation of laws or ordinances prohibiting the manufacture, sale,

purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature.

Missing Persons

If a member of the community has reason to believe that a student who resides in on-campus housing has been missing, he or she should immediately notify Teachers College Office of Public Safety (OPS) at **(212) 678-3333**. OPS will generate a report and will attempt to locate the student or determine why the student is presumed missing. This investigation is accomplished through the use of both on-campus and off-campus resources. The Office of Public Safety will coordinate with the Office of Residential Services, the Vice Provost for Student Affairs, and any other appropriate offices.

If the resident student cannot be located within 24 hours, or if the circumstances warrant earlier intervention and investigation by law enforcement, the Office of Public Safety will contact the local NYPD precinct and will assist them as requested. OPS will contact the student's designated emergency contact as soon as practicable and no later than 24 hours after the student is determined to be missing. If the missing student is under the age of 18 and un-emancipated, TC will also notify the student's parent or legal guardian as soon as practicable but no later than 24 hours after the student is determined to be missing.



In addition to registering an emergency contact, students residing in on-campus housing have the option to identify an individual to be contacted by OPS in the event the student is determined to be missing more than 24 hours. If a student has designated such an individual, TC will contact that person as soon as practicable but no later than 24 hours after the student is determined to be missing. The student's confidential contact information will only be accessible by authorized campus officials. This information may only be disclosed to the New York City Police Department, or other bona fide law enforcement agency, and only in the furtherance of a missing person investigation.

Campus Crime Statistics for 2018, 2019 and 2020

This table includes all reports of Clery crimes made to Public Safety, other TC CSAs, or local Police Authorities. A report is counted during the year made (rather than when the incident took place) and regardless of the outcome of any investigation or prosecution. There were no Hate Crimes reported in 2019 and 2020. In 2018 there were two reports of Hate Crimes.

Crime/Offense	On Campus			Non-Campus			Public Property			Residence Halls			Total		
	2018	2019	2020	2018	2019	2020	2018	2019	2020	2018	2019	2020	2018	2019	2020
Murder Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offenses	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1
Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1
Incest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	1	0	0	0	1	0	0	0	0	0	1	0	1
Aggravated Assault	0	0	2	0	0	3	0	0	0	0	0	0	0	0	5
Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
VAWA Offenses															
Domestic Violence	0	0	1	1	0	0	1	0	1	0	0	0	2	0	2
Dating Violence	0	0	0	2	0	0	0	0	0	0	0	0	2	0	0
Stalking	2	11	2	2	0	0	1	0	0	2	6	0	7	11	2
Arrests															
Weapons Violations	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Drug Abuse Violations	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Hate Crime – 2018: 1) Student reports being assaulted because of her gender – No Injury-Residential
 2) (Anti-Semitic) Graffiti painted on professor’s office wall – On campus

Title IX, VAWA & NYS Education Law Article 129-B.

Teachers College (“College”) is committed to fostering an environment free from gender-based discrimination and harassment, including sexual assault and all other forms of gender-based misconduct. Through the implementation of policies and procedures as well as education and prevention programs, the College seeks to increase awareness of such misconduct, prevent its occurrence, investigate reports of misconduct, support those who experienced gender-based misconduct, deal fairly with those accused of violating College policy, and sanction those found to have violated College policy.

College policies and procedures reflect the College’s commitment to a safe and non-discriminatory working, learning and living environment and comply with Title IX, the federal law prohibiting sex and gender discrimination in higher education, the Violence Against Women Act (VAWA) (which substantially amended the Clery Act), and New York State Education Law, including Article 129-B which, like VAWA, focuses on sexual assault, domestic violence, dating violence and stalking.

Prohibitions against gender-based misconduct apply to all members of the community, regardless of race, color, national origin, religion, creed, age, disability, sex, gender, gender identity, gender expression, sexual orientation, familial status, pregnancy, genetic characteristics, alienage or citizenship status, military status, domestic violence victim/survivor status, criminal conviction, and/or any other characteristic protected by applicable law. Anyone may experience, and anyone may engage in gender-based misconduct.

Gender-Based Misconduct

Under the Clery Act and New York State Education Law 129-B, gender-based misconduct includes sexual assault, domestic violence, dating violence and stalking.

Gender-based misconduct includes a broad range of behaviors focused on sex and/or gender that may or may not be sexual in nature.

Gender-based misconduct can occur between strangers, acquaintances, or people who know each other well, including between people involved in an intimate or sexual relationship.

Gender-based misconduct can be committed by anyone regardless of gender identity and can occur between people of the same or different sex or gender.

Teachers College and Columbia University policies address a broad range of gender-based misconduct, including additional categories of prohibited conduct and some broader definitions of Clery Act terms.

While the Clery Act requires that only offenses reported as having occurred within “Clery geography” are to be included in annual statistics, prohibitions on gender-based misconduct also apply to conduct with a reasonable connection to the College, including off-campus behavior and during study abroad.

Allegations of gender-based misconduct involving students are governed by the Columbia University Gender-Based Misconduct Policy and Procedures for Students. This policy, which covers students at Teachers College, Barnard College and Columbia University, may be found at [sexualrespect.columbia.edu](https://www.tc.columbia.edu/policylibrary/diversity-and-community-affairs/-discrimination-and-harassment---policy-and-procedures/). Allegations involving other Teachers College community members as well as other forms of discrimination and harassment are governed by the Teachers College policy and procedures concerning discrimination and harassment:

<https://www.tc.columbia.edu/policylibrary/diversity-and-community-affairs/-discrimination-and-harassment---policy-and-procedures/>

Victims/survivors of sexual assault, domestic violence, dating violence or stalking have rights under law and College policy including these rights:

- to make a report to campus security, local law enforcement, and/or state police or choose not to report;
- to report the incident to the College;

- to be protected by the College from retaliation for reporting an incident; and
- to receive assistance and resources from the College.

New York State has established a more detailed bill of rights for student victims and survivors, available at www.tc.columbia.edu/policylibrary/diversity-and-community-affairs/129b-rights.

As described in more detail in the Policies, the College and University have a range of resources and options for individuals affected by gender-based misconduct. The Columbia University (CU) Gender-Based Misconduct Office and, the TC Title IX Coordinator, can provide more details about these resources and options, including:

Confidential Advocacy, Counseling and Healthcare Services

Assistance with reporting gender-based misconduct to the New York City Police Department, the District Attorney's Office, or other appropriate law enforcement authorities.

College and University procedures for reporting, investigating, resolving and remedying gender-based misconduct.

Accommodations and Interim Measures

The CU Gender Based Misconduct Office and TC Title IX Coordinator will work with those persons affected by gender-based misconduct to ensure their safety and well-being. Community members may request accommodations even where an investigation is not undertaken, or a party has declined to participate in a disciplinary or criminal process. Such request is evaluated in light of the circumstances and information available at the time. Accommodations may include moving a residence, adjusting an academic or employment schedule, allowing a student to withdraw from or retake a class without penalty and providing academic support.

The College may also take action through interim measures while an investigation or disciplinary process is pending. Interim measures, such as "no contact" directives, restrictions on a respondent's

access to particular campus locations or activities, and temporary suspensions, may also be taken to ensure the safety of all involved and to protect the integrity of a pending investigation or disciplinary process.

Accommodations and Interim Measures for Others

Where appropriate, the Teachers College Title IX Coordinator will work with individuals affected by gender-based misconduct to promote their safety and well-being. This assistance may include accommodations to support or protect an employee in the immediate aftermath of an incident and interim measures while an investigation or a disciplinary action is pending. Interim measures may include reassignment, supervision or scheduling changes. The Title IX Coordinator will evaluate the need and propriety for accommodations and interim measures in light of the circumstances and information available at the time.

The College provides written notification to individuals affected by gender-based misconduct about available assistance and how to request accommodations and interim measures. Individuals affected by gender-based misconduct are also informed about visa and immigration assistance, student financial aid and other relevant services that may be available to them.

The College prohibits retaliation against anyone who exercises their rights under Title IX, VAWA, the Clery Act or Article 129B. No officer, employee, agent or student of the College may retaliate, intimidate, threaten, coerce or otherwise discriminate against any individual for exercising such rights.

Privacy and Confidentiality

Teachers College and Columbia University value the privacy of students, employees, and other community members. Community members should be able to seek assistance without fear that the information they provide will be shared more broadly. Federal and state laws, however, impose reporting obligations on faculty and staff that, in some circumstances, require them to share information

from a report of gender-based misconduct with others at the College or University or with government authorities. Even when there is a reporting obligation, College and University employees will protect and respect an individual's privacy to the greatest extent possible and share information only on a need-to-know basis. The information provided to a non-confidential resource will be relayed only as necessary to investigate, seek a resolution and/or protect the College community.

The College's publicly available record keeping, including Clery annual reports, crime logs, alerts or warnings, do not include personally identifiable information about victims/survivors or witnesses.

Teachers College and Columbia University provide both confidential resources and non-confidential resources for individuals affected by gender-based misconduct. It is important to understand the difference between confidentiality and privacy:

Privacy. Federal and state laws impose reporting obligations, and most faculty and staff (other than those identified as confidential) are obligated to notify the Title IX Coordinator when they learn of an incident of gender-based misconduct. Teachers College and Columbia University resources who cannot guarantee confidentiality will protect your privacy to the greatest extent possible and share information only on a need-to-know basis to investigate, seek a resolution and/or protect the College community.

Confidentiality. Some resources are confidential and will not share any identifying information with others, except as required by law in emergency circumstances. These resources generally include licensed health care providers (acting in those capacities and not, for example, as professors), rape crisis counselors and clergy. At Teachers College and Columbia University, Ombuds officers are also confidential resources.

Requesting Confidentiality. An individual who reports gender-based misconduct to a non-confidential employee may ask the TC Title IX Coordinator (or, where applicable, the CU Gender-Based Misconduct Office) that the individual's

identity not be disclosed to anyone else, including the person who allegedly committed the misconduct. While such a request may limit the ability to investigate and respond to the reported misconduct, the Title IX Coordinator will consider the request in light of the College's commitment to provide a safe and non-discriminatory environment and will honor the request when possible.

Whether or not it is possible to keep the individual's identity confidential, Teachers College and Columbia University officials will reveal information about investigations and proceedings related to gender-based misconduct only to those who need to know in order to carry out their duties and responsibilities.

All College community members participating in an investigation, proceeding, or hearing are expected to maintain the privacy of the process. This does not prohibit either a Complainant or Respondent from obtaining the assistance of family members, counselors, therapists, clergy, doctors, attorneys, or similar resources; nor does it prevent either party from discussing the incident itself.

CAMPUS & COMMUNITY RESOURCES

Confidential Resources

Available to all students.

[Sexual Violence Response and Rape Crisis/Anti-Violence Support Center \(SVR\)](#)

2920 Broadway, Lerner Hall, 7th Floor
(212) 854-HELP (4357) CUMC

Available 24 hours a day/365 days a year to assist students who have experienced sexual assault, dating violence, domestic violence, stalking, or other sexual violence. SVR provides crisis intervention and options for reporting and medical help. An advocate can accompany students to resources such as emergency rooms.

Available to students who pay the Columbia Health Fee.

CU Medical Services

Morningside Campus: 535 West 116th Street,
4th Floor John Jay Hall, (212) 854-7426

9 am – 4:30 pm

CUMC Campus: Bard Hall Haven Tower 1, Suite B234
60 Haven Avenue (between 169th & 170th Street).
(212) 305-3400

CU Counseling & Psychological Services

Morningside Campus: 2920 Broadway, Lerner Hall,
8th Floor. (212) 854-2878

CUMC Campus: 60 Haven Avenue (between 169th &
170th Street) Bard Hall Haven Tower 1 Suite 1D.
(212) 305-3400, (by appointment only)

TC Employee Assistance Program (EAP)

mhn.advantageengagement.com (Code: TCEAP)

The EAP provides professional assistance to TC employees and immediate family to resolve personal and family problems on a confidential basis. They will also assist TC employees and their families with locating external counseling and other resources.

Available to Teachers College employees

CU Office of the University Chaplain (Pastoral Counseling)

ouc.columbia.edu

2920 Broadway, 710 Lerner Hall
(212) 854-1493

Available to all Teachers College community members.

TC College Ombuds www.tc.columbia.edu/ombuds

Email: ombuds@tc.columbia.edu

Non-Confidential Resources

Available to all Teachers College community members.

TC Public Safety

Whittier Hall, First Floor (212) 678-3333 (ext. **3333**)

TC Title IX Coordinator

Janice Robinson
128 Zankel, 212-678-3391
jrobinson@tc.columbia.edu

CU Gender-Based Misconduct Office

612 West 115th Street, 800 Watson Hall
212-678-1717

Requesting an Accommodation for a Disability related to gender-based misconduct.

TC Office of Access and Services for Individuals with Disabilities

212-678-6611; (646)755-3144 Video;
Zankel 301

Off Campus Resources

New York City Police Department

(24 hours a day/7 days a week)

Emergency **911**

Sex Crimes Hotline	212-267-RAPE (7273)
Special Victims Unit	646-610-7272

Manhattan District Attorney's Office

Sex Crime Unit	212-335-9373
Domestic Violence Unit	212-335-4308

Safe Horizon

Rape, Sexual Assault & Incest Hotline
212-227-3000
Domestic Violence Hotline
1-800-621-HOPE (4673)

Mt. Sinai/St. Luke's

Emergency Room/SAFE Center:
1111 Amsterdam Avenue at 113th Street

Crime Victim's Treatment Center

212-523-4728 (by appointment only)

New York Presbyterian – Columbia (NYP)

Emergency Room: 622 West 168th Street

DOVE: Domestic & Other Violence Project

212-305-9060

NYC Gay & Lesbian Anti-Violence Project

212-714-1141

NYC Family Justice Center

www1.nyc.gov/site/ocdv/programs/family-justice-centers.page

Rape Abuse & Incest National Network

800-656-HOPE www.rainn.org

NYS Office of Victim Services

800-247-8035 ovs.ny.gov

Actions for Survivors of Sexual Assault and Gender-Based Violence

The College encourages all individuals affected by gender-based misconduct to seek immediate assistance. Seeking assistance promptly may be important to ensure physical safety or to obtain medical care or emotional or other support; it may also be necessary to preserve evidence, which can assist the College or law enforcement in responding effectively. Assistance is available twenty-four hours a day, seven days a week.

Survivors are urged to consider the following steps:

1. **Get to a Safe Place.** After experiencing a traumatizing event such as a sexual assault, it can be important to find a place where you feel comfortable and safe from harm. This location could be home, local hospital, friend's home, or police station.
2. **Call for Assistance.** If you are concerned about your personal safety, call Teachers College Public Safety, 212-678-3333 (x3333 on-campus) or the NYC Police Department (NYPD) at 911 (off-campus) or go to a police station or hospital. Or call an Advocate from Sexual Violence Response and Rape Crisis/Anti-Violence Support Center (SVR), 212-854-HELP (4357), for confidential crisis intervention and to discuss options for reporting and medical help. An advocate can accompany students to resources such as emergency rooms.
3. **Get Medical Attention and Preserve Evidence.** It is important that a person who has recently experienced violence receive prompt medical attention. Because physical injury is not always noticeable at first, it is important to get a medical examination and treatment as soon as possible. This may include screening and/or treatment for sexually transmitted infection and emergency contraception, if appropriate.

A medical examination, particularly a free examination by a Sexual Assault Forensic Examiner (SAFE) can also preserve physical evidence. Survivors are encouraged to have physical evidence collected immediately, even if they are unsure about reporting to the police as they may later decide to do so. Evidence collection in NYC does not require you to file a police report. Survivors can decide whether to file charges later but can only preserve physical evidence now. Evidence is best collected as soon as possible and toxicology testing for date rape drugs is most effective within 72 hours of an assault. The evidence collection kit is turned over to the police only if a survivor chooses to report to the police during the period kept by the hospital.

You can ask for a Sexual Assault Forensic Examiner (SAFE) at any emergency room. Mt. Sinai/ St. Luke's Hospital (near the Teachers College campus) has a SAFE available 24/7 at 1111 Amsterdam Ave at 113th Street. The medical exam and collection of forensic evidence are done simultaneously.

If possible, avoid drinking, eating, showering, brushing teeth, combing hair or changing clothes before seeing a SAFE. But if you have done any of

these things, evidence can still be collected, and it remains important to seek medical attention. Any clothing removed should be placed in a paper bag and brought with you.

Evidence of violence, such as bruising or other visible injuries, should be documented including through the preservation of evidence. Evidence of stalking, including communication such as written notes, voice mail, or other electronic communications should be saved and not altered in any way.

4. **Get Support or Counseling Services.** The safety and well-being of survivors are of paramount importance. The College strongly encourages survivors to contact trained professionals for emotional support, medical services, and advocacy as soon as possible. Counseling is often helpful for survivors because it provides a safe place to talk about your experience and your feelings. Campus and off-campus support options, including confidential options, are listed on pages 20–22.

5. **File a Report with Local Law Enforcement.** The College urges survivors to consider reporting sexual assaults and other gender-based violence to local law enforcement authorities. Sexual Violence Response (SVR), the Gender-Based Misconduct Office, Teachers College’s Title IX Coordinator, Public Safety and/or Residential Services personnel can advise the survivor about the reporting process and may accompany the survivor or identify someone else who may accompany the survivor to local law enforcement.

Although the College strongly encourages filing a report with local law enforcement authorities, the choice is the survivor’s. See pages 18–22 for reporting resources.

6. **Consider Obtaining an Order of Protection.** Under New York law, victims/survivors of sexual assault, domestic violence, dating violence and stalking may seek a Family Court order of protection. You

can file a petition in Family Court for an order of protection if you:

- are related to the respondent (accused) by blood or marriage;
- are or were legally married to the respondent (accused);
- have a child with the respondent (accused); or
- are or were in an intimate relationship with the respondent (accused).

If you are not eligible for a Family Court order of protection, you may still be eligible for a criminal court order of protection.

The NYC Family Justice Center, with locations throughout New York City, can assist with obtaining an order of protection and other services.

www1.nyc.gov/site/ocdv/programs/family-justice-centers.page

Notify the College or University.

Procedures for addressing of reports of sexual assault and other gender-based violence, as well as resources and options are addressed in greater detail in the Title IX Policies discussed on page 18.

In any institutional disciplinary proceeding arising from an allegation of sexual assault, domestic violence, dating violence or stalking (collectively, VAWA offenses):

- The standard is “preponderance of the evidence.”
- Sanctions that may be imposed against students found to have violated the Gender-Based Misconduct Policy and Procedures for Students include reprimands, warnings, no contact directives, changes to academic schedule, disciplinary probation, revocation of honors or awards, restricting access to facilities or activities, removal from leadership/supervisory positions within the community, relocation of residence, dismissal or restriction from employment, removal from student housing, suspension, expulsion, and revocation of degree.
- Sanctions that may be imposed against individuals found to have violated the TC policy and procedures on the Protection from Discrimination

and Harassment include reprimands, warnings, changes in job duties, disciplinary probation, revocation of honors and awards, restricted access to facilities or activities, “no contact” order, movement of College-provided residence, movement of workplace, demotion, suspension, and dismissal or restriction from employment. The College retains its inherent authority to take such action as it deems appropriate to further the educational mission or to protect the safety and security of the community.

Disciplinary proceedings involving students will

- include a prompt, fair, and impartial process from the initial investigation to the final resolution;
- be conducted by officials who, at a minimum, receive annual training on the issues related to VAWA offenses and on how to conduct an investigation, adjudication and hearing process that protects the safety of victims and promotes accountability;
- provide the accuser and the accused with the same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to by an advisor of their choice whose role shall comply with the applicable procedures; and
- require simultaneous written notification to the accuser and the accused, of the result of any institutional disciplinary proceeding arising from an allegation of VAWA offenses crimes; procedures for appeals, any change to the result; and when such results become final.

Education and Prevention Programs

The College engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end sexual assault, domestic violence, sexual assault and stalking that:

- are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by

research, or assessed for value, effectiveness, or outcome; and

- utilize an ecological approach to prevention, considering environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

Educational programming consists of primary prevention and awareness programs for all incoming students and new employees, as well as ongoing awareness and prevention campaigns for students and employees to:

1. Identify sexual assault, domestic violence, dating violence, and stalking as prohibited conduct;
2. Define these behaviors using definitions provided by College policy (informed by Department of Education guidance) as well as providing access to state law definitions regarding what behavior constitutes criminal acts of sexual assault, domestic violence, dating violence, and stalking;
3. Define what behavior and actions constitute affirmative consent to sexual activity as defined in College policy as well as the appropriate rape statute in the State of New York;
4. Provide a description of safe and positive options for bystander intervention. Bystander intervention means safe and pro-social options that may be carried out by an individual or individuals to prevent harm or intervene when there is risk of sexual assault, dating violence, domestic violence, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional and community expectations to identify this behavior as problematic, seeing personal responsibility and overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene—either directly or indirectly;
5. Provide information on risk reduction. Risk reduction means options designed to decrease perpetration, and bystander inaction, to increase empowerment for complainants in order to promote safety and to help individuals and communities be actively aware of safe conditions;

6. Provide an overview of rights and responsibilities including available options on and off campus for reporting to campus authorities and/or to law enforcement (as well as the right to decline to report to law enforcement); assistance (such as medical, mental health, and advocacy); and disciplinary procedures and related rights. (This information is also included in this Annual Security Report in compliance with the Clery Act).

The College implements annual educational efforts consisting of presentations that include distribution of educational materials to new students; participating in and presenting information and materials during the New Employee and Faculty Orientations; as well as ongoing prevention and awareness efforts.

The College offers primary prevention and awareness programs for all incoming students at New Student Orientations. Information is presented during required sessions attended by all incoming students including education about confidential and non-confidential reporting of incidents. All new students are also required to view an on-line sexual violence prevention video.

Residential Life and Housing distribute materials from the Title IX Coordinator referencing the Columbia/Teachers College/Barnard College Gender-Based Misconduct Policy and Procedures for Students, directing students to the policy and procedures.

The College offers the following primary prevention and awareness programs required for all new employees, in the fall and spring sessions: Promoting Mutual Respect and Preventing Workplace Harassment, Cultural and Racial Micro-aggressions and Federal Privacy Information sessions (FERPA). The Title IX Coordinator presents to various academic and staff departments.

The College offers ongoing awareness and prevention programs for students. In August and January, TC Community Assistants (Residential Life student staff) receive training on recognizing gender-based misconduct behaviors including sexual assault, dating violence, domestic violence, and stalking as well as



information about how to refer students to confidential and non-confidential reporting options. Community Assistants also receive training on discrimination and harassment prevention, bystander intervention, and consent. Rape Crisis/Anti-Violence Support Center staff train Community Assistants about the Center's resources. The Teachers College Student Senate and student organization leaders host the Title IX Coordinator for Gender-Based Misconduct training. Poster campaigns are available on campus throughout the year, particularly during relationship violence awareness month (October) sexual assault awareness month (April). Bystander Intervention trainings are provided by the Rape Crisis/Anti-Violence Support Center.

Teachers College's on-going campaign includes "Got Consent—What to Do If You Have Been Sexually Assaulted" posters in all Teachers College bathrooms and in residence halls. The posters include a photo of the Teachers College Title IX Coordinator and stating confidential and non-confidential reporting options. Also, the Student Bill of Rights for Victims/Survivors of Gender Based Violence is posted in residence halls and student areas pursuant to the NYS 129-B Sexual Assault law.

Links to Important Policies Relating to Safety and Security

Important Policies relating to Safety and Security can be found at the links below or in the appendices in the rear of this booklet.

Policy	Where to find it
Abuse and Harassment of Minors and Adults	www.tc.columbia.edu/policylibrary/diversity-and-community-affairs/abuse-and-harassment-of-minors-and-adults
Campus Sex Crimes Prevention	www.tc.columbia.edu/policylibrary/public-safety/campus-sex-crimes-prevention
Drug-Free Campus Policy	www.tc.columbia.edu/policylibrary/public-safety/drug-free-campus
Alcohol Policy	www.tc.columbia.edu/policylibrary/public-safety/alcohol-policy
Gender-Based Misconduct Policy and Procedures for Students	sexualrespect.columbia.edu/university-policy
Hate or Bias Crime Reporting	www.tc.columbia.edu/policylibrary/public-safety/hate-or-bias-crime-reporting
Missing Students	www.tc.columbia.edu/policylibrary/public-safety/missing-students
Protection from Harassment	https://www.tc.columbia.edu/policylibrary/diversity-and-community-affairs/-discrimination-and-harassment---policy-and-procedures/
Smoke-Free Campus	www.tc.columbia.edu/policylibrary/public-safety/smoke-free-campus
Violence-Free Workplace	www.tc.columbia.edu/policylibrary/human-resources/violence-free-workplace
Drug-Free Workplace	www.tc.columbia.edu/policylibrary/human-resources/drug-free-workplace

Facts About Sexual Assault

- No one is ever responsible for the crime of sexual assault being perpetrated against them.
- Under New York State Education Law, colleges and universities must establish this standard for students: *“Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as [they] create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant’s sex, sexual orientation, gender identity, or gender expression.”* Further:
 - Sexual activity that is coerced or forced is not consensual.
 - A person cannot give consent if he or she lacks the ability to make or understand the decision because of disability, lack of sleep, consumption of alcohol or drugs, or if he or she is unwillingly restrained.
 - A sleeping or unconscious person cannot give consent.
 - The use of alcohol or drugs does not justify or excuse gender-based misconduct and never makes someone at fault for experiencing gender-based misconduct.
 - Consent cannot be procured by the use of physical force, compulsion, threats, intimidating behavior, coercion, or from a person who is incapacitated.
 - Consent to one form of sexual activity does not imply consent to other forms of sexual activity.
 - Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another person.
 - Consent may be withdrawn at any time. When consent is withdrawn or can no longer be given, sexual activity must stop.
 - Previous relationships or previous consent for sexual activity is not consent to sexual activity on a different occasion.
 - The definition of consent does not vary based upon a participant’s sex, sexual orientation,

gender identity, gender expression or relationship status.

- Respect a person's expectations and limits. If you do not know what they are, it is your responsibility to ask.

Campus Sex Crimes Prevention Act/Sex Offenders Registry

The **Campus Sex Crimes Prevention Act** provides for the tracking of convicted, registered sex offenders enrolled as students, or working or volunteering at institutions of higher education. It requires sex offenders who must register under state law to provide notice of enrollment or employment at any college or university in the state, as well as notice of each change of enrollment or employment status. It also requires that state procedures ensure that this information is promptly made available to law enforcement agencies with jurisdiction of the institutions of higher education entered into appropriate state records or data systems.

The **New York State Sex Offender Registration Act** requires anyone who must register as a sex offender to notify the state of enrollment, attendance, employment or residence at any institution of higher education and any changes to such enrollment, attendance, employment or residence. More information about the Act may be found at www.criminaljustice.ny.gov/nsor, where there is also a database of registered offenders.

Resources

New York State Registry

www.criminaljustice.ny.gov/SomsSUBDirectory/search_index.jsp

NYPD, 26th Precinct

520 West 126th Street (West of Amsterdam Ave.)
www1.nyc.gov/site/nypd/bureaus/patrol/precincts/26th-precinct.page

TC Office of Public Safety

Whittier Hall 1A, First Floor

Emergency

(212) 678-3333

Other

(212) 678-3340



Crime Prevention and Education Awareness

The safety and security of our Teachers College students, faculty, and staff is one of the College's highest priorities. While a full-time staff of licensed and certified proprietary public safety personnel are employed by the College to keep the campus safe and secure; a truly safe campus can only be achieved through the cooperation and awareness of all students, faculty, and staff. You can help maintain your own safety by complying with established College security policies and by following common sense personal safety practices as follows:

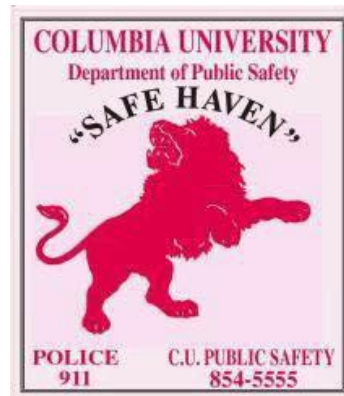
Take Responsibility for Your Own Safety

1. Be aware of your surroundings and what is going on around you. Keep your head up and your eyes moving. Walk purposefully with a steady pace and self-assured stride. Confidence deters attackers.
2. When walking at night, walk in well-lighted and well trafficked areas. Avoid walking through parks, parking lots, and isolated or deserted areas.

3. Use the buddy system. When traveling at night arrange with friends to walk or ride together.
4. Walk in the center of sidewalks away from doors and bushes.
5. If you suspect that you are being followed, indicate your suspicions by looking behind you. If you are on foot, cross the street, change direction, or vary your speed. Walk to a location where there are other people, to the nearest “open store”, or to a Columbia University “SAFE HAVEN” location (Red Lion Decal on Window).
6. Stay away from isolated ATM locations. Plan ahead to avoid using ATM machines during off-hours.
7. Do not feel bullied by people who look you in the eyes; look them in the eyes. Eye contact makes everyone uneasy so use that to your advantage.
8. Be wary of strangers at night. It is better to be rude, ignore, and walk away than to have someone take advantage of your kindness.
9. Trust your instincts. Don’t allow rationality to over-ride your “sixth sense”-it could protect you from danger.
10. Do not resist armed robbers. Property can be replaced; your life cannot.
11. Do not openly display maps on a public street because it indicates that you are a stranger to the community, unfamiliar with your surroundings, and a potential victim.
12. Do not unnecessarily display your tablets, smart phones, or laptops in public.

Safe Havens

Local businesses register with the CU Department of Public Safety and pledge to assist Columbia University affiliates in distress by contacting Public Safety or the NYPD. These businesses display a distinctive red lion logo on their storefronts.



Columbia Safe Haven locations link:

publicsafety.columbia.edu/content/safe-havens

Avail yourself of the free Columbia University shuttles and/or free Columbia University Escort Program (212-854-SAFE or 212-854-5555)

Transportation and Campus Safety

Taking Public Transportation

1. Know your timetables to avoid long waits—especially if you are alone.
2. Avoid empty subway cars and ride at the conductor (middle) or motor-person’s position (first car).



3. Buses tend to be safer at night than subways. Sit close to the bus operator’s position when possible.



4. Always plan your route in advance. Avoid getting off a bus or subway in unfamiliar neighborhoods especially during night time.
5. Avoid isolated bus and subway stops.



6. While riding public transportation, keep your handbag, knapsacks, bookbags and personal property in front of you and close to your body.
7. Don't open your purse or wallet when boarding a bus or waiting to buy a metro card in a subway station. Always have your fare ready and avoid exposing your wallet or purse unnecessarily.
8. Always be aware of the people around you!
9. You can receive text message alerts and Emails from the MTA: www.mymtaalerts.com/LoginC.aspx
10. You can receive bus information: bustime.mta.info or web.mta.info/nyct/service/BusTimeAppJune2015.htm

Columbia University Shuttle Buses

Teachers College students, faculty, and staff have free access to Columbia University's shuttle buses. The service is free of charge to members of the Teachers College community with a valid TC ID card.

To obtain shuttle service, please phone CU Public Safety at (212) 854-SAFE (212-854-7233) CU provides a variety of shuttle bus services. Information about all of the CU shuttle bus routes can be found at: transportation.columbia.edu

You can also download the transportation app: columbia.transloc.com

Or Download the iPhone and Android App with this QR code:



Columbia University Walking Safety Service

Teachers College students, faculty, and staff have free access to Columbia University's Escort Service. This service is free of charge to members of the Teachers College community with a valid TC ID card. The Escort Service is a footed patrol or a Public Safety/Security vehicle service that is available from 8:00 P.M. to 3:00 A.M., seven nights a week. Escorts carry two-way radios provided by Columbia University Public Safety. The service is available from West 108th Street to West 110th Street between Amsterdam Avenue and Riverside Drive and from West 111th Street to West 122nd Street between Morningside Drive and Riverside Drive. For more information about this service you may visit the Columbia University Department of Public Safety web site at: publicsafety.columbia.edu

Avoid Theft of Personal Property

Theft is the unlawful taking of personal property and is the single most common crime on most college campuses. What can you do to deter theft? Remove the opportunity by following the suggestions below:

Student Residence

1. Lock your doors/windows whenever you leave your room or apartment.
2. Do not allow unescorted strangers inside your room/apartment.
3. Be suspicious of unknown persons loitering in your area.
4. Never leave an exterior door propped open.
5. Keep a record of your valuables.
6. Do not hold doors open for strangers while entering or exiting the residence halls.
7. If you see something, say something!

Offices and Classrooms

1. Avoid keeping your handbags under your desk or classroom work table.
2. Lock your office door, even if the office is left unattended for a short amount of time.
3. Do not bring large sums of cash to work or school.
4. Carry only the necessary credit cards and identifications.
5. If you must leave your purse or wallet at your work station, lock it in a locker or desk. In a classroom, keep it in front of you where you can see it at all times.

Library

1. Do not leave personal property unattended even for a minute.
2. Report any suspicious person/activities to library personnel or to the Office of Public Safety.
3. Keep personal property in sight at all times.
4. Try not to bring valuables into the library.

Athletics Facilities at the Morningside Campus of Columbia University

1. Secure all personal property in a locker.
2. Avoid carrying large sums of money or other valuables with you to the athletic facility.
3. Report any suspicious persons to the athletic staff, to the Columbia University Department of Public Safety, or to the TC Office of Public Safety. Keep your locker locked whenever unattended.

If You Have a Car

1. Park in a well-lit area, close all windows, and lock all doors.
2. Place all packages or valuables out of sight: CD players, cell phones, radar detectors, and other items of value. Expensive items placed in the open invite theft.
3. If you park in a commercial lot or garage, leave only the ignition key with the attendant.
4. Do not keep your license, registration, or title inside of your car. Thieves can use these documents to sell your car, if stolen, and to impersonate you if questioned by the police.

Please report any suspicious persons or activities to the Office of Public Safety and/or the New York City Police Department.

Be Aware and Be Safe

If you are a victim:

1. Report the crime to the Police by calling **911**.
2. Report the crime to the Office of Public Safety at **(212) 678-3333**.
3. Attempt to remain calm while waiting for the police to respond.
4. If you are injured, request medical attention.
5. Obtain hospital report numbers from the hospital and complaint numbers from the police.
6. If you sustained injuries and/or suffered financial loss, you may be eligible for *Crime Victim's Compensation*. Write or call:
Crime Victims Compensation Board
(718) 923-4325
7. To replace important ID cards:
 - a. **TC ID** (212) 678-3098
 - b. **Social Security/Medicare card**
(800)772-1213
 - c. **MTA Reduced fare & disabled card**
(718) 330 1234

For major credit cards, immediately contact the individual store or credit card companies.

The Teachers College Office of Public Safety and Columbia University Department of Public Safety provide information on crime prevention and educational seminars to members of the Teachers College community.

During orientation week, crime prevention presentations and related information is made available to incoming students. Crime prevention lectures on the safeguarding of personal property, and personal and transportation safety, are presented to various organizations and student groups throughout the year.

Crime Prevention Seminars

These interactive presentations are given during student and employee orientations and are also available to any group upon request. These presentations provide vital information on how to reduce the likelihood of being a crime victim.

Self-Defense Seminars

Several times a year, self-defense instructors provide hands-on self-defense training at the CU campus. These events are extremely popular and require advanced reservation.

Property Identification Programs to Safeguard Property

The following are programs provided by the Columbia University Department of Public Safety and are made available to members of the TC community:

1. Operation ID

Columbia participates in "Operation ID" which is a nationwide program aimed at deterring theft by permanently marking and identifying valuables. The Department will mark valuable property with a specially assigned number that is indelible and inconspicuous. It is recommended that you retain a photograph of anything that cannot be engraved and to keep an up-to-date inventory of your property with their respective model and serial numbers.

2. Operation Blue Light

This program allows Public Safety personnel to mark property with an invisible ink discernable under a special light.

3. PC Phone-Home

This innovative program is available to all members of the Columbia University community. It allows authorities to locate a lost or stolen computer by identifying its location when the computer is connected to the internet. This program is effective in any location, worldwide.

4. Stop Theft Tags

These tags possess a unique ID number that is entered into the STOPTHEFT database. This allows lost or stolen property to be reunited with its owner.

5. Bicycle Registration

The Department of Public Safety provides free registration for all bicycles. A unique ID number is applied to the bicycle and registered with the NYPD. A permanent decal is affixed to the bicycle.

6. Auto VIN Etching

Unique vehicle identification numbers (VIN) are etched into a car's windows. This program reduces the risk of the vehicle being stolen by making the glass traceable. It also aids police in recovering stolen vehicles by making them identifiable and can result in reduced insurance premiums.

7. Antitheft Locking Devices

Columbia University Department of Public Safety sells the following locking devices at cost: 1) **Kryptonite** bike locks, 2) Desktop computer locks, 3) Laptop computer locks, 4) The **Club**-Antitheft device for automobiles, and 5) The **Shield**-Anti theft car device that works with the **Club**.

Emergency Evacuation Procedures and Policies

The Office of Public Safety leads College planning efforts and response to natural and/or man-made disasters and other campus-wide emergencies. Response protocols are illustrated in the TC Crisis Management Plan (CMP).



Crisis Management Plan (CMP)

Overview

The Teachers College Crisis Management Plan (CMP) was jointly developed by and through cooperation of multiple College offices and disciplines. The multi-disciplinary approach to the development of this plan brings together a wide range of expertise and experience in the varied campus functions and responsibilities necessary to successfully respond to campus-wide emergencies. The EMP will continually be reviewed, practiced, and updated to meet newly identified threats to our campus environment and to incorporate additional resources as they may become available. The Office of Public Safety is responsible for reviewing the Plan annually, prior to the beginning of each fall semester, and to update the Plan and Plan training as required.

The Teachers College Public Safety staff is dedicated to providing a safe and secure environment in which students, faculty, and staff can enjoy the Teachers College experience. We encourage all members of the College community to become familiar with the EMP and to partner with us in ensuring the safety and security of our community.

Purpose of the Plan

The EMP is designed to provide general guidelines and protocols deemed necessary to successfully respond to a variety of potential campus

emergencies. While the specific circumstances of any emergency and the detailed actions required for its mitigation cannot be predicted in advance, we can plan and prepare for a successful and comprehensive management of emergencies.

The EMP assigns roles and responsibilities to departments and individuals that are directly responsible for emergency response efforts and critical support services and provides a management structure for coordinating and deploying essential resources. While the Plan provides specific protocols for responders, it also provides flexibility for the use of common sense and sound judgment by the leaders of our emergency response.



Scope of the Plan

A variety of natural or man-made hazards or disasters can affect the Teachers College campus and pose an actual or potential threat to our community's health and safety. A comprehensive emergency plan is required to insure the protection of students, faculty, staff, and visitors from the potential effects of such hazards.

This plan may be activated in response to a local, regional, or national emergency that affects the greater Columbia University family of campuses. Any emergency that affects our students, faculty, and/or staff may be considered a Teachers College emergency.

The plan, while primarily local in scope, is intended to be able to support a city-wide, state-wide, and/or national incident management plan. The Plan and the

training associated with the Plan shall conform to protocols of the National Incident Management System (NIMS) and the Incident Command System (ICS), and conform to New York City and New York State Emergency Operations Plans.

Evacuation Procedures

The College maintains an Emergency Evacuation Plan (EEP) to provide training to community members on the proper evacuation protocols for fire or other emergencies requiring the evacuation of one or more buildings on campus. Each new employee receives a copy of the EEP, from the Human Resources Office, upon hire. Each new resident student receives a copy of the EEP at the new resident student orientation.

The Community may be notified of a need for partial or full evacuation by a number of communications options, including community-wide email, community-wide voice mail, public announcement broadcasts, e-boards, Facebook, Twitter, or electronic notification system (by text or voice mail). The primary communication methods for evacuation are the electronic notification system, TCAAlert, and public announcements via speaker throughout campus. The other methods are supplemental.

The Office of Public Safety maintains ongoing communication protocols with various New York City agencies involved in emergency notification and response including the Police Department, the Fire Department, and the Office of Emergency Management (OEM). The College participates in a private college consortium that works closely with OEM and maintains a seat at OEM during City-wide crisis. The OEM seat serves as a direct communication link to the College's own emergency command center which is staffed during City-wide or College emergencies.

Shelter-in-Place Procedures

What does it mean to “Shelter-in-Place”?

If an incident occurs and the buildings or areas around you become unstable, or if the air outdoors becomes dangerous due to toxic or irritating

substances, it is usually safer to stay indoors, because leaving the area may expose you to that danger. Therefore, to “shelter-in-place” means to make a shelter of the building that you are in, and with a few adjustments this location can be made even safer and more comfortable until it is safe to go outside.

Basic “Shelter-in-Place” Guidance

If an incident occurs and the building you are in is not damaged, stay inside the building in an interior room until you are told it is safe to come out. If your building is damaged, take your personal belongings (purse, wallet, TCID, etc.) and follow the evacuation procedures for your building (close your door, proceed to the nearest exit, and use the stairs instead of the elevators). Once you have evacuated, seek shelter at the nearest College building quickly. If College Public Safety, police or fire department personnel are on the scene, follow their directions.

1. Close all doors
2. If in the course of exiting the building you are blocked by fire, go to the safest fire-free area, or stairwell. If a phone is available call Public Safety or find a window and signal that you are still in the building.

How to “Shelter-in-Place”

No matter where you are, the basic steps of shelter-in-place will generally remain the same. Should the need ever arise; follow these steps, unless instructed otherwise by local emergency personnel:

1. If you are inside, stay where you are. Collect any emergency shelter-in-place supplies and a telephone to be used in case of emergency. If you are outdoors, proceed into the closest building quickly or follow instructions from emergency personnel on the scene.
2. Locate a room to shelter inside. It should be:
 - an interior room;
 - above ground level; and
 - without windows or with the least number of windows.

If there is a large group of people inside a particular building, several rooms maybe necessary.

3. Shut and lock all windows (tighter seal) and close exterior doors.
4. Turn off air conditioners, heaters, and fans.
5. Close vents to ventilation systems as you are able. (University staff will turn off the ventilation as quickly as possible.)
6. Make a list of the people with you and ask someone to phone the information to the NYPD and/or Teachers College Office of Public Safety so they know where you are sheltering.
7. Turn on a radio or TV and listen for further instructions.
8. Make yourself comfortable.

Emergency Response and Evacuation Testing Procedures

Emergency Text Messaging

In the event of an emergency involving an imminent threat on campus, the Office of Public Safety shall confirm that there is a significant emergency or dangerous situation, and then in conjunction with the Office of the Vice President for Finance and Administration, determine the appropriate segment or segments of the campus community to receive a notification; determine the contents of the notification; and utilize the College's emergency notification system (TC Alert text and voice messaging) to notify the campus community. The TC Alert emergency notification system is tested two times each year.

The Office of Public Safety immediately notifies the campus community upon confirmation of a significant emergency or dangerous situation involving an immediate threat to health or safety of community members.

Fire Safety and Prevention

The Office of Environmental Health & Safety (EH&S) and the Officer of Public Safety, work in concert to protect the College from fire. The Office of Environmental Health & Safety (EH&S) takes the lead in educating the College community about fire safety. It also manages the advanced fire detection and suppression systems located throughout the campus. The Environmental Health & Safety Fire and Life Safety Coordinator, Stephen Doyle, is located in Zankel building room ZB31 and can be reached by phone at (212) 678-8164.

Description of Student Housing Fire Systems

Every Teachers College residence has:

1. An interior fire alarm system.
2. Monthly inspection of fire suppression equipment.
3. Semi-annual testing of all fire detection and notification equipment.
4. An interior fire alarm panel that triggers a full first alarm response (three engine companies, two ladder companies, and a Battalion Chief) to the building upon activation.
5. Automatic wet sprinklers in all laundry rooms.

Public Safety Officers are trained and certified by the City of New York as Fire Safety Directors, and as such, maintain the knowledge and skills necessary to successfully respond to fire emergencies on campus. The College maintains a working relationship with the New York City Fire Department and the New York City Department of Buildings to ensure that the College buildings fire systems meet or exceed applicable fire and building codes and best practices in fire safety are applied throughout the campus.

Teachers College is a Smoke-Free Campus. Smoking is prohibited in all buildings, residential and academic. Smoking is prohibited outside within 50 feet of any College building entrance/exit, driveway, or open window.

Continuous Evaluation and Enhancement of Campus Fire Safety

Teachers College is committed to continual assessment and enhancement of fire safety equipment and procedures to ensure continued compliance with New York City, State, and National Fire Safety Standards.

Daily Fire Logs

The Office of Environmental Health & Safety (EH&S) compiles campus fire statistics and reports them to the U.S. Department of Education. The Office also maintains a daily fire log. The information in the logs typically includes the type of fire, date, time, and general location. The log is available for review during normal business hours.

The Office of Environmental Health & Safety (EH&S) is located in the Zankel Building, ZB 31, 525 West 120th Street, New York City, N.Y. 10027-6696. Business hours are Monday through Friday 9: 30 A.M. to 5:00 P.M.

Fire Statistics

For 2016, 2017, and 2018 Fire Statistics, see Appendix A on page 40.

Fire Safety Education and Training

- 1. Fire Evacuation (FET) Training** – The College maintains a Fire Evacuation Team (FET) charged with the responsibility to assist the Office of Public Safety with emergency and fire evacuation of buildings on campus. The FET receives fire response and evacuation training annually at the beginning of each “fall” semester.
- 2. Public Safety Staff Training** – The College maintains a proprietary Public Safety Office with Public Safety staff on-hand around the clock. The Public Safety staff provides the primary response to fire, medical, and criminal incidences on campus. Public Safety staff members receive training and certification as Fire Safety Directors. In addition, they receive semi-annual refresher

training in fire safety, fire alarm response and emergency evacuations.

- 3. Community Assistant (CA) Training** – Community Assistants employed by the Office of Residential Services are tasked with the on-site management of campus residential facilities. Members of the CA staff receive entry level training in fire safety, fire alarm response, and emergency evacuation as part of their orientation training. This training is provided by the Office of Public Safety, and the Office of Environmental Health and Safety.
- 4. New Resident Student Fire Safety Orientation Training** – Resident students receive information about fire safety, fire alarm response, and emergency evacuation as part of the New Resident Student Orientation provided at the beginning of each semester by the Offices of Public Safety, and Environmental Health and Safety.
- 5. Faculty and General Staff Training** – Fire Safety, fire alarm response, and emergency evacuation training is provided on request by the Office of Public Safety to both academic and non-academic offices and departments. Presentations are provided throughout the academic calendar year.

Reporting a Fire

1. Campus Public Safety-Emergency **3333**
2. Police, Medical, Fire-Emergency **911 / 3333**
3. All fires are to be reported to the Office of Public Safety, no matter how minor.

Fire Safety Precautions

1. Keep doorways, corridors, and stairwells clear and unobstructed. Keep fire doors closed.
2. Make sure that all electrical appliances and cords are in good condition and UL approved.
3. Do not overload electrical outlets. Use fuse protected multi-outlet power strips and extension cords when possible.
4. Never store flammable substances or combustible items (oily rags, paint, etc.) in your office or apartment.

5. The use of candles, incense, and other open flames is strictly prohibited in all college academic buildings and residential halls.
6. Never leave food cooking or running electrical appliances unattended, no matter the amount of time.
7. Be familiar with the locations of firefighting equipment that is closest to your office or apartment.
8. Be familiar with fire evacuation routes from your office or apartment.
9. When leaving for extended periods of time, i.e. vacations or leave of absence, unplug electrical appliances and shut off gas stoves. (Note: Consult the Office of Residential Services and Facilities with regards to turning off the gas stoves and/or the unplugging of electrical appliances).
10. Ensure that the smoke detectors are working properly by looking for the green light. Residential building occupants should test their smoke detectors regularly. The Office of Environmental Health and Safety regularly tests the smoke detectors in the academic buildings.

Procedures for Students and Employees in the Event of a Fire

1. If you discover a fire, immediately shout a warning to other occupants and PULL the nearest fire alarm as you exit the building.
2. Remain calm.
3. When evacuating the building, remember to feel doors before opening them to ensure that there is no fire danger on the other side. If you must enter a smoke-filled room or hallway, stay low, head as close to the ground/floor as possible, keeping one hand on the wall to avoid disorientation and crawl to the nearest exit.
4. Provide assistance to persons with disabilities. Notify the TC Office of Public Safety if persons with disabilities are in the area and may need to be relocated.
5. Provide assistance to other individuals in your immediate area. Attempt rescue efforts only if there is no immediate danger to self.
6. If the fire is small and if you have had training, use the proper type of fire extinguisher to control and extinguish the fire. Do this only after the evacuation has started and the Office of Public Safety has been notified (by activating the fire alarm or by calling extension **3333**).
7. Close all doors and windows in the vicinity of a fire.
8. Once you are safely away from danger, call the emergency number for the Office of Public Safety, extension **3333** to report the fire.
9. Once **outside the building and away from the danger** and when possible, direct emergency teams to the location of the fire and then proceed to your department's designated gathering point (at least 500 feet away from the affected building) and stay there.
10. Keep streets, fire lanes, hydrant areas, and walkways clear for emergency vehicles and workers.
11. If requested, assist TC Office of Public Safety staff as necessary.
12. Do not return to an evacuated building until given the "All Clear" sign by the TC Public Safety staff.

For Persons with Disabilities

It is suggested that individuals who use wheelchairs or who have mobility impairment prepare for an emergency ahead of time by asking co-workers or fellow students to plan on providing assistance in an emergency. It is also suggested that individuals contact the Director of the Office of Public Safety and/or the Director of the Office of Access & Services for individuals with Disabilities for assistance in planning for emergencies.

1. During an emergency evacuation due to fire the building elevators should not to be used.
2. Evacuation may not always be necessary or advisable. If persons with disabilities cannot be transported from the building without using an elevator, assist persons with disabilities to the nearest fire stairway landing on each floor of the building. Immediately notify TC Public Safety staff, first responders, or other rescue workers on scene of the arrival of persons with disabilities to the rescue area.
3. Do remain in your room if you cannot get out of the building because of heat or smoke. **Call Public Safety immediately.** Keep the door closed and wait for assistance from the Fire Department. If

smoke is entering the room through the cracks of the door, stuff the crack under the door with towels, sheets, or blankets. If possible, open the window and signal to the Fire Department with a bright colored garment from that window; the Fire Department will be looking for this type of signaling or sign.

4. Do close the door behind you if and when it is safe to leave your room.
5. Don't waste time collecting personal valuables. Take your keys with you so that you can re-enter your room if exiting the building is not possible.

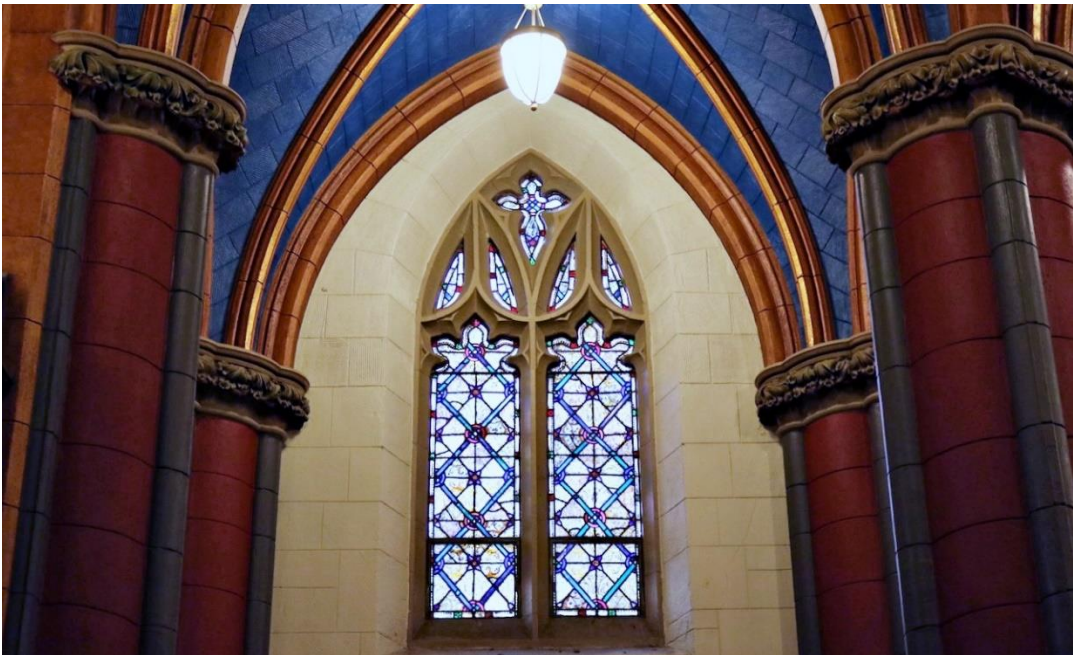
Fire Response Dos and Don'ts

1. Do treat every alarm as an emergency. If an alarm sounds, exit the building immediately.
2. Don't assume that a fire alarm is a drill or test. All building alarm systems are tested as required by law, but these tests are announced in advance. **The College does not schedule unannounced fire drills.**
3. Be aware that transmitting a false alarm is a criminal offense that endangers the lives of both building occupants and emergency personnel. It is also an offense to prop open fire doors or to tamper in any way with alarm equipment, electromagnetic locks, or other life safety devices or to block or obstruct paths of egress.

Campus Safety Advisory Committee

The primary mission of the Committee, as set by New York State Education Law Article 129A, is to review campus security policies and procedures and make recommendations for their improvement. The committee is particularly concerned with ensuring that procedures and programs are in place to educate the community about sexual assault, domestic violence, dating violence, stalking, and to educate the community about personal safety and crime prevention. The Chair of the Committee is the Assistant Vice President/Director of Public Safety.







APPENDICES

2021 ANNUAL CAMPUS SECURITY & FIRE SAFETY REPORT

(Including Data for Calendar Years 2018–2020)

Appendix A: Campus Fire Statistics

TC Annual Campus Security and Fire Safety Report 2021, including statistics for 2018–2020.

Location	Total Fires	Fire Number	Date	Time	Cause	Value of Property Damaged
Calendar Year 2020						
New Residence (517 W121)	0	0	N/A	N/A	N/A	N/A
Bancroft (509 W121)	0	0	N/A	N/A	N/A	N/A
Sarasota (512 W122)	0	0	N/A	N/A	N/A	N/A
Grant (514 W122)	0	0	N/A	N/A	N/A	N/A
Whittier (1230 Amsterdam Ave)	0	0	N/A	N/A	N/A	N/A
Calendar Year 2019						
New Residence (517 W121)	0	0	N/A	N/A	N/A	N/A
Bancroft (509 W121)	0	0	N/A	N/A	N/A	N/A
Sarasota (512 W122)	0	0	N/A	N/A	N/A	N/A
Grant (514 W122)	0	0	N/A	N/A	N/A	N/A
Whittier (1230 Amsterdam Ave)	0	0	N/A	N/A	N/A	N/A
Calendar Year 2018						
New Residence (517 W121)	1	1	2/14/18	3:01am	Unintentional Fire in oven	N/A
Bancroft (509 W121)	0	0	N/A	N/A	N/A	N/A
Sarasota (512 W122)	0	0	N/A	N/A	N/A	N/A
Grant (514 W122)	0	0	N/A	N/A	N/A	N/A
Whittier (1230 Amsterdam Ave)	0	0	N/A	N/A	N/A	N/A

Data for all Calendar Years 2018-2020

	New Residence	Bancroft	Sarasota	Grant	Whittier
Medical Facility Treatment	0	0	0	0	0
Fire-related Deaths	0	0	0	0	0
Property Damage	N/A	N/A	N/A	N/A	N/A
Malicious False Alarms	N/A	N/A	N/A	N/A	N/A
Incident #	N/A	N/A	N/A	N/A	N/A
Fire Alarms Monitored	Yes	Yes	Yes	Yes	Yes
Sprinkler System	Yes	Yes	Partial	Partial	Partial
Fire Alarm System & Smoke Detectors	Yes	Yes	Yes	Yes	Yes
Evacuation Plans Posted & Fire Safety Training	Yes	Yes	Yes	Yes	Yes
Evacuation Drills Each Academic Year	12	4	4	4	4

Appendix B: Abuse and Harassment of Minors and Adults

Retrieved September 7, 2021 from: www.tc.columbia.edu/policylibrary/diversity-and-community-affairs/abuse-and-harassment-of-minors-and-adults

Abuse and Harassment of Minors and Adults: Guidance for Teachers College Faculty and Staff on Reporting Obligations

Recent events at other universities have served as a powerful reminder that we are all obliged to report and help prevent assault, abuse and harassment. Changes in federal guidance on Title IX, which prohibits gender-based misconduct, sexual harassment and discrimination at educational institutions, have modified our legal obligations, as has the reauthorization of the Violence Against Women Act. Please carefully read these guidelines to understand what is required of you.

1. **All allegations of gender-based misconduct (including sexual assault, domestic and dating violence, stalking, sexual harassment, gender-based harassment, and sexual exploitation) must be reported.** You must report any allegations of gender-based misconduct and sexual harassment of any adult or child to one of the following:
 - Janice Robinson, Title IX Coordinator & VP for Diversity & Community Affairs, jrobinson@tc.edu, x3391
 - Katie Embree, Senior Vice Provost, Embree@tc.edu, x3991 or Tom Rock, Vice Provost for Student Affairs, rock@tc.columbia.edu, X3083
 - Svetla Eneva, Human Resources, eneva@tc.columbia.edu, x4026
 - Jeri Henry, CU Gender-Based Misconduct Office, jh3079@columbia.edu, (212) 854-1717

The College will take appropriate steps to investigate and respond. If you learn, directly or indirectly, of an allegation of discrimination or harassment, you are obligated to report it. You should also describe available resources to anyone complaining of or concerned about harassment and encourage him or her to contact one of those listed above.

a. Please review the [CU/TC Gender Based Misconduct Policies and Procedures for Students](#) and the [TC Policy and Procedures on the Protection from Discrimination and Harassment](#) for more information.

b. While the law on other forms of discriminatory harassment is less clear in specifying community members' obligations, you should also report (to the same people) allegations of harassment based on race, color, religion, creed, sex, gender, sexual orientation, national origin, ancestry, age, marital status, disability, pregnancy or other protected classes.

c. You cannot promise **confidentiality** to any community member (student, staff or faculty) reporting discrimination, harassment or gender-based misconduct, although you should assure them that TC will handle their concerns as sensitively and privately as possible. If a person desires greater confidentiality, you should direct them to:

- A psychologist, counselor or other health care provider acting in that capacity, health.columbia.edu/services/overview.
- Sexual Violence Response & Rape Crisis/Anti-Violence Support Center, 212-854-HELP (4357)
- A clergy member, <http://ouc.columbia.edu/ouc-chaplain-and-staff/>
- TC Ombuds, Web: <https://www.tc.columbia.edu/ombuds/> Email: ombuds@tc.columbia.edu

Remember: TC faculty and staff members who are psychologists, counselors or lawyers cannot promise confidentiality to a student or colleague unless they are acting in their professional counseling or legal advice-giving capacity. These privileges do not apply to instructor-student or collegial relationships.

2. Special Duties involving Abuse or Mistreatment of Children:

If a child is in immediate danger, call the police (911) immediately. Then call Michael Feerman x3438, Janice Robinson x3391, or Public Safety at x3333.

In New York, “mandated reporters” [1] have an obligation to report abuse or mistreatment of minors,[2] including sexual assault. *Even if you are not a mandated reporter, you can help protect children by following the same procedures.*

Call the Child Abuse Hotline: (800) 635-1522 (mandated reporters) or 800-342-3720 (others). If you make a report, you must also alert TC immediately by contacting Michael Feerman x3438, Janice Robinson x3391, or Public Safety x3333. TC needs to know about possible abuse to protect children and the TC community.

Many members of the TC community work with minors. There are minors at Hollingworth, the Rita Gold Center and elsewhere on campus; many faculty and students work with children in schools and other institutions. Many TC programs have specific procedures for reporting abuse; faculty and staff supervising TC students who work with minors should provide guidance on reporting obligations and procedures. If your program has established procedures, please follow them. If you are not sure what to do or if you have questions, please call Michael Feerman, General Counsel, or Janice Robinson, VP for Diversity and Community Affairs and Title IX Coordinator.

3. **Policies and Procedures** are available in the TC Policy Library, www.tc.edu/policylibrary. They include:

- [TC Policy and Procedures on the Protection from Discrimination and Harassment](#) (see the reporting form at the end of the policy document).
- [Columbia/TC Gender-Based Misconduct Policies and Procedures for Students](#),
- TC Outline (general guidance on grievance options and procedures), www.tc.edu/policylibrary/grievance_procedures_outline.

For more on reporting child abuse, see www.ocfs.state.ny.us/main/publications/Pub1159.pdf.

Updated: 10/17/18

[1] *If you are not sure whether you are a mandated reporter, assume that you are.* In New York, mandated reporters include psychologists, social workers, therapists, mental health professionals, substance abuse and alcoholism counselors, EMTs, certain hospital personnel, registered nurses and physician assistants, school officials (including teachers, guidance counselors, psychologists, social workers, nurses, administrators and others required to hold teaching or administrative licenses or certificates), child care, foster care, residential care, day care center and social service workers, and children camps directors. A full list is at www.ocfs.state.ny.us/main/publications/Pub1159.pdf. Mandated reporters must report— or cause to be reported -- suspected abuse or maltreatment when they have reasonable cause to suspect that a child encountered in their professional capacity is abused or maltreated or when they have reasonable cause to suspect that a child is abused or maltreated because a parent, guardian, or other legally responsible person encountered in their professional capacity states from personal knowledge facts, conditions or circumstances which, if correct, would mean that the child is abused or maltreated.

[2] “Minor” generally means under 18; some professions must also report abuse of other vulnerable individuals.

Appendix C: Campus Sex Crimes Prevention

Retrieved September 7, 2021 from: www.tc.columbia.edu/policylibrary/public-safety/campus-sex-crimes-prevention

Campus Sex Crimes Prevention

1. Introduction:

The Campus Sex Crimes Prevention Act provides for the tracking of convicted, registered sex offenders enrolled as students, or working or volunteering at institutions of higher education.

Teachers College Office of Public Safety, in compliance with the notification requirements of the federal “Campus Sex Crimes Prevention Act,” provides sex offender registration information for any students, employees, or residents of the College. Additionally, information on any sex offenders who are also residents of Morningside Heights can be found at the New York Police Department - 26th Precinct.

2. New York State Law

New York State law mandates that anyone required to register as a sex offender do so with both their local law enforcement (municipal or county) agency at their residence and also with the police or security department of any institution of higher learning at which they are enrolled as a student (full-time or part-time), are an employee (full-time or part-time), or reside (or intend to reside or stay) on any property owned or controlled by the institution of higher learning.

3. Sex Offender Registration

Any affiliates who have not done so, but who are required to register by the “New York State Offenders Registration Act”, must contact the 26th Precinct of the New York Police Department and file a report with the Office of Public Safety. Completed forms must be delivered in person (registrants must bring a valid photo ID) to the Office of Public Safety in a sealed envelope: Attn: Director of Public Safety.

4. Community Resources

- New York State Registry:

<https://www.criminaljustice.ny.gov/nsor/>

- New York Police Department

26th Precinct: <https://www1.nyc.gov/site/nypd/bureaus/patrol/precincts/26th-precinct.page>

Responsible Office: Public Safety

Effective Date:

Last Updated: April 2015

Appendix D: Drug-Free Campus Policy

Retrieved September 7, 2021 from: www.tc.columbia.edu/policylibrary/public-safety/drug-free-campus

Drug-Free Campus Policy

Teachers College (the “College”) is committed to creating and maintaining an environment for its students, staff, and faculty that is free of illicit drug and alcohol use. The College recognizes that the abuse of drugs and alcohol is a potentially strong threat to the College, to its educational mission and programs, and to the safety and well-being of the community as a whole. Accordingly, while several offices of the College are prepared to assist individuals seeking corrective help for drug or alcohol-related problems, it is the College’s policy that the unlawful manufacture, possession, use, or distribution of drugs and other controlled substances on or about the campus or any site of a College-sponsored or sanctioned activity is strictly prohibited and will not be tolerated.

Teachers College is committed to adopting and implementing programs, including awareness campaigns and counseling programs that may be needed to prevent the unlawful manufacture, possession, use or distribution of illicit drugs and alcohol by all students and employees on campus or as part of any of our activities.

Federal, state and local laws address the unlawful manufacture, possession, use, or distribution of drugs and other controlled substances, determine when drug and alcohol use is illegal, and set the legal sanctions for such laws. The College and all of its members are subject to these laws as well as College disciplinary policies which also prohibit such illegal behavior.

The sale, service, possession, and consumption of alcoholic beverages at Teachers College is governed by the New York State Alcoholic Beverage Control Law, by other New York State and New York City laws, and by College policy. *To review the College’s Alcohol Policy see:* <http://www.tc.columbia.edu/policylibrary/publicsafety/alcohol-policy/>

Health and Other Effects of Drugs and Alcohol

Abuse of alcohol and drugs can have serious effects on the abusers, their families, friends and communities. Some of these effects are listed below. Mindful of these risks, the College provides counseling, treatment, and educational programs to help those who abuse alcohol and drugs and those who may be affected by this abuse. This Policy also identifies external assistance programs.

A. Alcohol Risks

The National Council on Alcoholism and Drug Dependence (NCADD) identifies “alcohol-related problems and impairments such as liver disease, gastritis, anemia, neurological disorders, impairments in cognition, [and] changes in mood or behavior.” Alcohol consumption also presents serious health risks to pregnant women and can cause birth defects. *For more information, please see:* <https://www.ncadd.org/about-addiction/alcohol/facts-about-alcohol>.

Alcohol abuse, including excessive or “binge” drinking, can also seriously affect academic and work performance. Alcohol abuse can also lead to behaviors that are destructive, violent, or asocial.

In some cases excessive consumption of alcohol can directly or indirectly lead to death.

B. Risks of Drugs and Controlled Substances

Effects of drugs vary greatly but are similar to the effects of alcohol in that drugs often pose serious health risks, impair cognition, and change mood and behavior. Drug abuse can also directly or indirectly lead to death. The National Institute on Drug Abuse (NIDA) has prepared a listing of Commonly Abused Drugs showing their common street names, their effects and possible treatment options. *For more information, please see:* <https://www.drugabuse.gov/drugs-abuse/commonly-abused-drugs-charts>.

Assistance Programs

Teachers College is committed to the education of its students regarding the dangers of alcohol and drug abuse. While vigorously enforced policies and sanctions are essential to protect the safety and well-being of the community as a whole, we believe that the best way to achieve and maintain the objective of a drug-free campus and community is through compassionate attention and preventive education. To that end, the College provides on-campus support programs and referral services for those who may require help with alcohol and drug-related problems. For any member of the College community who may have developed an alcohol or drug-related problem, who suspects that they are at risk of developing such a problem, or who seeks information about illegal or controlled substances, support programs and services are provided on a voluntary and confidential basis.

A. Campus Drug and Alcohol Counseling Programs

- Alice! Health Promotion – (212) 854-5453 - www.health.columbia.edu
- Columbia University Counseling & Psychological Services – (212) 854-2878 - www.health.columbia.edu
- Columbia University Medical Services - (212) 854-7426 - www.health.columbia.edu
- Teachers College Office of the Ombuds - Dr. Erwin Flaxman – (212) 678- 4169 – <http://www.tc.edu/ombuds>

B. Off-Campus Hotline Information

- The Alcoholism Council of New York Help Line - (212) 252-7022
- Alcoholics Anonymous – in NY: (212) 647-1680 - <http://www.nyintergroup.org>
- National materials: <http://www.aa.org/>
- Cocaine Anonymous – (877) 958-8012 - www.canewyork.org
- LIFENET– (800) 543-3638
- LIFENET En Español – (877) 298-3373
- Narcotics Anonymous – (212) 929-6262 – www.na.org
- National Council on Alcoholism and Drug Dependence - (800) NCA-CALL (800) 622-2255 www.ncadd.org
- National Institute on Alcohol Abuse and Alcoholism – (301) 496-4000 - www.niaaa.nih.gov
- New York City Department of Mental Health, Bureau of Alcoholism and Substance Abuse Services – (877) 846-7369
- Pills Anonymous - (212) 874-0700

College Sanctions

Abuse of drugs or alcohol is a violation of the College’s Student Conduct Code for which the College may impose its own penalties. Any student found in violation of the College’s policies regarding the unlawful manufacture, possession, use or distribution of illicit drugs, alcohol or other controlled substances on College premises or at any College-sponsored or sanctioned activity is subject to appropriate disciplinary action, including, but not limited to, warning, censure, disciplinary probation, suspension, or expulsion. Please refer to the [Student Conduct Code](#) for more information. In addition to College sanctions, individuals who violate alcohol and drug laws may be subject to federal, state or local criminal prosecution and suspension of financial aid.

The use of alcohol or drugs is never an excuse for committing any College policy violation. Regarding gender-based misconduct, the use of alcohol or drugs never makes someone at fault for experiencing gender-based misconduct and does not diminish anyone’s

responsibility to obtain informed and freely given consent to sexual activity.

The health and safety of every student at the College is of utmost importance. Anyone in the presence of a severely intoxicated or apparently impaired person is encouraged to contact appropriate College or local medical or safety personnel immediately. The College recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that gender-based misconduct occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. Because the College strongly encourages students to report gender-based misconduct (including but not limited to sexual assault, dating violence, domestic violence and stalking) to College employees, the College has adopted the following policy: A student (including a bystander), acting in good faith, who discloses any incident of gender-based misconduct to a College employee or law enforcement will not be subject to subsequent disciplinary action by the College for violations related to the possession and/or use of alcohol and/or drugs occurring at or near the time of the gender-based misconduct, whether use and/or possession is intentional or accidental. This does not apply to those who use alcohol or drugs as a weapon or to facilitate assault.

Laws Concerning Controlled Substances

Federal, state and local laws determine when drug and alcohol manufacture, possession, use, or distribution is illegal and set the legal sanctions for violations. Under federal, state and local laws, drug and alcohol offenses can result not only in fines and lengthy criminal sentences but also in the forfeiture of personal and real property and the denial of federal benefits, such as student loans, grants, contracts, and professional and commercial licenses.

A. Penalties under Federal Law

- Federal law criminalizes possession of controlled substances as well as drug trafficking and related crimes. Information about federal criminal law and sanctions can be found at www.deadiversion.usdoj.gov/21cfr/21usc/index.html (controlled substances act; see Part D for offenses and penalties) and www.justice.gov/dea/druginfo/ftp3.shtml (trafficking offenses).
- Drug offenses at or near educational institutions carry enhanced penalties. Anyone found to have manufactured, distributed, or dispensed, or possessed with intent to manufacture, distribute, or dispense, a controlled substance in or on, or within one thousand feet of, the real property comprising a public or private elementary, vocational, or secondary school or a public or private college, junior college, or university is subject to (1) twice the maximum punishment authorized; and (2) at least twice any term of supervised release for a first offense. A fine up to twice that authorized may be imposed in addition to any term of imprisonment authorized. *For additional information please see:* www.deadiversion.usdoj.gov/21cfr/21usc/860.htm

B. Penalties under State and Local Law

New York State law also criminalizes possession of controlled substances and related crimes:

- [New York Penal Law Article 220](#) (controlled substances)
- [New York Penal Law Article 221](#) (marijuana)
- [New York Penal Law Article 120 \(vehicular assault, sections 120.03-04.\)](#)
- [Driving Under the Influence and Driving While Intoxicated](#)

The New York City Administrative Code also addresses alcohol and drug-related crimes:

- [New York City Administrative Code -- Public Safety](#)

Suspension of Financial Aid Eligibility for Drug Offenses

The Higher Education Act generally provides that a student who has been convicted of any federal or state offense involving the possession or sale of a controlled substance for conduct that occurred while the student was receiving any federal grant, loan or work assistance is not eligible for any other federal grant, loan, or work assistance during the period beginning on the date of

conviction and ending after the interval specified below:

The penalties are:

Possession of a controlled substance:

- First offense – One year ineligibility
- Second offense – Two year ineligibility
- Third offense – Indefinite loss of aid

Sale of a controlled substance:

- First offense – Two year ineligibility
- Second offense – Indefinite loss of aid

A conviction for multiple counts of possession or sale is considered a single conviction. Juvenile court convictions are not considered.

Students whose eligibility has been suspended can be reinstated if the conviction is reversed or set aside, or if the student completes an eligible rehabilitation program.

Biennial Review Procedures

The College's Campus Safety Advisory Committee shall review this policy biennially, on even-numbered years to evaluate the effectiveness of the College's drug prevention policies and programs and to ensure that any College disciplinary sanctions are applied in a fair and consistent manner. A written report of the biennial review shall be prepared and submitted to the Vice President for Finance and Administration and made available to others as required by law.

It is the responsibility of Assistant Vice President, Public Safety and Environmental Health to propose changes to policies and programs and take action to correct any inconsistent application of sanctions for drug and alcohol offenses by the College. The College is committed to be responsive to the needs of its students, faculty and staff in continuing to develop policies, programs and enforcement schemes that prevent drug and alcohol abuse and comply with all regulatory requirements.

Responsible office: The Office of Public Safety

Last updated: October 1, 2020

Appendix E: Alcohol Policy

Retrieved September 7, 2021 from: www.tc.columbia.edu/policylibrary/public-safety/alcohol-policy-

Alcohol Policy

The sale, service, possession, and consumption of alcoholic beverages at Teachers College (the “College”) is governed by the New York State Alcoholic Beverage Control Law and other New York State and New York City laws, and by College policy.

Teachers College is committed to providing an academic, living and working environment that supports individual freedom while promoting individual responsibility, health and safety, and community welfare. It is based on these laws and principles that Teachers College has developed this Policy concerning the sale, service, possession and consumption of alcohol.

The following rules are applicable to:

- a) all events at which alcoholic beverages are served or sold at Teachers College and/or its student residence halls;
 - b) all events, whether or not at Teachers College, that are sponsored by the College or by any College organization, department, or office; and
 - c) all Teachers College activities, whether they occur at the College or not.
1. Persons under the age of 21 years are prohibited from possessing or consuming alcohol at the College, within its student residence halls, or at any event sponsored by the College or by any College organization, department or office, whether the event is at the College or not.
 2. No person shall be sold or served any alcoholic beverage if:
 - o That person is, or appears to be, under the legal drinking age of 21; or
 - o That person is, or seems to be, intoxicated.
 3. No person under the age of 21 years shall misrepresent or proffer any false evidence of their age in order to obtain or try to obtain any alcoholic beverage or to gain access to any event or activity at which any alcoholic beverage is being sold or served.
 4. No alcoholic beverage shall be sold to any person unless:
 - o A license or permit sanctioning the sale of such alcoholic beverage has been obtained by the seller; and
 - o The license or permit sanctioning such sale and any posters, signs, notices or other material or information required by applicable law or by the State Liquor Authority are prominently displayed at the site of such sales.
 5. The individual(s) and/or group(s) sponsoring an event or activity at which any alcoholic beverage is to be sold or served (the “Sponsor”) shall be responsible for ensuring that all laws and regulations^[1] and all Teachers College rules and regulations regarding the sale, service, possession, and consumption of alcoholic beverages are observed at such event or activity. This responsibility shall include, without being limited to, the following:
 - o The event or activity must comply with this Policy, including effective procedures for examining attendees' evidence of age.

- As part of the request to use College facilities, the Sponsor must notify the Office of Room Assignments of any event at which alcoholic beverages are to be sold or served.
- Student groups sponsoring events at which alcoholic beverages are to be sold or served must notify the Office of Student Affairs prior to the event.
- The Sponsor shall instruct the person or persons actually selling or serving alcoholic beverages not to sell or serve alcoholic beverages to any person who is or appears to be intoxicated, or whom such server or seller knows to be a problem drinker, or who is or appears to be under the legal drinking age. In addition, specific policies, procedures, and regulations governing particular facilities or populations may be developed by the persons or offices authorized to do so in conjunction with the Office of Public Safety.

6. Actions or situations that recklessly or intentionally endanger mental or physical health or involve forced consumption of alcohol or drugs in connection with initiation into or affiliation with any organization are strictly prohibited.

7. The use of alcohol or drugs is never an excuse for committing any College policy violation. Regarding gender-based misconduct, the use of alcohol or drugs never makes someone at fault for experiencing gender-based misconduct and does not diminish anyone's responsibility to obtain informed and freely given consent to sexual activity.

8. Violations of this Policy or of any related laws are subject to College disciplinary codes and policies. Sanctions which may be assessed against violators include, for students, suspension and expulsion, and for employees, discharge. Visitors who violate this Policy may be ejected from the event, from the campus or banned from the College.

The health and safety of every student at the College is of utmost importance. Anyone in the presence of a severely intoxicated or apparently impaired person is encouraged to contact appropriate College or local medical or safety personnel immediately. The College recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that gender-based misconduct occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. Because the College strongly encourages students to report gender-based misconduct (including but not limited to sexual assault, dating violence, domestic violence and stalking) to College employees, the College has adopted the following policy: A student (including a bystander), acting in good faith, who discloses any incident of gender-based misconduct to a College employee or law enforcement will not be subject to subsequent disciplinary action by the College for violations related to the possession and/or use of alcohol and/or drugs occurring at or near the time of the gender-based misconduct, whether use and/or possession is intentional or accidental. This does not apply to those who use alcohol or drugs as a weapon or to facilitate assault.

9. Faculty, staff and students as well as contractors and visitors should also be aware that, in addition to College sanctions, they may be subject to criminal penalties for unlawful manufacture, possession, service, or sale of alcoholic beverages to a person under the age of 21 years. *For more information about relevant federal, state and local alcohol laws, see the College's Drug Free Campus Policy: <http://www.tc.columbia.edu/policylibrary/publicsafety/drug-free-campus/>*

Responsible office: The Office of Public Safety

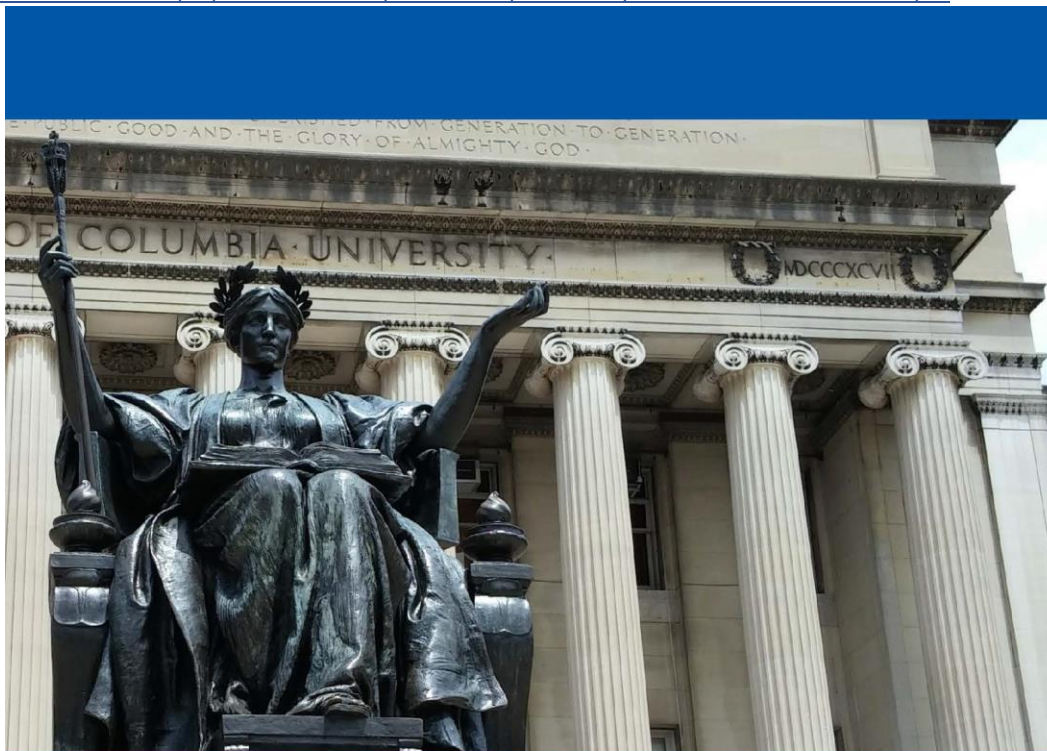
Last updated: November 9, 2017

[1] *For more information about relevant federal, state and local alcohol laws, see the College's Drug Free Campus Policy: <http://www.tc.columbia.edu/policylibrary/publicsafety/drug-free-campus/>*

Appendix F: Gender-Based Misconduct Policy for Students

Retrieved September 7, 2021:

<http://www.columbia.edu/cu/studentconduct/documents/GBMPolicyandProceduresforStudents.pdf>



GENDER-BASED MISCONDUCT POLICY AND PROCEDURES FOR STUDENTS

STUDENT CONDUCT AND COMMUNITY STANDARDS

 **COLUMBIA UNIVERSITY**
IN THE CITY OF NEW YORK

**GENDER-BASED MISCONDUCT POLICY
AND PROCEDURES FOR STUDENTS**

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Revised August 23, 2019

I. INTRODUCTION

Columbia University, Barnard College, and Teachers College¹ are committed to fostering an environment that is free from gender-based discrimination and harassment, including sexual assault and all other forms of gender-based misconduct. The University recognizes its responsibility to increase awareness of such misconduct, prevent its occurrence, diligently investigate reports of misconduct, support students and others who experience gender-based misconduct, and respond fairly and firmly when students violate University policy. The University is also committed to supporting students accused of gender-based misconduct who go through the disciplinary process. In addressing issues of gender-based misconduct, all members of the University must respect and care for one another in a manner consistent with our deeply held academic and community values.

The Gender-Based Misconduct Policy and accompanying Procedures define gender-based misconduct, highlight available resources for students, and set procedures for addressing gender-based misconduct involving students. The Policy and Procedures reflect the University's commitment to a safe and non-discriminatory educational environment,

¹ For the purposes of this Policy and Procedures, the term "University" includes Columbia University and Teachers College. Barnard College has its own Policies and Procedures, available at: <http://barnard.edu/doc/titleix>, that apply when a Barnard student is a Respondent. In cases where a Barnard student is the Complainant and a Columbia or Teachers College student is the Respondent,

consistent with Title IX, the Violence Against Women Act ("VAWA"), and New York State Education Law 129-B.

Here are several important points about gender-based misconduct that the Policy addresses:

- Sexual harassment, sexual assault, sexual exploitation, gender-based harassment, stalking, domestic violence, and dating violence are all forms of gender-based misconduct. In some instances, behavior that is not sexual in nature can be considered gender-based misconduct.
- Gender-based misconduct can occur between strangers or acquaintances, or people who know each other well, including between people involved in an intimate or sexual relationship.
- Gender-based misconduct can be committed by anyone regardless of gender identity, and it can occur between people of the same or different sex or gender.

Most fundamentally, the University does not tolerate any form of gender-based misconduct. Students who experience gender-based misconduct are encouraged to seek assistance, report the incident, and engage the University processes set out in this document. Those found responsible will be sanctioned in

Columbia's Gender-Based Misconduct Policy and Procedures apply. When this Policy and Procedures refer to just one of the institutions, the names Columbia, Barnard, and/or Teachers College are used. See "Scope of the Policy and Procedures" on page three for more information.

accordance with this Policy. Students who experience gender-based misconduct can also pursue criminal and civil processes, in addition to or instead of the University's process.

This Policy and accompanying Procedures are part of the University's multifaceted approach toward eliminating gender-based misconduct in our community, which includes: (1) educational programs; (2) services and resources for those affected by gender-based misconduct; (3) accessible, prompt, and fair methods of resolution of reports of misconduct, including investigations; and (4) protections designed to prevent recurrence.

Overview of Contents

This Policy first specifies prohibited conduct and provides illustrative scenarios, which may be helpful in understanding the range of gender-based misconduct addressed by the Policy. It then describes available resources for students.

The Procedures discuss reporting options, rights and responsibilities of students engaged in the disciplinary process, campus resources, and the measures and accommodations that may be available in particular cases to support and assist students. The Procedures also spell out available options for resolving reports of

gender-based misconduct under this Policy, as well as students' rights throughout the process.

The last section includes the New York State Students' Bill of Rights and a comprehensive listing of resources available to students affected by gender-based misconduct, including phone numbers, campus locations and websites.

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

II. SCOPE OF THE POLICY AND PROCEDURES

This Policy governs gender-based misconduct involving University students² that: (1) occurs on any University campus or in connection with University programs or activities; (2) creates a hostile environment for University students; or (3) involves a Respondent (a person accused of gender-based misconduct under this Policy) who is a current undergraduate, graduate, or professional school student at the University. The Policy applies regardless of a person's gender, gender identity, gender expression, sex, sexual orientation, age,

² This Policy and these Procedures are modified as appropriate to apply to elementary and secondary school students enrolled in University programs. For more information regarding minors on Columbia's campus please visit: <http://Policylibrary.columbia.edu/protection-minors-columbia-reporting-suspected-abuse-and-maltreatment-minors>.

For information regarding minors on Teachers College's campus please visit: <http://www.tc.columbia.edu/policylibrary/public-safety/minors---policies-and-guidelines-for-the-supervision-of-minor-children-on-campus/>

race, nationality, class status, religion, disability, pregnancy, predisposing genetic characteristics, military status, criminal convictions, domestic violence status, familial status, or other protected status.³

The accompanying Procedures describe how to report an incident of gender-based misconduct and the potential resolution option(s) that are available when the Respondent is a current undergraduate, graduate, or professional school student at the University, including students on leave of absence and those actively pursuing degree requirements regardless of current registration status.⁴ The University's Gender-Based Misconduct Policy and Procedures are governed by Student Conduct and Community Standards (SCCS), which includes the Gender-Based Misconduct Office ("the Office").

Reports of gender-based misconduct can be made online at:

<https://studentconduct.columbia.edu/>,
<https://sexualrespect.columbia.edu/>, or

directly to the Title IX Coordinator at: titleix@columbia.edu. Students of Barnard College and Teachers College may contact the Office directly or through the Title IX Coordinator at their school:

- Barnard College: <http://www.barnard.edu/doc/titleix/>

- Teachers College: <http://www.tc.edu/titleix/>

If the Respondent is affiliated with the University, but is not a University student, different procedures apply to the processes as described here:

If a Respondent is a Columbia employee (including faculty and staff) or other person doing business with Columbia, there are three applicable policies and procedures – one that addresses gender-based misconduct, and two that address consensual relationships with undergraduate and graduate students. The policies are:

- [Employee Policies and Procedures on Discrimination, Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking](#);
- [Policy on Consensual Romantic and Sexual Relationships Between Faculty/Staff and Graduate Students](#); and
- [Policy on Consensual Romantic and Sexual Relationships Between Faculty/Staff and Undergraduate Students](#)

You can find more information about each policy on Columbia's Equal Opportunity and Affirmative Action website: <https://eoaa.columbia.edu/>.

If the Respondent is a Barnard student, Barnard employee, or other person doing business with Barnard College, the processes

³ For the purposes of this Policy, references to he/she also include they and any other preferred pronouns.

⁴ This Policy and the accompanying Procedures apply to any reports made after August 23, 2019, regardless of when the incident occurred.

described in the Barnard College [Grievance Procedures for Gender-Based Misconduct, Sexual Assault, Domestic Violence, Dating Violence, and Stalking](#) apply.

If the Respondent is a Teachers College employee or other person doing business with Teachers College, the processes described in the Teachers College [Policy on Protection from Harassment](#) Policy apply.

Note: While this Policy and the Procedures identify the University office or employee who will typically perform certain roles or duties, the University may designate other University offices or employees to perform any roles or duties described in the Policy or Procedures. Additionally, any reference to “days” in this Policy and these Procedures refers to business days.

III. GENDER-BASED MISCONDUCT POLICY FOR STUDENTS (“POLICY”)

A. Prohibited Conduct

Gender-based misconduct includes a broad range of behaviors focused on sex and/or gender that may or may not be sexual in nature. This misconduct can occur between strangers, acquaintances, or people who know each other well, including people involved in a romantic relationship. It can be committed by anyone regardless of gender identity, and can occur between people of the same or different sex or

gender. One form of prohibited conduct can occur separately from or simultaneously with another form of prohibited conduct. Before defining specific forms of prohibited conduct, here is important basic information about consent, non-consensual conduct, and gender-based misconduct. Behaviors prohibited by any University policy may be reviewed through this process when the conduct is sufficiently linked to prohibited conduct described here.

Consensual sexual conduct requires affirmative consent. New York State law defines affirmative consent as a knowing, voluntary and mutual decision among all participants involved. Any non-consensual sexual conduct is gender-based misconduct.

More specifically:

- Sexual conduct that is coerced or forced is not consensual.
- A person cannot give consent if he or she lacks the ability to make or understand the decision because of disability, consumption of alcohol or drugs, or if he or she is unwillingly restrained.
- A sleeping or unconscious person cannot give consent.
- The use of alcohol or drugs does not justify or excuse gender-based misconduct and never makes someone at fault for experiencing gender-based misconduct.

B. Definitions of Gender-Based Misconduct

To determine whether alleged conduct falls within a definition of prohibited conduct below, the standard applied is whether a reasonable person would consider the alleged conduct to fall within that definition.

It is a violation of University Policy to commit the following acts:

Sexual Assault: Penetration

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: Contact⁵

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

Examples of this type of violence include hitting, kicking, punching, strangling, or other violent acts, including violence or threats of violence to oneself under certain circumstances, violence or threats of violence to one's partner, or the family members, friends, pets, or personal property of the partner.

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, depending on the frequency, nature, and severity of the conduct.

⁵ This definition encompasses a range of sexual conduct that could also fit within the Policy definition of Sexual Harassment. The Gender-Based Misconduct Office, in consultation with the appropriate Title IX Coordinator(s), will determine whether the allegation(s) should be

treated as Sexual Assault: Contact or Sexual Harassment, depending on the specific conduct and surrounding circumstances of the allegation(s).

Examples of this type of violence include hitting, kicking, punching, strangling, or other violent acts, including violence or threats of violence to oneself under certain circumstances, violence or threats of violence to one's partner, or the family members, friends, pets, or personal property of the partner.

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 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;
- Explicitly threatening to stream, share, or distribute 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 affirmative consent of all participants, for the purpose of inducing or compelling someone to engage in sexual conduct against their will;
- 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 but not limited to lying in wait for, monitoring, 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.

Gender-Based Harassment

Gender-based harassment can occur if a person is 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 a person's education or participation in educational programs or activities, or creates an intimidating, hostile, demeaning, or offensive academic, campus, 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 (i.e. "outing").

For more information regarding "hostile environment," see the next page.

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 participation/status in student life activities (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 such conduct is for the purpose of gratifying the actor's sexual desire; or
- Such conduct has the effect of unreasonably interfering with a student's education or participation in educational programs or activities or such conduct creates an intimidating, hostile, demeaning, or offensive academic, campus, work or living environment.

The following describes some of the acts that may be sexual harassment:

- Conduct of a sexual nature, such as intentional and non-consensual physical contact which is sexual in nature, including touching, pinching, patting, grabbing, poking, or brushing against another person's intimate body parts;
- Unwanted sexual advances, propositions or other sexual comments, such as: (1) subtle or obvious pressure for unwelcome sexual activities; or (2) sexually oriented gestures, noises, remarks, jokes or comments or questions about a person's sexuality or sexual experience which are sufficient to create a hostile environment;
- Threats or non-consensual disclosure of a person's sexual orientation (i.e. "outing"); or
- Displaying pictures, posters, calendars, graffiti, objects, promotional material,

reading materials, or other materials that are sexually demeaning or pornographic in nature and which are sufficient to create a hostile environment.

“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, work or living environment.

In evaluating whether there is evidence of 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 serious 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 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 or 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.
- Nothing in the Policy prevents an individual from discussing their experience from their perspective.
- Reports of gender-based misconduct made in good faith, even if the allegations are ultimately determined to be inaccurate, are not considered retaliation.

Reports that are intentionally false or 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. For example, retaliation could include a threat of falsely reporting the complainant or witnesses of gender-based misconduct to deter them from participating in an imminent or pending gender-based misconduct process.

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 and/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 when the allegations involve gender-based misconduct. Any other allegations of retaliation will be investigated and adjudicated through the Dean's Discipline process.

C. Important Policy-Related Concepts

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

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

Party: Complainants and Respondents are sometimes referred to as parties. (A "party" is someone who is directly involved in a proceeding.) Others, such as witnesses and advisors, are not considered parties.

The definitions that follow provide additional guidance regarding the prohibited conduct previously discussed.

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

- Consent can be given by words or actions, as long as those words or actions clearly communicate willingness to engage in the

sexual activity. It is important not to make assumptions about consent. If there is confusion or ambiguity, participants need to stop sexual activity and communicate about each person's willingness to continue.

- Consent cannot be procured by the use of physical force, compulsion, threats, intimidating behavior, or coercion.
- Consent cannot be obtained from, or given by, a person who is incapacitated.
- Consent to one form of sexual activity does not imply consent to other forms of sexual activity.
- Consent to engage in sexual conduct with one person does not imply consent to engage in sexual conduct with another person.
- Silence or the lack of resistance, in and of itself, does not demonstrate consent. Again, it is important not to make assumptions; if confusion or ambiguity arises during a sexual interaction, it is essential that each participant stops and clarifies the other's willingness to continue engaging in the sexual conduct.
- Consent can be withdrawn at any time, including after it is initially given. When consent is withdrawn or can no longer be given, sexual activity must stop.
- Previous relationships or previous consent for sexual activity is not consent to sexual activity at another time. However, established patterns of consent in a specific relationship may be considered when

evaluating whether affirmative consent was given on a particular occasion.

- Accepting a meal, a gift, or an invitation to socialize, including on dating apps, does not imply or constitute consent to sexual activity.
- The definition of consent does not vary based on a participant's sex, sexual orientation, gender identity, gender expression or relationship status.

Coercion: Coercion is verbal and/or physical conduct, including intimidation and explicit or implied threats of physical, emotional, or other harm, that would reasonably place an individual in fear of immediate or future harm and that is used to compel someone to engage in sexual conduct against their will.

- Coercion is more than an effort to persuade, entice or attract another person to engage in sexual conduct. When a person makes clear that they do not want to participate in a particular form of sexual conduct, that they want to stop or that they do not want to go beyond a certain type of sexual conduct, continued pressure can be coercive if it would reasonably place an individual in fear of immediate or future harm.
- In evaluating whether coercion was used, the frequency, duration and intensity of the other person's verbal or physical conduct or threats are all relevant, as is the degree of confinement or isolation to which the person was subjected. Coercion may be

evidenced by an interaction that can reasonably be interpreted as indicating that a party will be harmed or restrained if they do not engage in sexual conduct (e.g., “You can leave, but only after you perform oral sex.”)

Intimidation: Intimidation is any threat of violence or other threatening behavior directed toward another person or group that reasonably leads the target(s) to fear for their physical well-being or to engage in sexual conduct for self-protection. A person’s size alone does not constitute intimidation; however, a person can use their size or physical power in a manner that constitutes intimidation (for example, by blocking access to an exit).

Force: Force refers to the use or threat of physical violence to compel someone to engage in sexual activity. Examples of physical violence include hitting, punching, slapping, kicking, restraining, choking, strangulation and/or brandishing or using any weapon.

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

- Incapacitation may be associated with a person lacking consciousness; being asleep; being involuntarily restrained; or having a disability that impedes consent. *Under New*

York State law, a person under the age of 17 lacks the capacity to give consent.

- Whether sexual conduct with an incapacitated person constitutes gender-based misconduct depends on whether the Respondent knew or should have known of the Complainant’s incapacitation, based on objectively and reasonably apparent indications when viewed from the perspective of a sober, reasonable person in the Respondent’s position.
- Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent. See the following for additional information on how drugs and alcohol can affect consent.

How drugs and alcohol affect consent

- The use of alcohol or other drugs is never an excuse for committing gender-based misconduct and never diminishes anyone’s responsibility to obtain informed and freely given consent.
- The use of alcohol or other drugs never makes someone at fault for experiencing gender-based misconduct.
- The impact of alcohol and other drugs varies from person to person and there is no specific amount of alcohol or drugs consumed that leads to incapacitation.

In evaluating whether a person is incapacitated due to the consumption of alcohol, drugs or intoxicants, the following factors will be considered:

- Whether the Complainant understood the “who, what, when, where, why or how” of the sexual conduct; and
- How the Complainant was physically affected by the consumption of alcohol or drugs, which may include, but is not limited to, warning signs such as having slurred or incomprehensible speech, vomiting, unsteady gait, imbalance, bloodshot eyes, combativeness, emotional volatility, or notable change in personality.

Because the impact of alcohol and other drugs varies from person to person, the amount of alcohol and/or drugs a person consumes will not ordinarily be sufficient, without other evidence, to prove that they were incapacitated under this Policy.

Another effect of alcohol consumption can be memory impairment, or forgetting entire or partial events (sometimes referred to as “black-out” or “brown-out”). A person may

experience this symptom while appearing to be functioning “normally,” including communicating through actions or words that seem to express an interest in engaging in sexual conduct. Whether sexual conduct with a person who is “blacked-out” constitutes gender-based misconduct depends on the presence or absence of the observable factors indicating that a person is also incapacitated, as described above. Total or partial loss of memory, without more, is insufficient to demonstrate incapacitation.

The use of alcohol or drugs can create an atmosphere of confusion and can lower inhibitions. All parties should be aware of, and carefully consider, the potential consequences of the use of alcohol or drugs. Every individual is responsible for ensuring there is mutual, affirmative consent prior to engaging in sexual conduct.

D. Scenarios

The following scenarios help illustrate some applications of the Policy:

Pat and Dana met at a party. They spent the entire party getting to know each other and dancing. Dana had four shots of tequila and four beers over the course of the evening. At one point, Dana went to the bathroom and Pat noticed that Dana stumbled when walking back into the room. Dana's friend told Pat that Dana had been vomiting. Pat volunteered to take Dana home. When they arrived at Dana's dorm room, Pat began kissing Dana and proceeded to have sex with Dana. When Dana woke up in the morning, Dana asked Pat what happened that evening. Pat told Dana that they had sex and that Dana had asked to have sex.

Pat having sex with Dana while Dana may have been incapacitated is a violation of this Policy. A reasonable person could have concluded that Dana was incapacitated due to her alcohol use because Pat saw Dana stumbling and knew Dana had vomited in the bathroom. Dana was therefore not able to give consent.

Taylor and Hong have been dating for a few months. On several occasions, Taylor and Hong have engaged in consensual sexual intercourse. One night, Hong and Taylor were making out when Hong said, "I don't feel like having sex tonight." Taylor continued to kiss Hong and took off Hong's clothing despite Hong's verbal and physical objections. Eventually, Hong became silent and submitted to Taylor's insistence to have sex.

Taylor did not have Hong's consent to engage in sexual intercourse, which is a violation of this Policy. Hong objected to having sex and Taylor ignored these objections. Although Taylor and Hong have previously had consensual sexual intercourse, Hong did not consent to sexual conduct on this particular evening. In addition, Hong's silence does not imply that Hong consented.

Peyton and Jordan were in the hallway of their residence hall with a group of their neighbors on the floor, joking around and telling stories. Peyton placed his arms around Jordan's waist as they continued their conversation and then touched Jordan's breasts. Jordan removed Peyton's hands from her body. A few minutes later, Peyton stated he did not understand why Jordan was making such a big deal about Peyton touching her.

Jordan did not consent to Peyton's sexual touching, which includes contact under or over clothes. Peyton's behavior constitutes intentional physical contact of a sexual nature without affirmative consent - a violation of this Policy.

Kai and Lee met at an off-campus location and quickly realized they were both Columbia students. Lee asked Kai for their number and suggested that they meet for lunch on campus. A few hours later, Lee began to call and text Kai, asking Kai out on a date. Kai told Lee repeatedly that they are not interested and did not want to date them. After that, Lee found Kai's campus address and began to send cards and flowers to Kai's room. Kai wrote to Lee after the first card arrived and asked Lee to leave them alone. Then Lee waited for Kai outside of their class to invite them to dinner.

Lee's repeated contact with Kai is stalking – a violation of this Policy. Kai declined Lee's multiple requests to go on a date. Additionally, Kai asked Lee to leave them alone and to stop visiting their dorm.

Melissa and Joe are married and live in off-campus housing. After a stressful meeting with his advisor concerning his dissertation, Joe came back to the apartment and berated Melissa about the apartment being messy. Joe grabbed the dinner that Melissa ordered and threw it in her direction, though he did not hit her. When Melissa tried to leave the apartment, Joe grabbed her by the wrist. In the struggle to get away from Joe, Melissa fell and hit her head on the table.

Joe's actions are domestic violence, a violation of this Policy. Any use or threat of physical violence toward a domestic partner or spouse constitutes domestic violence.

Bette and Tina had been dating for a few months. Tina, an aspiring photographer, asked Bette to pose in the nude for her portfolio. Bette and Tina got into an argument regarding Tina's photography. Shortly after they broke up, a mutual friend informed Bette that Tina had posted Bette's nude photographs on Facebook.

This is a violation of this Policy. The use and distribution of photographs of another person's unclothed body or body parts, without permission, regardless of whether they originally consented, is sexual exploitation.

Noam and Xiang have been dating for a couple weeks. On several occasions, Noam and Xiang have engaged in consensual sexual intercourse with a condom. One night, Noam asked Xiang to have sex without a condom, and Xiang said no. Noam and Xiang began having consensual intercourse with a condom, but Noam removed the condom without Xiang's knowledge ("stealththing").

Noam removing the condom while having sex with Xiang is a violation of this Policy. Xiang consented to sex with a condom. Contrary to Xiang's wishes, and knowing that Xiang would not have consented and did not consent to penetration without a condom, Noam deliberately removed the condom without Xiang's knowledge. This is a violation of this Policy because Noam did not have affirmative consent from Xiang to engage in this type of sexual interaction.

E. Resources for Students

Immediate Assistance

The University encourages all students affected by gender-based misconduct to seek assistance. Seeking assistance promptly may be important to ensure a student's physical safety or to obtain medical care, emotional support, or other support. It may also be necessary to preserve evidence, which can assist the University and/or law enforcement in responding effectively. Assistance is available twenty-four hours a day, 7 days a week, throughout the year. The Resource listing at the end of this document provides contact information for the campus and community resources available to help.

Confidentiality, Privacy, and Mandatory Reports

The University values the privacy of its students, employees, and other community members. Community members should be able to seek the assistance they need without fear that the information they provide will be shared more broadly.

Some resources on campus are confidential and will not share any identifying information with others, except as required by law in emergency circumstances.

Other resources are not confidential, but will protect students' privacy to the greatest extent possible and share information with other staff

only on a need-to-know basis. Among these “non-confidential” resources are faculty and most staff (including Teaching Assistants, coaches and students employed by the University and acting in an official capacity, such as Resident Advisers),⁶ who are required by federal and state law to provide relevant information to Student Conduct and Community Standards or the Title IX Coordinator. Staff within SCCS, in consultation with the appropriate Title IX Coordinator(s), are responsible for connecting students with supportive resources and working to ensure community safety.

Appendix B includes a chart summarizing the confidentiality obligations of different categories of University employees with respect to reports of gender-based misconduct. Any of the staff listed as a Resource will be able to explain his or her referring obligations in more detail.

Confidential Resources

Confidential resources on campus include: Sexual Violence Response, Clergy, Counseling and Psychological Services (Morningside), Mental Health Services (CUIMC), Disability Services, the Ombuds Office, and Healthcare Providers.⁷

Students may use these resources even if they decide not to make a report or participate in University

⁶ At Teachers College, responsible employees include instructional and administrative employees.

⁷ The Teachers College Office of Access and Services for Individuals with Disabilities is not a confidential resource.

disciplinary proceedings or the criminal justice process.

University advocates, counselors, clergy, disability services professionals, the Ombuds Office staff, and healthcare providers can provide students with immediate and long-term help. Conversations with them are confidential, except in certain emergencies as described in the Resources list in Appendix B.

They will listen, help students to access additional assistance if needed, and explain options for obtaining additional support from the University and others. They can also arrange for medical care or accommodations and accompany students, or arrange for someone to accompany students, to seek such care. These individuals are familiar with the University's disciplinary process, can explain what to expect, and provide support while disciplinary or criminal processes are pending.

Additional Resources (Non-Confidential)

Student Conduct and Community Standards ("SCCS")

SCCS supports and provides assistance to students affected by gender-based misconduct, whether they are a Complainant or a Respondent. The Office does not act as an advocate, and is a neutral resource available to all students. The Office refers students to available resources, offers appropriate protections, and is responsible for investigating and adjudicating or otherwise resolving reports of gender-based misconduct involving

students, and coordinating the disciplinary process when necessary. The Office can provide support and assistance immediately following an incident, throughout the disciplinary process, and throughout a student's time at the University. Contact information for SCCS is in the Resources listing following the Procedures.

Equal Opportunity and Affirmative Action ("EOAA")

When alleged misconduct involves an employee respondent, Equal Opportunity and Affirmative Action in partnership with a SCCS case manager, will support students and ensure that they understand their rights within the EOAA Policy and, if necessary, through the investigation process.

Title IX Coordinators

The Title IX Coordinators for Columbia and Teachers College are responsible for overseeing the University's response to Title IX reports and complaints, and identifying and addressing any patterns or systemic problems revealed by such reports and complaints. The Title IX Coordinators oversee the administration of this Policy and the Procedures in a neutral and equitable manner. Columbia's Title IX Coordinator also participates in the investigation of complaints as needed.

Title IX coordinators from Barnard, Columbia, and Teachers College will work collaboratively when students from different institutions are involved in the disciplinary

process. Contact information for the Title IX Coordinators is in the Resources listing following the Procedures.

Law Enforcement

Students may report gender-based misconduct to the New York City Police Department, the Manhattan District Attorney’s Office, or the local law enforcement agency where the misconduct occurred if the misconduct occurred outside of New York City. The University and criminal justice systems work independently from one another. Law enforcement authorities do not determine whether a violation of this Policy has occurred, and the criminal justice system uses different standards related to proof and evidence. SCCS may need to temporarily delay an investigation while law enforcement is gathering evidence, generally no longer than 10 days, except when law enforcement specifically requests and justifies a longer delay. The Office will resume the investigation after learning that law enforcement no longer requires a delay or has completed the evidence-gathering stage of their investigation. The Office is not required to wait for the conclusion of any related criminal proceeding to begin or continue its process. If either party declines to participate in the University’s review of an allegation due to a concurrent criminal investigation, a statement submitted by the party after the disciplinary process has concluded will not be considered “new evidence” for the purpose of appeal.

The University does not require a Complainant to report gender-based misconduct to law enforcement; however, the University Resources listed later in this document are available to assist a Complainant with contacting law enforcement. Any questions about criminal law violations should be addressed to law enforcement.

The University’s Public Safety personnel, Columbia’s Title IX Coordinator and members of SCCS are familiar with New York City and New York State law enforcement processes, and can help to explain those processes to students.

Confidential support resources and other resources listed also can explain how to report sexual assault and other forms of gender-based misconduct to law enforcement.

Confidential support resources or University Public Safety personnel can also accompany any student requesting support to the Police Department or District Attorney’s Office. They cannot serve as a substitute for legal advice on these matters.

IV. PROCEDURES FOR RESPONDING TO STUDENT GENDER-BASED MISCONDUCT (PROCEDURES)⁸

Here you can find information about the University’s disciplinary process for addressing alleged violations of the Gender-Based Misconduct Policy for Students.

This section first describes how to report an incident of gender-based misconduct; students’ rights and responsibilities in the disciplinary process; and other important background information about privacy, advisors, and time frames. It then details the various options available for resolving reports of gender-based misconduct.

A. Reporting Gender-Based Misconduct

The University encourages students to report gender-based misconduct as soon as possible to maximize the University’s ability to respond promptly and effectively. Students may meet with SCCS staff to learn more about the process before making a report or providing additional information about a previously filed report.

The University recognizes that students may be most comfortable disclosing gender-based misconduct to a University employee they

know well, such as a faculty member, coach, or resident advisor. These individuals and other University personnel – including officers of administration and research, library staff, staff who work directly with students including advising, residential program and student affairs staff, and teaching assistants and resident advisors -- are required to report the incident to the Office, either directly or through the appropriate Title IX Coordinator(s).

Before a student reveals information about an incident, these individuals (“Responsible Employees”) will try to ensure that the student understands their reporting obligations. If a student wants to maintain confidentiality and has not disclosed information about an incident, these individuals will seek to direct the student to the University’s confidential resources.

Confidential resources, such as counseling staff, Disability Services staff, and staff from Sexual Violence Response, are not obligated to report disclosures of gender-based misconduct except for aggregate statistical data that does not include individuals’ names or identifying information. They will not share identifying information with SCCS about a student or an incident without the student’s permission, except under exigent circumstances as required by law.

⁸ Columbia University’s Equal Opportunity and Affirmative Action office is responsible for the Employee Policy and Procedures on

Discrimination, Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking.

Requesting Confidentiality in Connection with a Report to Student Conduct and Community Standards

A student who reports gender-based misconduct to the Office can request that the Office not disclose their identity to anyone else, including the person who allegedly committed the misconduct. While such a request may limit the University's ability to address the reported misconduct, the Office, in consultation with the appropriate Title IX Coordinator(s), will consider the request and honor it whenever possible. Considerations that are taken into account include: the Complainant's articulated concerns; the best interests of the University community; fair treatment of all involved individuals, including the Respondent's right to have specific notice of the allegations if the University were to take action that affects the Respondent; and the University's obligations to provide a safe and non-discriminatory environment for all students. The Office will promptly notify the student whether the University will be able to honor their request for anonymity.

Regardless of whether the University is able to grant a request to keep the student's identity confidential, University personnel will not reveal information about reported gender-based misconduct except to those who need to know in order to carry out their duties and responsibilities. In all cases, the University will take appropriate steps designed to counteract the effects of the alleged gender-based

misconduct, prevent its recurrence, provide support and make accommodations for the students involved. This may include academic, residential, and work accommodations; increased monitoring, supervision or security at locations or in connection with activities where the alleged misconduct occurred; and training and educational materials for the campus community. If there is reason for concern about possible retaliation or harm, the University will take measures in consultation with the affected students.

Other Information about Reporting

Time for Reporting

There is no time limit for submitting a report of gender-based misconduct. However, the University's ability to investigate and respond effectively diminishes with the passage of time.

Additionally, the timing of a report to the Office may affect the University's ability to implement sanctions on a Respondent found responsible for a violation of Policy. For example, if a Respondent is not a student at the time the report is made, the University is limited in the action it can take, such as initiating an investigation. It will still seek to meet its Title IX obligations by providing support for a Complainant and taking steps to end the prohibited conduct, prevent its recurrence, and address its effects.

Reports from Others and Anonymous Reports

In cases where gender-based misconduct is reported to the Office by someone other than

the student who was subjected to the alleged misconduct (for example, a faculty member, resident advisor, friend or roommate), the Office will promptly notify the student that a report has been received. This Policy and these Procedures will apply in the same manner as if the student had made the initial report. The Office will make every effort to meet with the student to discuss available options and on-campus and off-campus resources.

Reports from anonymous sources will be treated in a similar fashion. Due to the nature of anonymous complaints, action by the Office in response to an anonymous complaint may be more difficult and, at times, impossible.

Related Alcohol and Drug Violations (Amnesty)

The health and safety of every student at the University is of utmost importance. The University recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that gender-based misconduct occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. Because the University strongly encourages students to report gender-based misconduct to University employees, the following Policy provision applies: A student (including a bystander), acting in good faith, who discloses any incident of gender-based misconduct to a University employee or law enforcement will not be subject to subsequent disciplinary action by the University for

violations related to the possession or use of alcohol and/or drugs occurring at or near the time of the gender-based misconduct, whether use and/or possession is intentional or accidental. This does not apply to those who use alcohol or drugs as a weapon or to facilitate assault.

In an effort to encourage students to make honest disclosures during the course of the disciplinary process, statements related to the use of alcohol or drugs during the reported incident(s) will also fall under this amnesty Policy provision unless, as explained above, the alcohol or drugs were being used to facilitate gender-based misconduct.

Unknown/Non-University Offenders

The University will review reports of incidents affecting University students that involve persons who are not members of the University community or whose identity is not known, and take appropriate actions to protect affected students and others in the University community. Without knowing the identity of a perpetrator, action by the University may be more difficult and, at times, impossible. Regardless, the Office will assist students in identifying appropriate campus and other resources and assist them with reasonable accommodations.

Public Awareness Events

The University supports public awareness events such as “Take Back the Night,” the Clothesline Project, candlelight vigils, protests,

survivor speak outs, and other forums and advocacy meetings that help inform the need for campus-wide education and prevention efforts. In accordance with federal guidance and New York State law, the disclosure of incidents of gender-based misconduct at such events, forums and meetings is not considered a report to the University for the purposes of prompting an investigation of a particular incident.

B. Rights and Responsibilities During the Disciplinary Process

The University disciplinary process provides accessible, prompt, and fair methods of addressing reports of student gender-based misconduct. Both the New York State Students' Bill of Rights (Appendix A) and the University's process give the Complainant and the Respondent the following rights, explained in the subsequent sections:

- To respect, dignity, and sensitivity;
- To appropriate support from the University;
- To privacy to the extent possible consistent with applicable law and University policy;
- To information about the University's Gender-Based Misconduct Policy and Procedures for Students;
- To the presence of an advisor throughout the process;
- To participate or to decline to participate in the disciplinary process (however, a decision not to participate in the process either wholly or in part may not prevent

the process from proceeding with the information available);

- To a prompt and thorough review of the allegations;
- To adequate time to review documents following an investigation;
- To adequate time to prepare for a hearing;
- To an opportunity to challenge Investigator(s) or Hearing/Appellate Panel member(s) for a possible conflict of interest in cases involving an investigation and Hearing/Appellate Panel;
- To refrain from making self-incriminating statements;
- To an appeal of the decision made by the Hearing Panel and of any sanctions imposed by the Sanctioning Officer in cases involving an investigation and Hearing Panel;
- To notification, in writing, of the case resolution, including the outcome of any appeal, where applicable;
- To report the incident to law enforcement at any time; and
- To understand that information collected in the process may be subpoenaed in criminal or civil proceedings.

Privacy

The University will only reveal information about any report of gender-based misconduct to those who need to know the information in order to carry out their duties and responsibilities or as otherwise provided by law. It will inform all University affiliates, including

students, faculty and staff participating in a disciplinary process, that they are expected to maintain the privacy of the process.

Complainants and Respondents may seek the assistance of family members, friends, counselors, therapists, clergy, doctors, attorneys, or similar resources; the parties are not prevented from discussing the incident(s) the subject of the disciplinary process.

Advisors

The Complainant and the Respondent, respectively, may be accompanied to any meeting or hearing by an advisor of their choice through the course of the disciplinary process. Witnesses or others involved in the disciplinary process are not permitted to bring another person to any meeting or hearing, absent an approved disability accommodation.

Advisors may support the student and provide advice during the disciplinary process. Parties are expected to maintain the same, single advisor throughout the process but are not required to bring their advisor to all meetings. Retaining a single, consistent advisor enables the process to move forward in an efficient fashion. In the event that a student wants to change their advisor, they must provide written notice to their Case Manager.

During meetings and hearings, the advisor may talk quietly with the student or pass notes in a non-disruptive manner. The advisor may not intervene in meetings with SCCS. In addition, while advisors may provide guidance and

assistance throughout the process, all written submissions must be authored by the student.

When the chosen resolution option is investigation and Hearing Panel, an advisor may address the Investigative Team during an investigative interview to seek clarity, however these interactions should be limited. Furthermore, during a hearing, the advisor may not directly address the Hearing Panel, nor may they give evidence, directly question witnesses or make verbal or written objections.

SCCS and University administrators will communicate directly with the student. It is the student's responsibility to communicate with their advisor, including but not limited to information related to process updates.

Additionally, while efforts will be made to accommodate the schedules of students and advisors, the process will not be unduly delayed due to an advisor's unavailability.

Advisors will be expected to sign an agreement to abide by these guidelines. If an advisor fails to abide by the guidelines, he/she may be prohibited from attending ongoing or future meetings. The agreement will be provided to the student and their advisor when the student requests an advisor or notifies their Case Manager that they have an advisor.

A Complainant or Respondent may choose to have an attorney serve as his or her advisor while engaging with this Policy and these Procedures when the chosen resolution option is an investigation. University students may

retain counsel independently or request that the University arrange for an attorney-advisor. If a University student makes that request, the University will provide an attorney-advisor at no cost to the University student.⁹ Once an attorney-advisor is assigned by the University, the student may not request a different attorney-advisor from the University, but may independently select another advisor; if that occurs, the attorney-advisor originally provided by the University will withdraw from that role. If a Complainant or Respondent requests a University-provided attorney-advisor, the Office will notify the other party and upon request arrange for an attorney-advisor.

Declining to Participate

The Complainant and/or Respondent may decline to participate in the investigation, adjudication, and/or any step of this process and any subsequent appeal. However, SCCS will make multiple efforts to engage their participation and may continue the process without the Complainant's and/or Respondent's participation. Declining to participate in an investigation precludes a Complainant or Respondent from participating in the adjudication process, including the ability to submit new information to the Hearing Panel or Appellate Panel, absent extraordinary circumstances. The Complainant or Respondent may submit an

impact statement at the sanctioning stage, if applicable, without regard to earlier participation in the process.

Choosing to participate in a limited fashion (e.g. providing a prepared written statement but declining to participate in an interview or answer questions) may similarly limit a student's ability to participate in the adjudication process and/or submit new information to a Hearing or Appellate Panel, if applicable. Additionally, participating in a limited fashion or declining to participate may render it impossible for the University to investigate.

Even if a party declines to participate, the Office will continue to update each party throughout the process, unless a party submits a written request to the Office to cease contact.

Recurring refusal or failure to respond to outreach by the Office will be interpreted as declining to participate and may preclude or limit participation in later stages of the process that are described on the following pages. Silence or a decision not to participate will not be treated as a negative factor in the investigation, adjudication, or appeal.

Withdrawal from the Disciplinary Process

A student involved in the disciplinary process may withdraw from participation at any time without penalty. However, the University may,

⁹ The University will arrange for an attorney-advisor for a student in matters when an investigation will occur. For matters that begin with restorative justice, mediation, or administrative resolution, the student

may bring their advisor of choice, but a University-appointed attorney-advisor will not be provided.

consistent with other provisions of federal and New York State law, still have obligations to investigate and/or take other action. In those instances when the Office, in consultation with the appropriate Title IX Coordinator(s), determines that the University must proceed with an investigation, the Office will notify the appropriate party that the University intends to initiate or continue an investigation, but that the involved student is not required to participate in the disciplinary process. A student who withdraws from the University while a disciplinary action is pending against him or her will receive a transcript notation so indicating.

Withdrawing participation before an investigation is complete precludes a Complainant or Respondent from participating in the remainder of the disciplinary process, including the ability to submit new information to the Hearing Panel or Appellate Panel, absent extraordinary circumstances. The Complainant or Respondent may submit an impact statement at the sanctioning stage, if applicable, without regard to earlier participation in the process.

Time Frames

The University makes every reasonable effort to ensure that complaints are resolved as expediently and efficiently as possible. Many complaints may require extensive review, and time frames will vary depending on the

complexity of the investigation and the severity and extent of the alleged misconduct. Time frames may be extended for administrative resolution, mediation, restorative justice, and/or good cause as necessary to ensure the integrity and completeness of this process. The reasons for extension of the time frame also include, but are not limited to: compliance with a request by law enforcement; a limited accommodation of the availability of parties, their advisors, and witnesses; students on leave; exam periods, school breaks or vacations; and accounting for complexities of a specific investigation, including the number of witnesses and volume of information provided by the parties.

To enable prompt and efficient resolution of complaints, the Office expects that any individual involved in the disciplinary process will respond to outreach from SCCS within two days. In addition, the Office expects its deadlines to be honored absent extraordinary circumstances. Requests for deadline extensions will be considered on a case by case basis.

The Office will give periodic status updates to the parties in writing. For more information on case resolution time frames and data, please see the report on Gender-Based Misconduct Prevention and Response, which is published annually.¹⁰

¹⁰ Available at <https://studentconduct.columbia.edu/> and <https://sexualrespect.columbia.edu>.

Conflicts of Interest

The University requires any participant in the disciplinary process, including a Complainant, Respondent, Investigator, Hearing Panelist, Sanctioning Officer, or Appellate Officer, to disclose to SCCS any potential or actual conflict of interest. If a Complainant or Respondent believes that any individual involved in the investigation, adjudication, sanctioning or appellate process has a conflict of interest, he or she must notify the Office. A conflict of interest would include, for example, situations where an individual is a party's family member, close friend, current or former faculty member, advisor or has other similar relationships with a party.

A Complainant or Respondent who believes that an Investigator, Hearing Panelist, Sanctioning Officer, or Appellate Officer has a conflict of interest must submit a written request to the Office that the individual not participate in the process. This request must be made within two days after the Office provides notification of the individuals involved in the investigation, sanctioning decision, or panel. Any request should include a description of the conflict. The fact that an individual is the same or different gender, race, etc., of a party or individual involved in the process is not a conflict and requests for changes in staffing on this basis will not be considered. If the Office determines that a conflict of interest exists, the University will

take steps to address the conflict in order to ensure an impartial process.

C. When a Report is Made: Case Management; Supportive and Interim Measures; Initial Assessment; and Resolution Options

SCCS is charged with addressing reports of violations of the Gender-Based Misconduct Policy for Students. The following section details the Office's initial response to and assessment of reports, and available options for resolution, including the investigation and hearing process.

Case Management

Case Managers within SCCS support both students who file a complaint and those responding to an accusation of a Policy violation. Case Managers help Complainants and Respondents to understand their rights and the disciplinary process within the Policy. Case Managers are also available to receive reports of concern and determine an appropriate response to assist the student.

Case Managers may help to facilitate the following:

- 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;

- Emergency housing and/or exploring housing options;
- Referrals to attorney-advisors, where applicable;
- Identification of supportive services on and off campus to meet students' needs;
- Support for navigation of the resolution processes once a report is filed, including through the investigative and hearing process, if applicable; and
- Support throughout the time of a student's enrollment at the University, including after the resolution process has concluded.

In some instances, Case Managers may provide limited support to Complainants who may not be currently enrolled or affiliated with the University to help facilitate appropriate accommodations through off-campus community resources.

Supportive and Interim Measures

The University can provide supportive measures and impose interim measures after a report has been filed. Supportive and interim measures are those accommodations, services, and other assistance the University implements after a report has been filed. The University has a duty to provide a fair and equitable process to all parties involved.

Supportive measures are designed to assist a student affected by gender-based misconduct so that they may continue their academic endeavors. Interim measures are designed to ensure the safety of the community and to

protect the integrity of the disciplinary process while the process is ongoing. The discussion below provides more information and examples of each.

While the Office may implement interim measures as appropriate and on a case by case basis, Case Managers do not grant accommodations, but conduct outreach and facilitate accommodation requests by connecting students with the appropriate decision-making departments within the University.

Supportive Measures

The Office will work with all students to ensure their safety and promote their well-being throughout their time at the University, including by helping to secure appropriate supportive accommodations.

Students may request supportive measures even in cases where an investigation is not undertaken or either party has declined to participate in the University disciplinary process.

The Office evaluates requests for supportive accommodations in light of the circumstances and information available at the time of the request. In some instances, additional information may be required to sufficiently evaluate the need or provide for a requested supportive accommodation. If requested accommodations cannot be granted, the Office will provide an explanation, in writing, to the student.

Supportive measures may include, but are not limited to:

- Relocation of 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; and/or
- Providing access to tutoring or other academic support.

In consultation with the appropriate Title IX Coordinator(s), the Office will work with students to obtain additional supportive measures as necessary. The Office will also work with students who need assistance registering with Disability Services, as appropriate. Students who require support for ongoing health-related accommodations must provide appropriate documentation as required by Disability Services.¹¹ The University will provide notice about accommodations only to those who need to know in order to make them effective. Time frames for evaluation and implementation of requested supportive accommodations may vary based on the particular circumstances of a specific request.

A student who has experienced gender-based misconduct may also be entitled to remedies under applicable law, such as an order of protection. While the University cannot

impose legal remedies such as an order of protection, the University can assist students in contacting law enforcement or legal service organizations to learn about these remedies and their enforcement.

Interim Measures

The University may also impose interim measures, based on the totality of facts known at the time, to ensure the safety of all parties involved, to prevent the escalation of conflict, and to protect the integrity of the disciplinary process while the process is ongoing. Interim measures include, but are not limited to:

- No-contact directives;
- Restricting a Respondent’s access to campus buildings and/or University property;
- Moving a student’s residence;
- Temporarily suspending a Respondent from specified activities and/or positions of leadership; and
- Temporarily suspending a Respondent from the University.¹²

The imposition of supportive and interim measures does not indicate that the University has made a final decision about the report of prohibited conduct.

The University will provide notice about these supportive and interim measures only to those

¹¹ Disability Services has established guidelines to assist students in providing the required information (<https://health.columbia.edu/content/general-guidelines-disability-documentation>). Please refer to [specific documentation guidelines](#) for each type of disability.

¹² Interim suspensions will be reasonable and tailored to balance the ability of the Respondent to complete their studies with the safety of both the Complainant and the University community at large.

who need to know in order to make them effective.

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

Following the report of a potential Policy violation, the Office will provide written notice to the students involved in the conduct, describing any necessary interim measures and providing information about the supportive accommodations and resources available to them.

Students who are Complainants or Respondents may request a prompt and reasonable review of the need for and terms of any accommodation or interim measure that directly affects them and may submit evidence in support of their request. Requests for review of the accommodation or interim measure shall be submitted in writing to the Associate Vice President for Student Conduct and Community Standards, and will be reviewed within three days upon receipt. Any interim measure(s) implemented will be periodically reviewed, may be revised as appropriate, and may be kept in place after a final decision is reached. Students may appeal an interim

measure issued by the Associate Vice President to the Title IX Coordinator.

Initial Assessment of Reports

After receiving a report of gender-based misconduct, the Office conducts an initial assessment to evaluate whether, if substantiated, the conduct constitutes a Policy violation and whether there is a reasonable basis to engage the disciplinary process. Reasonable basis is defined as the existence of some credible information to support each element of the violation. Sources of credible information can include a credible witness or Complainant's statement, among others. The Office will assess the available information, determine if a report is supported or unsupported by any such information, and take any one of the following actions:

- The Office may dismiss the report if it determines that the report does not allege facts that, if substantiated, would constitute a violation of the Policy or that the facts as alleged in the report are refuted by evidence or information known to or possessed by the Office;¹³
- The Office may refer the report to another office for review or address the conduct through alternate means, if the Office determines that the report is outside the scope of the Gender-Based Misconduct Policy; or

¹³ Additionally, should evidence or information become known to the Office during the course of an investigation which leads the Office to conclude that there is no reasonable basis to engage the disciplinary

process, the Office may, in its reasonable discretion and in consultation with the Title IX Coordinator, dismiss the report.

- The Office will review available options for resolution with the Complainant and Respondent if the Office determines that the report would, if substantiated, constitute a violation of the Policy. These may include, depending on the report, administrative resolution; mediation; restorative justice; or investigation and Hearing Panel. The Office will also determine interim measures and facilitate supportive accommodations, as appropriate, and initiate an appropriate resolution process.

Available Options for Resolution

During their initial meeting with a Case Manager and/or Investigator, and again at the conclusion of the initial assessment, relevant options for resolution will be discussed with each party. Options include: administrative resolution; mediation; restorative justice; or investigation and Hearing Panel.

At any time after a report is filed and before a hearing is scheduled, either party may request any one of these forms of resolution. The Office will review a requested resolution in light of its initial assessment of the available information, and will determine if such a resolution is appropriate. The Office will make the final determination regarding the appropriate resolution process and can require an investigation and Hearing Panel even if the

parties request to engage in a different resolution process. Please note that allegations of Sexual Assault: Penetration can only be resolved by investigation and Hearing Panel.

Three of the four types of resolution (administrative resolution, mediation, and restorative justice) do not involve potential disciplinary or punitive action. These options are available when the parties do not wish to proceed with an investigation and/or Hearing Panel, and instead seek the Office's assistance to resolve allegations of gender-based misconduct without taking disciplinary or punitive action.¹⁴

Generally speaking, these resolution options are less time intensive than an investigation and Hearing Panel, while still affording students an opportunity to actively participate in a process led by the Office for resolution of their complaints. For more information on resolution timeframes, please consult the annual Gender-Based Misconduct Prevention and Response reports.

While a student may request to engage in a particular resolution process, the decision to pursue these resolution processes will be made after the Office conducts an initial assessment of a complaint or report, including an assessment of whether there is sufficient information to conduct an investigation and of the nature and scope of the alleged misconduct.

¹⁴ Should statements made during administrative resolution, mediation, or restorative justice highlight aspects of the reported conduct not previously known to the Office, or detail additional

violations of the Policy, the Office reserves the right to stop that resolution process and re-evaluate the available resolution options. However, such statements will not be used in an ensuing investigation.

Ultimately, the Office will determine which resolution is appropriate.

As discussed above, the University also has the authority to take immediate and corrective action to address all alleged misconduct and any additional alleged Policy violations that have occurred. The Office, in consultation with the appropriate Title IX Coordinator(s), may determine that additional action is appropriate without the participation of the parties, and may insist upon an investigation to ensure a safe campus environment.

Administrative Resolution

This form of resolution can include no-contact directives, no-contact terms mutually agreed upon by the parties, implementation of safety measures, referrals to counseling, and targeted education and training. Administrative resolution can take place when a Complainant does not want to engage in other resolution processes, or where the Office, at its discretion and based on the available information, determines that an administrative resolution is necessary to ensure the safety of the University community.

Mediation

The purpose of mediation is for the parties who are in conflict to identify the implications of a student's actions and, with the assistance of a trained facilitator, identify points of agreement and appropriate remedies to address them. Either party can request mediation to seek resolution; mediation will be used only with

the consent of both parties, who will be asked not to contact one another during the process. The Office will also review any request for mediation, and may decline to mediate based on the facts and circumstances of the particular case. Either party has the right to terminate the mediation process and choose or resume another option for resolution at anytime.

The mediation process will typically commence within 10 days after the Office receives consent to mediate from both parties, and will continue until concluded or terminated by either party or the Office. During mediation, any potential investigation and calculations for time frames will be stayed. If the mediation results in a resolution, the disciplinary process will be concluded and the matter will be closed. If a resolution cannot be reached, the matter will be referred to the AVP for Student Conduct and Community Standards to re-evaluate other options for resolution, including investigation.

During mediation, a facilitator will guide a discussion between the parties. In circumstances where the parties do not wish to meet face to face, either party can request "caucus" mediation, and the facilitator will conduct separate meetings. Whether or not the parties agree to meet face to face, each party will be permitted to bring an advisor of their choice to any meetings.

At the conclusion of the mediation, the facilitator will memorialize the agreement that was reached between the parties. The Office

will monitor adherence to the proposed solution and close the matter when compliance is satisfactory.

Restorative Justice

A restorative justice (“RJ”) Conference is a dialogue, facilitated by an Office staff member, intended to restore relationships and repair harm after a conflict has occurred. Both the responsible party and the individuals affected by the conflict come together to identify what harm was caused and, collaboratively, determine how conflict and trust might be, respectively, resolved and repaired.

A party may request to engage in RJ at any stage of the disciplinary process, however, restorative justice may not be an appropriate mechanism for all conflicts. To qualify for RJ, the student accused of wrongdoing must accept responsibility and express remorse for the harm that was caused. The harmed party must also be willing to accept an apology offered by the student accused of wrongdoing. Additionally, all involved parties must agree to and abide by measurable and timely actions within the scope of this Policy and directives. The Office will review any request for RJ, and may decline to initiate RJ based on the facts and circumstances of the particular case.

The RJ Conference proceeds only if all parties agree to participate willingly. Upon doing so, the RJ process typically commences within 10 days after the Office receives written agreements from all involved parties. The

conference will continue until the conference is successfully concluded or until the Office determines that the conference will not be successful. If successful, an agreeable resolution is reached by all involved parties, at which time the process is concluded, and the matter is resolved. If a resolution cannot be reached, the matter will be referred to the AVP for Student Conduct and Community Standards to re-evaluate other options for resolution.

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

Investigation and Hearing Panel

The final option for resolution is an investigation and Hearing Panel. As distinct from other options, this is the sole resolution method available for allegations of Sexual Assault: Penetration.

After the initial intake with a Case Manager, the University will notify the Complainant and the Respondent, in writing, that an investigation will proceed. This initial outreach will describe the allegations in the report, summarize the disciplinary process, and include a scheduling form for the Complainant and the Respondent to meet separately with SCCS. The Complainant and the Respondent must confirm receipt of the notice and meet with the Investigative Team within one week of receiving this notice. Requests to postpone meetings and interviews, for a limited period of

time, may be granted, provided that the request is based on a compelling reason. When possible, Complainants and Respondents should request a postponement no less than 24 hours before the scheduled meeting or interview.

Requests Not to Investigate

The Complainant may request that an investigation not be undertaken. The Office, in consultation with the appropriate Title IX Coordinator(s), will consider such a request in light of the University's commitment to provide a safe and non-discriminatory environment for all students, and will weigh the following factors:

- Circumstances that suggest there is a risk of the Respondent committing additional acts of gender-based misconduct, such as: whether there have been other gender-based misconduct complaints and/or escalation of conduct known to the Office by the same Respondent; whether the Respondent has threatened further gender-based misconduct against the Complainant or others; and other circumstances that suggest there is an increased risk of similar future acts of gender-based misconduct by the Respondent;
- Whether the alleged gender-based misconduct was committed by multiple perpetrators;
- Whether there was use of a weapon or force in connection with the gender-based misconduct;

- Whether the University possesses other means to obtain relevant evidence, such as security cameras, witnesses and/or physical evidence; and
- If the Complainant is under 17 years old.

If the Office determines not to investigate, it will notify the Complainant in writing, including that the determination was made at the Complainant's request. At the Complainant's written request, the Office will also notify the Respondent, in writing, including that the Complainant asked the University not to investigate.

Notices

The Office will provide notice in writing to both the Complainant and Respondent at many points in the process. Notice from the Office will be sent via University e-mail and may include information, such as: a written explanation of the allegation(s), Complainants' and Respondents' rights and options, interim measures, supportive accommodations, initiation of a particular resolution option, and the range of possible sanctions should the Respondent be found responsible for a Policy violation as a result of an investigation and Hearing Panel, if applicable. The Office will also ensure that the Complainant and Respondent are updated throughout the process, including timely notice of meetings in which either or both the Complainant and the Respondent may participate, and/or if there are updates to the alleged violation(s) that will be

investigated and/or adjudicated based on information learned during the investigation. Prior to the initial interview with the Investigative Team, the Complainant and the Respondent will receive notice including a brief summary of the underlying facts of the reported incident. After the initial interview, the Investigative Team, in consultation with the appropriate Title IX Coordinator(s), will make an initial assessment of the information as detailed above in the Initial Assessment of Reports section. Should the investigation continue, the Complainant and the Respondent will receive notice detailing the allegation(s). At the conclusion of the investigation, and prior to a hearing, if applicable, the Complainant and the Respondent will receive notice of the charges detailing the specific Policy violation(s) to be considered by the Hearing Panel.

Importantly, the initial allegations reported to the Office may not be the final charges submitted to the Hearing Panel for adjudication. The notice of final charges is dependent on the information gathered during the investigation. Whenever there are additional or modified allegations, notice will be provided to both parties.

Investigation Procedures

The Office will designate a two-person team (“the Investigative Team”) to conduct an investigation into whether a violation of the Policy occurred. All Title IX Investigators will have extensive training in investigating and

evaluating conduct prohibited under the Policy. The Investigative Team will be impartial and unbiased.

The parties will meet separately with the Investigative Team. The Investigative Team will discuss with each party the nature of the allegation(s), the rights and responsibilities of each party, the prohibition against retaliation, and the disciplinary process before discussing the specific facts of an allegation with each party. The Complainant, the Respondent, advisors, and all witnesses may not record any meeting or hearing conducted as part of the process, nor copy or photograph any documents or evidence to which they are afforded access as part of the process.

The Investigative Team will speak to each party in detail about the allegation(s) and ask each party to provide a list of witnesses and/or any relevant documents or evidence to be considered. The Investigative Team has the discretion to determine the relevance of any proffered witness and/or evidence and determine that certain witnesses and/or evidence should be included or excluded in the investigative process in light of the allegations and/or Policy set out here. A party is not required to provide any particular witness or evidence for an investigation to proceed, nor should a lack of such information dissuade any student from participating in the process.

Any documents submitted to the Investigative Team for consideration may become part of the Investigative Report in redacted form.

During the investigation, the Investigative Team will adhere to the following protocols:

Statements: All parties and witnesses are obligated to be honest and act in good faith. Any person who knowingly makes a false statement in connection with the investigation may be subject to separate disciplinary action.¹⁵

Evidence: The Investigative Team will direct the Complainant, Respondent, witnesses, and other interested individuals to preserve any relevant evidence. Examples include, but are not limited to, electronic messages (e.g., e-mails, text messages, social media and digital app messages, and other relevant writings and photographs). Any documents submitted to the Investigative Team for consideration may become part of the Investigative Report in redacted form. Intentional manipulation, editing, or other forms of fabricating evidence may result in disciplinary action. Certain forms of evidence will not be considered (e.g. polygraph examination results). Other unique pieces of evidence (e.g. sexual assault medical examination documentation) that a particular student wants to be considered will be reviewed by the Office in consultation with the appropriate Title IX Coordinator(s).

Witnesses: The Complainant and the Respondent have the right to identify any individuals who may be witnesses to the conduct alleged. The parties should be aware it

is possible for both the Respondent and the Complainant to list the same people as witnesses. Any attempt to threaten, intimidate or otherwise improperly influence the testimony of a witness may result in disciplinary action. The Investigative Team will attempt to contact and interview any witnesses it deems to have relevant information, including those identified by the parties. The Investigative Team will not interview witnesses whose sole purpose is to provide character information. If the Investigative Team determines that expertise on a topic will assist the Hearing Panel in making its determination(s), the Investigative Team may include in the investigative record medical, forensic, technological, or other expert testimony and materials (such as writings and recordings) that the Investigative Team deems relevant and reliable. A party may also request that a topic be considered by an expert, but a party is not permitted to retain their own expert to consider a topic or submit testimony and/or reports as part of the investigation. In the limited circumstance that the Investigative Team grants a party's request for an expert to consider a topic, then the Investigative Team will retain an appropriate expert.

- The Investigative Team has the discretion to determine the relevance and reliability of any expert testimony and materials, and,

¹⁵Reports or denials of gender-based misconduct made in good faith are not considered knowingly false solely because the outcome of an investigation and adjudication is contrary to those reports or denials.

accordingly, the Investigative Team will determine what, if any, expert testimony and materials will be included in the investigative record.

- Requested expert testimony or materials not included in the investigative record will not be considered by the Hearing Panel.
- The results of polygraph tests and other “lie-detection” techniques are inadmissible in the proceedings.

Questions: Throughout the investigation, and until the Pre-Determination Conference, both the Complainant and the Respondent have the opportunity to submit questions to be asked of each other and any witnesses involved in the investigation. Questions will be reviewed by the Investigative Team for their appropriateness and permissibility pursuant to the Policy.

Advisors: During any meeting, interview or hearing, the Complainant and Respondent may bring an advisor. In order to avoid undue delay, if the Complainant, Respondent, or advisor is unable to be physically present for any stage of the investigative process, accommodations will be made for their participation by other means.

Sexual History: Either the Complainant or the Respondent may provide information regarding their shared sexual history. Generally, the Investigative Team will not consider information concerning the Complainant’s or the Respondent’s sexual

history with other people, except under very limited circumstances such as explaining an injury or responding to another specific question raised by an allegation. If either party offers any of the aforementioned information, the other will be notified and have the right to respond and request this information not be considered. The Investigative Team will determine whether information should be included based on relevance to the investigation, applicable law, and fairness to both parties.

Mental Health Treatment/Diagnosis: Each party has the right to request that evidence regarding their mental health diagnosis and/or treatment be excluded from consideration when responsibility is being determined. However, if an individual wishes to present evidence of their *own* mental health diagnosis and treatment, he/she may do so in limited circumstances. If either party offers this type of information for consideration, the other party will be notified and can request that the information not be considered.

Prior Conduct Violations: Prior reports or determinations of responsibility for gender-based misconduct will not be considered in determinations of responsibility (see the following pages) and will therefore not be addressed in an Investigative Report. The University is committed to ensuring each party a meaningful opportunity to be heard in any given case; for this to occur the investigation and adjudication of one complaint must be

based on facts relevant to that complaint and may not be influenced by reports or determinations from another, separate complaint. However, prior determinations of responsibility for allegations of the same type of gender-based misconduct may be admissible in the sanctioning stage of the process.

Credibility Assessment: The Investigative Team considers the following factors when assessing the credibility of parties and witnesses: consistency or inconsistency of accounts of events over time; demeanor during interviews; motive to lie; any corroborating evidence; and reasonable and logical statements and details.

Burden of Proof: The Investigative Team applies “preponderance of the evidence” as the standard of proof to determine whether a violation of the Policy occurred. Preponderance of the evidence means that the Investigative Team must determine, based on the evidence presented, whether the Respondent was more likely than not to have engaged in the conduct at issue. During the investigation and adjudication process, the Respondent is presumed not responsible. The Complainant and Respondent may each participate at the level to which they are comfortable. The Investigative Team bears the burden of showing evidence to support its recommendation regarding responsibility. The burden is not on the Respondent to prove that they did not engage in gender-based misconduct.

Prohibition on Recording: Recording any part of the disciplinary process or unauthorized copying of any documents in the disciplinary process by any means is prohibited. Copying includes but is not limited to: audio or video recording, streaming, photographing, scanning, transcribing, or any other form that conflicts with the spirit of this directive. Allegations of non-compliance will be reviewed through the Dean’s Discipline process and may result in disciplinary action.

The University’s process for responding to, investigating and adjudicating gender-based misconduct reports will ordinarily continue during any law enforcement investigation or proceeding. SCCS may need to temporarily delay an investigation while law enforcement is gathering evidence, generally no longer than 10 days, except when law enforcement specifically requests and justifies a longer delay. The Office will resume the investigation after learning that law enforcement no longer requires a delay or has completed the evidence-gathering stage of their investigation. The Office will not wait for the conclusion of any related criminal proceeding. It should be noted that the standards of criminal law are different than those employed by the University; while information collected by law enforcement may be included in the Office investigation, determinations in criminal investigations and proceedings will not be considered in the Office’s investigation and adjudication.

At the conclusion of the initial phase of the investigation, the Investigative Team will provide to the Complainant and the Respondent, in writing, a Notice of Final Charges, which will include a description of the alleged Policy violation(s) that will be considered during the hearing process, if applicable.

The Investigative Team will then prepare a report based on interview summaries, witness statements and other documents gathered during the investigation. In accordance with the Family Educational Rights and Privacy Act (“FERPA”), the Investigative Team will redact names and other identifying information of other students from the report and related materials, except to the extent that doing so would interfere with the purpose of Title IX to eliminate sex-based discrimination. The Office will provide a redacted and watermarked copy of the report to the Complainant, Respondent, and their respective advisors for their review, if applicable. Media exhibits such as video recordings and photographs of individuals will be available for individual review, at a prearranged time.

Pre-Determination Conference

After the parties have had the opportunity to review the factual summary of the Investigative Report, a Pre-Determination Conference will be scheduled. During the conference, the Investigative Team will review available options for resolution, if applicable, with each of the parties (see Available Options for

Resolution above). If the parties or the University determines that a post-investigation Hearing Panel is the appropriate resolution option, each party will be asked if they would like to provide additional information or clarification to their own portion of the factual summary.

The Pre-Determination Conference is each party’s opportunity to provide corrections to typos in the factual summary, including correction of names and/or dates, or other minor factual errors. They also can argue that the factual summary is inaccurate; identify additional witnesses to be interviewed; and ensure that all relevant information is included. The Pre-Determination Conference is the final opportunity for the Complainant and Respondent to offer evidence or information to be included as an exhibit in the Investigative Report. The Investigative Team will review all requests and make the appropriate changes to the factual summary, which may be reviewed by each party.

While the parties may suggest questions during any stage of the investigative process, the Pre-Determination Conference will be each party’s final opportunity to provide questions for the Investigative Team to ask of any other individual involved, including witnesses. The Complainant and Respondent will be required to submit a written list of all proposed questions to the Investigative Team no later than one day before the scheduled Pre-Determination Conference, so the questions

can be considered and discussed during the Conference. Questions should be related to the factual summary and should not be duplicative or seek a restatement of a fact that has already been included in the factual summary. The Investigative Team will inform each party if any of the questions they proffered are outside the scope of the Policy or are unrelated to the case and, as such, may be denied. Questions may be modified for appropriateness or clarity by the Investigative Team prior to being asked of the other individual. Following the conference, the Investigative Team will pose additional questions and document responses as appropriate.

The Investigative Team does not issue a recommended finding(s) regarding the alleged violation(s) of Policy during the Pre-Determination Conference.

After the Pre-Determination Conferences and additional review conclude, the investigation is considered closed.

Hearing and Adjudication Process

The process described here will be used in all matters involving allegations of Sexual Assault: Penetration, and in all other matters where the parties choose this process or do not achieve a resolution through another available process.

Pre-Hearing Conference, Disciplinary Action Agreement, and Finalization of Investigation

After the investigation is completed, the Investigative Team schedules a Pre-Hearing Conference with each party. During the Pre-

Hearing Conference, the Investigative Team will discuss the analysis and recommendation of responsibility for each alleged charge, and provide to each party a copy of this section of the Investigative Report, which contains a credibility assessment and analysis of the charges.

At the Pre-Hearing Conference, the Investigative Team will ask each party to complete a Disciplinary Action Agreement. The Disciplinary Action Agreement asks whether the party would like the matter referred to a Hearing Panel for adjudication (i.e. a formal decision about whether the alleged charge(s) occurred). In addition, the Disciplinary Action Agreement asks the Respondent to respond in writing to the alleged charge(s) in one of the following ways: Responsible; Not Responsible; No Contest; or No Response. Each party must submit their respective Disciplinary Action Agreement to the Office in writing within three days of receipt. Each party will be notified of the other party's response.

Should neither party request a hearing within three days, the Investigative Team's recommended finding(s) will stand, with each party retaining their right to appeal the sanction if applicable (see Appeal Process below).

If the Respondent accepts responsibility or responds "No Contest" on the Disciplinary Action Agreement, or the Investigative Team recommends a finding of responsibility and

neither party requests a hearing, the matter will be referred directly to the Sanctioning Officer (see section, “Sanctions and Other Remedies”). A hearing will not be conducted and neither party can appeal the finding(s) of responsibility for Policy violation(s). Both parties retain the right to appeal the sanction issued by the Sanctioning Officer (see “Appeal Process”). Any appeal of the sanction must be submitted within three days of receipt of the sanction notice issued by the Sanctioning Officer.

If either party requests a hearing, or if the Respondent responds “No Response” or “Not Responsible,” the matter will proceed to a Hearing Panel for adjudication.

Hearing Panel

The Hearing Panel is tasked with evaluating and analyzing all relevant information in the Investigative Report, including the credibility assessment and recommendation of responsibility provided by the Investigative Team, as well as any relevant additional submissions and information presented by the parties in the hearing process (see Preparing for the Hearing below). The panel determines whether a violation of Policy occurred based on the preponderance of evidence standard.

If the Hearing Panel reviews the Investigative Report and determines that additional investigation needs to be conducted, it may request that the Investigative Team conduct additional interviews or address any concerns. Any additional information collected by the

Investigative Team at this stage will be provided to the Hearing Panel, the Complainant, and the Respondent in the form of a post-investigation addendum to the Investigative Report.

The Hearing Panel will generally have three members drawn from specially trained administrators within SCCS and/or Equal Opportunity and Affirmative Action, excluding the Investigative Team and other administrators responsible for the report. All panelists receive relevant training at least once a year. In addition to training on how the adjudicatory process works, the training will include specific instruction on how to evaluate evidence impartially and how to approach students about sensitive issues that may arise in the context of alleged gender-based misconduct.

The Complainant and Respondent will be informed of the panel’s membership before the hearing process begins and afforded an opportunity to raise any perceived conflicts of interest before the hearing (see Conflicts of Interest above).

Preparing for the Hearing

In preparation for the hearing, the Complainant and the Respondent should review the Investigative Report and any supplemental materials. The parties may prepare a written statement in response to the Investigative Report addressing their

agreement or disagreement with the recommendation(s).

The written statement must be prepared by the student and be no more than 10 single-spaced typed pages, using size 12-point Times New Roman font and 1-inch margins. The written statement must be submitted to the Office no fewer than two days prior to the scheduled hearing. References to evidence should be made to materials already included in the Investigative Report; no attachments or additional exhibits will be accepted. Statements discussing the impact of the alleged gender-based misconduct or the disciplinary process are provided directly to the Sanctioning Officer; they are not considered for the purpose of determining responsibility. Statements submitted for consideration that include information outside the scope of review by the Hearing Panel may be redacted.

Hearing Procedures

The Office, whenever possible, will give the Complainant and the Respondent at least five days advance notice of the hearing. The hearing is a closed proceeding; no one other than the Hearing Panel members, the Respondent, the Complainant, their respective advisors, the Investigative Team, and necessary University personnel may be present in the hearing room or rooms during the proceeding. If a party is unable to appear at the Office for the hearing, accommodations may be made for the party's appearance by other means. Requests to postpone the hearing may be granted at the

discretion of the Office based on a compelling reason. Where possible, parties should make a postponement request no less than 24 hours prior to the time of the hearing.

The Complainant, the Respondent, and the Investigative Team are afforded the opportunity to participate in the hearing. Witnesses are not involved in the hearing process. Each party and the Investigative Team will be placed in a separate room for the duration of the hearing and may view the proceedings via video conference. When it is their turn to appear before the Hearing Panel, the Complainant, the Respondent, and/or the Investigative Team will appear separately before the panel. Each party may have their advisor in the room with them at all times. During the hearing, the Hearing Panel may pose questions to a party and/or the Investigative Team to better clarify or understand and analyze the Investigative Report. The Complainant and Respondent will not be permitted to submit additional questions at the hearing. Additionally, in the event a student submits a statement containing inaccurate facts or information outside the scope of the Policy, those portions of the information may be redacted and/or a curative instruction may be given to the Hearing Panel. In general, hearings will proceed as follows:

- Complainant's opening statement (up to and no more than seven minutes)
- Respondent's opening statement (up to and no more than seven minutes)

- Questions by the Panel to the Complainant (*if the Panel deems necessary*)
- Questions by the Panel to the Respondent (*if the Panel deems necessary*)
- Questions by the Panel to the Investigative Team (*if the Panel deems necessary*)
- Complainant’s closing statement (up to and no more than seven minutes)
- Respondent’s closing statement (up to and no more than seven minutes)

In cases where either the Complainant or Respondent opts not to participate in the hearing after having previously requested a hearing in their Disciplinary Action Agreement, the other party may request that a hearing not be held and the Hearing Panel may render a decision based on the Investigative Report, post-investigation addendum (if applicable), and any written submissions from the Complainant and/or Respondent.

Additional hearing rules include:

- Statement via Video Conference: Only the person giving a statement (and that person’s advisor, if applicable) is in the hearing room with the panelists and necessary administrator(s) during their statement. The Complainant, the Respondent, and the Investigative Team will each have the opportunity to view and listen to statements from a separate, private room via video conference.
- Questioning: Only the Hearing Panel may ask questions of the Complainant, Respondent, and/or Investigative Team.

Questions generally will focus on statements made by the parties and the analysis of the information provided by the parties and the Investigative Team, including the Investigative Team’s recommendation. The Complainant and the Respondent will not be permitted to ask or submit questions at the hearing.

- Information Regarding Sexual History: The same standards that apply to considerations of sexual history by the Investigative Team also apply to the Hearing Panel. In addition, only information included in the Investigative Report will be considered by the Hearing Panel and may be discussed at the hearing.
- Prior Conduct Violations: In cases involving allegations of gender-based misconduct, prior findings of responsibility for allegations of the same type of misconduct will not be considered by the Hearing Panel. However, these prior findings may be admissible in determining the appropriate sanction for a particular violation of Policy.
- Cell Phones and Recording Devices: Cell phones and recording devices may not be used in the hearing room(s) unless approved by the Hearing Panel in advance.

Determining Responsibility

Following the investigation and conclusion of the hearing, the Hearing Panel will render a determination of whether the Respondent is responsible for the violation(s). The Hearing

Panel will use “preponderance of the evidence” as the standard of proof to determine whether a violation of the Policy occurred. Preponderance of the evidence means that a Hearing Panel must determine whether, based on the evidence presented, the Respondent was more likely than not to have engaged in the conduct at issue.

The Hearing Panel will find a student responsible or not responsible, based on a majority vote, after a review of all of the statements and evidence summarized in the Investigative Report, the written statements submitted by the Complainant and the Respondent, and the statements, testimony, and evidence at the hearing. The Hearing Panel will generally render a decision within three days after the conclusion of a hearing, and will include an explanation of the basis for the decision.

If the Hearing Panel finds the Respondent responsible, the matter will proceed to the sanctioning stage. The Office will transmit the Hearing Panel’s determination to the Sanctioning Officer (described on the following pages) of the Respondent’s school, and to the Respondent and the Complainant.

Regardless of the Hearing Panel’s determination, each party will have the opportunity to appeal any decision and/or sanction, if applicable.

D. Sanctions and Other Remedies

How Sanctions are Determined

In determining a sanction, the Sanctioning Officer of the Respondent’s school, after consultation with SCCS, will impose sanctions that are:

- Fair and appropriate, given the facts of the particular case;
- Generally consistent with the University’s handling of similar cases;
- Adequate to protect the safety of the campus community; and
- Reflective of the seriousness of gender-based misconduct.

When a student is found responsible for a Policy violation, relevant factors will be considered when imposing a sanction, including but not limited to, if applicable: the specific gender-based misconduct at issue (such as penetration, touching under clothing, touching over clothing, unauthorized recording, etc.); the circumstances accompanying the lack of consent (such as force, threat, coercion, incapacitation, etc.); the Respondent’s state of mind (intentional, knowing, bias-motivated, reckless, negligent, etc.); sanctions imposed on the Respondent in other matters involving similar conduct; the impact of the offense on the Complainant; the Respondent’s prior disciplinary history; and the safety of the University community.

In addition, prior to the conclusion of the hearing and imposition of a sanction, both the

Complainant and the Respondent may provide a written impact statement discussing how the alleged gender-based misconduct has impacted them. The written statement must be prepared by the student and be no more than five single-spaced typed pages, using size 12-point Times New Roman font and one-inch margins. The statement will only be considered by a Sanctioning Officer if there is a finding of responsibility or if the Respondent has accepted responsibility or responded “No Contest” to the alleged violation(s) in the Disciplinary Action Agreement. Any impact statement must be submitted to SCCS within three days following receipt of notice that the Respondent (i) was found responsible for one or more Policy violations through the decision of a Hearing Panel; or (ii) submitted a Disciplinary Action Agreement answering “Responsible” or “No Contest.”

The Sanctioning Officer from the Respondent’s school, in consultation with SCCS, will render a sanctioning decision within three days following the receipt of the Hearing Panel’s determination or the Respondent’s Disciplinary Action Agreement answering “Responsible” or “No Contest.” The sanctioning decision will be communicated in writing to the Complainant and the Respondent, with a rationale for the sanction. Time frames for sanctioning decisions are subject to the availability of the Sanctioning Officer.

There will be no sanction notice if there is not a finding of responsibility.

List of Sanctions

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

- Reprimand/Disciplinary Warning;
- Disciplinary Probation;
- Revocation of honors or awards;
- Restriction of access to University facilities or activities (student activities and campus organizations and buildings);
- Removal from and/or restricted participation in academic or extracurricular activities and/or University organizations, or restriction from University services;
- Dismissal or restriction from University employment;
- Removal from student housing;
- Admission revocation (for example, in the case of an undergraduate student admitted to a University graduate or professional program);
- Disciplinary Suspension;
- Expulsion;
- Withholding or deferral of issuance of degree;
- Revocation of degree; and/or
- Revocation of alumni privileges.

If a sanction of disciplinary probation, disciplinary suspension, expulsion, withholding of degree, or revocation of degree

is issued, the student will be considered not in good disciplinary standing.

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

When a student is found responsible and the sanction includes suspension or expulsion, the student may be removed from a campus residence and either severely restricted in their movements on campus or barred completely during the entirety of the appeal-filing period and appeal process. If a Respondent is eligible for return to campus while a Complainant remains on campus, the Complainant will, at the earliest possible date, be notified in writing of the Respondent's intention to return.

In addition, while an investigation, a determination or appeal is pending, an administrative hold may be placed on the Respondent's University transcript, diploma, registration, and/or student account until the process is resolved. Upon conclusion of the appeal process, a transcript notation will be indicated on the Respondent's record for cases resulting in suspension, expulsion or in cases where the Respondent withdraws from the

University during the investigation or the hearing process. Notations on transcripts will be indicated as follows: disciplinary suspension; disciplinary expulsion; or withdrawn with disciplinary action pending. For more information on transcript notations please visit:

<http://www.essential-policies.columbia.edu/university-regulations-including-rules-conduct#standard> or <http://www.tc.columbia.edu/policylibrary/associate-provost-enrollment-services/transcript-notations/> for Teachers College.

Ongoing Supportive Measures for Complainants

Whatever the outcome of the investigation, hearing or appeal, a Complainant may request ongoing or additional supportive measures, and the Office, in consultation with the designated administrator of the Complainant's school, will determine whether such measures are appropriate. These supportive measures and additional responses may also be available for Complainants who choose not to file a complaint or participate in an investigation, hearing or appeal. Potential supportive measures include:

- Issuing or maintaining a No-Contact directive
- Providing an escort for the Complainant;
- Moving the Complainant's residence;
- Changing the Complainant's academic schedule;

- Adjusting the Complainant’s work schedule;
- Allowing the Complainant to withdraw from or retake a class without penalty; and
- Providing access to tutoring or other academic support, such as extra time to complete or re-take a class.

Additional Responses

The University may also determine that additional measures are appropriate to respond to the effects of an incident on the University community. Additional responses for the benefit of the University community may include:

- Increased monitoring, supervision, or security at locations or activities where the misconduct occurred;
- Additional training and educational materials for students and employees;
- Revision of the University’s policies on gender-based misconduct; and/or
- Climate surveys regarding gender-based misconduct.

E. Appeal Process

Respondents and Complainants may appeal the Hearing Panel decision and/or the sanction(s) within five days after receipt of the finding and sanctioning notice (if applicable), respectively, by filing an appeal in writing to SCCS.

Appeals are decided by an Appellate Panel majority vote. The Appellate Panel consists of three Deans of schools: the Dean of the

Respondent’s school, the Dean of the Complainant’s school, and a Dean from another school. Should the Complainant and the Respondent attend the same school, two Deans will be added from other schools. Should the parties both be students of a graduate or professional school, Deans from graduate or professional schools will comprise the panel. Should one party be an undergraduate student and another party a graduate or professional student, the Appellate Panel will consist of the Dean of the Respondent’s school, the Dean of the Complainant’s school, and a Dean of School from the academic level of the Respondent. All Deans will receive relevant training at least once a year on how the adjudicatory and appeal process works, the elements essential to a fair and balanced review, and the sensitive issues in reviewing gender-based misconduct cases.

The three grounds for appeal are:

- 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. Disagreement with the finding or sanction is not, by itself, a ground for appeal;
- 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 or due to a concurrent criminal investigation; and/or

- Excessiveness or insufficiency of the sanction: 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.

Attached to their appeal, the student may provide a written submission for the Appellate Panel to review. The written statement must be prepared by the student and be no longer than five single-spaced typed pages, using 12-point Times New Roman font and one-inch margins. No attachments or exhibits will be accepted; references to evidence should be made to materials included in the Investigative Report.

If either the Complainant or the Respondent submits an appeal, the Office will notify the other party within three days after receipt. The Office will provide the non-appealing party an opportunity to review the appeal and submit a written response. This response must be

written by the student, no more than five single-spaced typed pages, using 12-point Times New Roman font and one-inch margins, and submitted within five days after a notice of appeal is issued. If both the Complainant and the Respondent appeal, the appeals will be considered concurrently and each party will have the opportunity to review and respond to the other party's appeal.

The purpose of an appeal is not to initiate a review of substantive issues of fact, or for a new determination of whether a violation of the Policy has occurred. The Appellate Panel is strictly limited to determining if an appeal should be granted based on the above three grounds for appeal. In making a determination, the Appellate Panel will have access to and the ability to review all applicable documents, including the complete Investigative Report, all exhibits, written statements submitted to the Hearing Panel, impact statements, and a recording of the hearing (if applicable). The Appellate Panel may also request additional information from the Investigative Team and/or Hearing Panel regarding issues of procedural error or new evidence, and the Sanctioning Officer and/or SCCS regarding sanctioning precedent. Additionally, in the event a student submits an appeal containing inaccurate facts or information outside the scope of the Policy, those portions of the information may be redacted and/or the Title IX Coordinator may provide a curative

instruction to the Appellate Panel. The Appellate Panel may take the following actions:

- Affirm the decision and/or sanction;
- Revise the sanction; or
- Reverse and send back the matter to the Hearing Panel or Investigative Team for further consideration.

If the matter is returned to the Hearing Panel or Investigative Team, the Appellate Panel will provide instructions regarding the nature and extent of the reconsideration. Following reconsideration by the Hearing Panel or Investigative Team, further proceedings will be conducted as appropriate.

The Appellate Panel will notify the Complainant and the Respondent of their decision in writing. Appeal decisions will be rendered generally within 15 days after the receipt of the last written submission by either of the parties, depending on the availability of the Appellate Panel at the time of the appeal. The Office will notify the Parties if there is a delay. There is no further recourse beyond the decision of the Appellate Panel.

F. University Records

Records Retention and Disclosure

The information compiled as part of a review of allegations of gender-based misconduct is part of a student's educational record and is maintained by SCCS. This record generally contains a description of the alleged violation, supporting documentation, written submissions, the Investigative Report with

exhibits, if applicable, and official case-related correspondence.

Disciplinary proceedings conducted by the University are subject to the Family Educational Records and Privacy Act ("FERPA"), a federal law governing the privacy of student information. FERPA generally limits disclosure of student information outside the University without the student's consent, but it does provide for release of student disciplinary information without a student's consent in certain circumstances. For example, it is important to note that the release of student disciplinary records is permitted, without prior consent, to University officials with legitimate educational interest such as a student's academic advisor and to Columbia Athletics if the involved student is an athlete. The University will also release information when a student gives written permission for information to be shared.

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

Unless otherwise specified by the student, the University will respond to third-party requests for a student's disciplinary records (e.g. requests by graduate schools or employers) by disclosing only records of disciplinary matters that result in the change of a student's good disciplinary standing at the University. Matters

that resulted in Disciplinary Probation are reported for seven years from the date that the student was found responsible for a violation of University policy. Matters that result in a Disciplinary Suspension or Expulsion from the University are reported as a part of the student's permanent education record. Matters where students maintained good disciplinary standing are not reported unless otherwise specified by the student. This disclosure includes the student's violation(s), the corresponding sanction(s), and the date of determination.

Students and alumni may inquire about their disciplinary record by visiting:

<https://studentconduct.columbia.edu/> or <http://bitly.com/scsbgcheck/>.

Additional information about FERPA can be found at:

- Columbia University's [Essential Policies for the Columbia Community](#);
- Barnard College's [Policy and Guidelines Regarding Student Records Under the Family Educational Rights and Privacy Act of 1974 \(FERPA\)](#); and
- Teachers College's [Student Records and Family Education Rights and Privacy Act \(FERPA\) Statement](#).

Reporting of Crime and Disciplinary Statistics

A federal law called the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act")¹⁶ requires the University to record and report certain information about campus safety, including the number of incidents of certain crimes on or near campus, some of which constitute gender-based misconduct under this Policy. As described in the chart in the Resources listing at the back of the Policy, many employees who receive reports of gender-based misconduct are required by the Clery Act to notify University Public Safety about such incidents for statistical reporting purposes only; these notifications may include the classification and location of the reported crime, but do not identify the students involved.

Additionally, as a matter of Policy unrelated to the Clery Act, the University annually reports aggregate information to the University community concerning reported incidents of gender-based misconduct and the results of student disciplinary proceedings. Such reports do not contain information identifying individual student participants.

¹⁶ For purposes of the Clery Act, Columbia University, Barnard College, and Teachers College separately report Clery data.

V. UNIVERSITY AUTHORITY/ AMENDMENTS

The University may amend the Policy or the Procedures periodically. Nothing in the Policy or Procedures shall affect the inherent authority of the University to take such actions or alter, change or modify this Policy or Procedures as it deems appropriate to further the educational mission or to protect the safety and security of the University community. The information in this Policy is intended to be explanatory and not contractual in nature.

VI. APPENDICES

- A. New York State Students' Bill of Rights
- B. Resource Guide for Students

NYS STUDENTS'

BILL OF RIGHTS

New York State law requires that all institutions of higher education in New York publish the following Bill of Rights for all students attending higher education institutions in the State.

All students have the right to:

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

STUDENT CONDUCT AND COMMUNITY STANDARDS

GENDER-BASED MISCONDUCT RESOURCES FOR STUDENTS

ON-CAMPUS RESOURCES

The University Health Services Student Fee covers the on-campus resources that are available to students enrolled in their school's health service program. Services are available during normal business hours, 9:00 a.m.-5:00 p.m., unless otherwise noted.

CONFIDENTIAL

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

- ☐ Morningside: Alfred Lerner Hall, Suite 700
- CUIMC: 60 Haven Ave, Bard Hall, Suite 206
- ☐ Helpline: 212-854-HELP (4357) (*Available 24 hours a day year-round*)

Ombuds Office

- Morningside: 660 Schermerhorn Ext. | 212-854-1234
- Manhattanville: 615 West 131st St | 212-854-1234
- CUIMC: 154 Haven Ave, Room 412 | 212-304-7026

Medical Services

- ☐ Morningside: John Jay, 4th Floor | 212-854-7426 | Mon–Thur 9am-4:30pm | Fri 8am – 3:30pm
- CUIMC: 100 Haven Ave, Tower 2, 2nd Floor | 212-305-3400
- Barnard: Lower Level Brooks Hall | 212-854-2091

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

University Counseling and Psychological Services

- ☐ Morningside: Alfred Lerner Hall, 5th and 8th Floors | 212-854-2878
- CUIMC: 100 Haven Ave, Tower 2, 3rd Floor | 212-305-3400
- Barnard: 100 Hewitt Hall, 1st Floor | 212-854-2092
After hours 855-622-1903

University Pastoral Counseling

- Office of the University Chaplain: (*Ordained Clergy*)
Earl Hall Center | 212-854-1493

Columbia Office of Disability Services (*Confidential Resource for Columbia Only*)

- Morningside: Wien Hall, Suite 108A | 212-854-2388
<http://www.health.columbia.edu/disability-services>

☐ Indicates that facility supports Teachers College.

ADDITIONAL RESOURCES (NON CONFIDENTIAL)

Student Conduct and Community Standards (“SCCS”)

- Case Management and Community Engagement
conductcm@columbia.edu | 212-854-6872

Equal Opportunity and Affirmative Action (“EOAA”)

- eoaa@columbia.edu | 212-854-5511

University Title IX Coordinators

- Columbia University: Marjory Fisher, Associate Vice President | 201A Kent Hall | mdf2166@columbia.edu | 212-853-1276
- Barnard: Alicia Lawrence, Deputy Dean of Barnard College | 114 LeFrak (Barnard Hall) | alawrence@barnard.edu | 212-854-5561
- Teachers College: Janice Robinson, Vice President for Diversity and Community Affairs | Zankel 128 | jsr167@tc.columbia.edu | 212-678-3391

University Public Safety

- Morningside: 212-854-5555
- Manhattanville: 212-853-3333
- CUIMC: 212-305-7979
- Barnard: 212-854-6666
- Teachers College: 212-678-3333

International Students and Scholars Office (“ISSO”)

- 524 Riverside Drive, 1st Floor
<https://isso.columbia.edu/> | 212-854-3587

Requesting Accommodations for a Disability at Barnard and Teacher’s College

- Teachers College Office of Access and Services for Individuals with Disabilities: Zankel 301
<http://www.tc.columbia.edu/oasid> | 212-678-3689
- Barnard Office of Disability Services: 101 Althschul Hall
<http://www.barnard.edu/disabilityservices> | 212-854-4634

OFF-CAMPUS RESOURCES**

Unless otherwise noted, all facilities listed below are available 24 hours a day.

🕒 indicates facilities that are not available 24 hours a day. **Fees may apply.

Off-Campus Advocacy, Counseling and Health Services

- Safe Horizon
Sexual Assault Hotline: 212-227-3000
Domestic Violence Hotline: 800-621-HOPE (4673)
- 🕒 Mt. Sinai St. Luke's Hospital Crime Victims Treatment Center 212-523-4728 *by appointment only* (sexual assault advocates available 24 hours a day).
- New York-Presbyterian/CUIMC Emergency Room
212-305-6204
- New York City Anti-Violence Project
212-714-1141

Neighboring Hospitals with SAFE Centers:

- Mt. Sinai St. Luke's Hospital (CHP Group)
1111 Amsterdam Avenue at West 113th Street
- Mt. Sinai West Hospital (CHP Group)
1000 10th Avenue at West 58th Street
- Beth Israel-Petrie Campus (CHP Group)
281 First Avenue at East 16th Street
- Bellevue Hospital (HHC Group)
462 First Avenue at East 27th Street
- Harlem Hospital (HHC Group),
506 Malcolm X Boulevard at West 135th Street
- Metropolitan Hospital Center (HHC Group)
1901 First Avenue at 96th Street
- Mount Sinai Medical Center (Mount Sinai),
1 Gustave L Levy Place (Fifth Avenue) at East 98th Street
- New York-Presbyterian - Columbia (NYP)
622 West 168th Street
- New York-Presbyterian - The Allen Pavilion (NYP),
5141 adway at West 221st Street
- New York-Presbyterian - Weill Cornell (NYP), 525 East
68th Street at York Avenue

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

Off-Campus Law Enforcement

- New York City Police Department (NYPD).
Emergency: 911
26th Precinct: 212-678-1311
- New York County District Attorney's Office.
Domestic Violence Unit: 212-335-4308
Sex Crimes Unit: 212-335-9373
- Sex Crimes Report Hotline 212-267-7273

Additional Government Resources

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

- 🕒 NYC Family Justice Center - Manhattan_
<http://www.nyc.gov/html/ocdv/html/help/fjc.shtml>
212-602-2800 | 80 Centre St New York, NY 10013
- 🕒 New York State Office of Victims Services
1-800-247-8035 | <https://ovs.ny.gov/>
- 🕒 U.S. Department of Education, Office for Civil Rights | <http://www.ed.gov/ocr>
New York – Region II, 32 Old Slip, 26th Floor
New York, NY | 646-428-3800 | OCR.NewYork@ed.gov
- 🕒 U.S. Department of Justice, Office on Violence Against Women <https://www.justice.gov/ovw>
145 N St, NE, Suite 10W.121 Washington, D.C. 20530
202-307-6026
- National Domestic Violence Hotline
1-800-799-SAFE
- 🕒 National Crime Victim Center
<http://www.ncvc.org> 855-484-2846 (8:30 am – 7:30 pm)

Overseas Services

In an emergency, contact the nearest U.S. Embassy or Consulate, or call these numbers:

- From Canada: 1-888-407-4747
- From Overseas: +1-202-501-4444-4747

See the chart on the following page for an explanation of these resources' reporting obligations.

Up-to-date contact information can be found on the University's *Sexual Respect* website at <http://sexualrespect.columbia.edu>.

CONFIDENTIALITY PROTECTIONS & REPORTING OBLIGATIONS		
Confidential resources will not share information with some exceptions. Exceptions to confidentiality are listed below. Non-confidential resources are required to protect students' privacy to the greatest extent possible and will only disclose identifying information on a need-to-know basis.		
TYPE	PERSONNEL	REPORTING OBLIGATIONS
CONFIDENTIAL	University Chaplains (<i>Ordained Clergy</i>)	<ul style="list-style-type: none"> None, unless acting in a role described below.
	Counseling and Psychological Services	<ul style="list-style-type: none"> If a patient's clinical state poses a substantial risk of harm to the patient or others, as manifested by conduct, this resource must report to County Mental Health officials. (NY Mental Hygiene Law) If there is reasonable cause to suspect that a minor has been sexually abused, this resource will report to the requisite state officials. (NY Social Services Law)
	Physicians and Other Health Professionals	<ul style="list-style-type: none"> This resource will report incidents on an aggregate periodic basis without any identifying information to the Office to enable the University to understand the existence and extent of the problem. (Title IX) If a patient's clinical state poses a substantial risk of harm to the patient or others, as manifested by conduct, these resources will report to New York County Mental Health officials. (NY Mental Hygiene Law) If there is reasonable cause to suspect that a minor has been sexually abused, this resource will notify the requisite state officials. (NY Social Services Law)
	Sexual Violence Response & Rape Crisis/Anti-Violence Support Center	<ul style="list-style-type: none"> This resource will report incidents on an aggregate periodic basis without any identifying information to the Office to enable the University to understand the existence and extent of the problem. (Title IX) If there is reasonable cause to suspect that a minor has been sexually abused, this resource will notify University leadership. (NY Social Services Law) When disclosure may prevent harm to self or others where the danger is imminent (i.e. suicide or homicide) N.Y. [Mental Hygiene] Law If there is reasonable cause to suspect abuse or neglect of an Incompetent or Physically Disabled Person (defined as persons who are unable to care for themselves because of physical disability, mental disease or defect). (Article 260, NYS Penal Law & Soc. Services)
	Disability Services (<i>for Columbia only</i>)	<ul style="list-style-type: none"> This resource will report incidents on an aggregate periodic basis without any identifying information to the Office to enable the University to understand the existence and extent of the problem. (Title IX) If a patient's clinical state poses a substantial risk of harm to the patient or others, as manifested by conduct, these resources will report to New York County Mental Health officials. (NY Mental Hygiene Law)
	University Ombuds Offices	<ul style="list-style-type: none"> If there is reasonable cause to suspect that a minor has been sexually abused, this resource will notify University leadership. (NY Social Services Law)
ADDITIONAL RESOURCES (NON CONFIDENTIAL)	Gender-Based Misconduct Office	<ul style="list-style-type: none"> Unless a complainant requests otherwise and the request is granted, this resource will investigate and respond to reported gender-based misconduct incidents (Title IX) If the incident may be a crime, this resource will report it without any identifying information to Campus Public Safety for inclusion in the daily crime log and annual statistical report and for issuance of any required timely warning. (Clery Act)
	Title IX Coordinators	<ul style="list-style-type: none"> This resource will share information with University personnel who need to know it in order to carry out University policies and procedures
	Equal Opportunity and Affirmative Action	<ul style="list-style-type: none"> Public Safety will report to the Office all information received about gender-based misconduct incidents so the University can investigate and respond. (Title IX) If the incident may be a crime, Public Safety will include it in a crime log and annual crime statistics without identifying the alleged victim. (Clery Act) If the incident may be a crime and poses a serious or continuing threat, Public Safety will issue an emergency notification or timely warning. (Clery Act) If there is reasonable cause to suspect that a minor has been sexually abused, Public Safety will notify University leadership. (NY Social Services Law) Public Safety will share information with University personnel who need to know it in order to carry out University policies and procedures
	Public Safety Personnel	<ul style="list-style-type: none"> Will report to the Office all information received about gender-based misconduct incidents so the University can investigate and respond. (Title IX) If the incident may be a crime, a "campus security authority" will report it without any identifying information to Campus Public Safety for inclusion in the daily crime log and annual statistical report and for issuance of any required timely warning. (Clery Act)
	Other University Personnel	<ul style="list-style-type: none"> If there is reasonable cause to suspect that a minor has been sexually abused, other University personnel will notify University leadership. (NY Social Services Law) Other University personnel will share information with University personnel who need to know it in order to carry out University policies and procedures.
	Disability Services <i>Barnard and Teacher's College</i>	<ul style="list-style-type: none"> Other University personnel will share information with University personnel who need to know it in order to carry out University policies and procedures.

Student Conduct and Community Standards
800 Watson Hall, 612 West 115th Street, 8th Floor, MC 2611
New York, NY 10025
T: 212/854-6872 F: 212/854-8614
<https://studentconduct.columbia.edu>

August 23, 2019

Appendix G: Hate or Bias Crime Reporting

Retrieved September 7, 2021 from: www.tc.columbia.edu/policylibrary/public-safety/hate-or-bias-crime-reporting

Hate or Bias Crime Reporting

1. Introduction

Bias crimes, also known as hate crimes, are criminal activity motivated by the perpetrator's bias toward certain actual or perceived personal characteristics of the victim. Teachers College policy and federal and state law prohibit crimes motivated by bias on the basis of race, color, sex or gender, age, ancestry, national origin, religious belief or practice, disability, sexual orientation, or political persuasion. The College is required to report annually on the statistical incidence of bias crimes on or around campus as part of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crimes Statistics Act (the "Clery Act")

Not all expressions of hate or group bias rise to the level of hate crime as defined in state and federal statutes. Derogatory words or epithets directed against an individual because he or she is a member of particular group are not considered hate crimes, if not accompanied by a threat of harm with the ability to carry it out. Such hate-related incidents may, however, be violations of TC standards and norms.

Note: Tracking and analyzing hate incidents provides the needed information for the community to identify potential threats and assess the level of tension on their community. Please report incidents to the Office of Public Safety or to a campus official.

2. Federal Law

The Clery Act defines hate crimes as any of the crimes otherwise reportable under the Clery Act or any bodily injury to any person in which the victim is intentionally selected because of the actual or perceived race, gender, religion, sexual orientation, ethnicity or disability of the victim.

3. New York State Law

New York Penal Law specifies that a person commits a hate crime, when he or she commits a specified offense and either intentionally selects the person against whom the offense is committed or intended to be committed in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of the person, regardless of whether the perception or belief is correct, or intentionally commits the act or acts constituting the offense in whole or in substantial part because of a belief or perception with respect to the categories enumerated above.

The specified offenses are assault in the third degree; assault in the second degree; assault in the first degree; aggravated assault upon a person less than eleven years old; menacing in the first degree; menacing in the second degree; menacing in the third degree; reckless endangerment in the second degree; reckless endangerment in the first degree; manslaughter in the first degree; manslaughter in the second degree; murder in the second degree; stalking in the fourth degree; stalking in the third degree; stalking in the second degree; stalking in the first degree; rape in the first degree; criminal sexual act in the first degree; sexual abuse in the first degree; aggravated sexual abuse in the second degree; aggravated sexual abuse in the first degree; unlawful imprisonment in the second degree; unlawful imprisonment in the first degree; kidnapping in the second degree; kidnapping in the first degree; coercion in the second degree; coercion in the first degree; criminal trespass in the third degree; criminal trespass in the second degree; criminal trespass in the first degree; burglary in the third degree; burglary in the second degree; burglary in the first degree; criminal mischief in the fourth degree; criminal mischief in the third degree;

criminal mischief in the second degree; criminal mischief in the first degree; arson in the fourth degree; arson in the third degree; arson in the second degree; arson in the first degree; petit larceny; grand larceny in the fourth degree; grand larceny in the third degree; grand larceny in the second degree; grand larceny in the first degree; robbery in the third degree; robbery in the second degree; robbery in the first degree; harassment in the first degree; aggravated harassment in the second degree; or any attempt or conspiracy to commit any of the foregoing offenses.

When a person is convicted of a hate crime where the specified offense is a violent felony offense, the hate crime shall be deemed a violent felony offense. When a person is convicted of a hate crime where the specified offense is a misdemeanor or a class C, D or E felony, the hate crime shall be deemed to be one category higher than the specified offense the defendant committed, or one category higher than the offense level applicable to the defendant's conviction for an attempt or conspiracy to commit a specified offense, whichever is applicable.

4. Policy and Procedure

An individual, who believes he/she may have been the victim of a hate crime or may have witnessed a hate crime, should contact the Coy Department of Public Safety immediately. The Department of Public Safety is located 106 Whittier, or by calling Public Safety at extension 3333 or (212) 678-3333.

When Public Safety receives a report of a hate crime, an investigator will interview witnesses, collect evidence and make any and all notifications. Depending on the seriousness of the matter, the Department of Public Safety may refer the matter immediately to the New York City Police Department, may conduct an investigation, or may refer the matter to the appropriate dean or supervisor for Dean's Discipline or other action.

There are times when an individual may believe that he or she has been victim to or witnessed an act of bias activity but there has been no apparent crime committed. In those incidents, victims or witnesses may contact the Department of Public Safety or may choose one of the other resources listed below.

The Ombuds Office offers confidential and neutral complaint handling. The Ombuds Office helps callers assess options and makes referrals to appropriate College resources. It is an independent resource for conflict resolution. It serves all members of Teachers College community—students, faculty, and employees.

Hate Crimes are against New York law and are violations of the College's anti-discrimination policy. Concerning the law and the penalties of the law, please refer to this website:

<http://criminaljustice.state.ny.us/internet/crimnet/clf/hatecrimesact2000.pdf>

5. Reporting

Under the Campus Security Act, a hate crime is a crime which is committed because of the victim's race, religion, ethnicity, disability, gender or sexual orientation.

While Teachers College takes all bias-related conduct seriously, the Campus Security Act identifies only certain crimes as potential Hate crimes:

- Aggravated Assault
- Arson;
- Burglary
- Manslaughter (negligent)
- Murder/Non-negligent manslaughter;
- Motor Vehicle Theft
- Robbery
- Sex Offenses – forcible

- Sex Offenses -- non-Forcible
- Larceny-theft
- Simple assault
- Intimidation
- Destruction to property, damage to property, and vandalism

Hate Crimes are against New York law and are violations of the College's anti-discrimination policy. Concerning the law and the penalties of the law, please refer to this

website: <http://criminaljustice.state.ny.us/internet/crimnet/clf/hatecrimesact2000.pdf>

Reporting Hate Crimes and incidents, even those that you might not consider "serious," is important to monitoring and stopping future incidents. By keeping detailed information on incidents, you can strengthen the case for official action.

- Write down exactly what happened. Try to include as much specific detail as possible in your account.
- Record precisely where and when the incident occurred.
- If anyone was with you or saw what happened, record their names and phone numbers as well. Ask them to write an account of what they witnessed and sign and date this document.
- Record names or detailed descriptions of the perpetrators.
- Make photocopies of hate mail or other documentation. Keep the originals.
- Keep a careful log of hate calls and make a tape of hate calls on your answering machine, if possible.
- Photograph physical injuries, offensive graffiti and evidence of vandalism.
- Call Police (911) in an emergency or Public Safety at 3333 or (212) 678-3333 in an emergency. Give the responding officer or official complete information to ensure the incident is documented as bias-related.
- Record the officer's name and badge number.

Responsible Office: Public Safety

Effective Date:

Last Updated: April 2015

Appendix H: Missing Persons

Retrieved September 7, 2021 from: www.tc.columbia.edu/policylibrary/public-safety/missing-students

Missing Students

1. Introduction:

Federal law requires Teachers College to establish procedures for use if a student who resides on campus housing is believed to be missing. Any member of the community who believes that a student is missing is encouraged to contact Public Safety immediately so the Office may investigate the apparent disappearance. Any College official who has reason to believe that a student is missing must contact Public Safety immediately.

2. Contact Procedure:

Consistent with the law, TC invites students residing in student housing to identify confidential contacts who can be contacted if the student has been missing for more than 24 hours. Procedures for identifying confidential contacts and for determining required notifications are provided to all resident students by the Office of Residential Services. Confidential contact information may only be accessed by authorized College officials and law enforcement authorities in furtherance of a missing person investigation.

Whenever a Teachers College student is believed to be missing, the College will try to locate the student or to determine why the student is presumed missing.

The Office of Public Safety investigates incidents of missing students through the use of both on-campus and off-campus resources. Public Safety will coordinate with the Office of Residential Services, the Office of the Provost, and other appropriate offices. If a resident student cannot be located within 24 hours or the circumstances require a police investigation, the Office of Public Safety will notify the local police precinct and assist the NYPD as requested.

Responsible Office: Public Safety

Effective Date:

Last Updated: January 2015

Appendix I: Discrimination and Harassment

Retrieved September 8, 2021 from: <https://www.tc.columbia.edu/policylibrary/diversity-and-community-affairs/-discrimination-and-harassment---policy-and-procedures/>

Teachers College Policy and Procedures on Discrimination and Harassment

Teachers College (“TC” or the “College”) is committed to providing a working, learning and living environment free from discrimination and harassment¹ and to fostering a vibrant, nurturing community founded upon the fundamental dignity and worth of all of its members.

The College prohibits discrimination and harassment on the basis of race, color, religion, creed, sex, gender, gender identity or expression, sexual orientation, national origin, age, marital or partnership status, citizenship or immigration status, military status, disability, pregnancy, genetic predisposition or carrier status, status as a victim of domestic violence, or any other legally protected status specified by federal, state and local laws.² In furtherance of this commitment, the College complies with Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Violence Against Women Act, the New York State Human Rights Law, New York Education Law, the New York City Human Rights Law and other federal, state and local laws prohibiting discrimination and harassment against protected classes in College employment and educational programs and activities.

Consistent with this commitment and with applicable federal, state and local laws, it is the policy of the College to not tolerate discrimination or harassment in any form; to actively foster prevention of discrimination and harassment in the TC community; and to provide faculty, staff, students, visitors and those doing business with the College with mechanisms for seeking informal and formal resolution of concerns. TC encourages those who have experienced, witnessed or become aware of conduct that violates this Policy to come forward so that the College can take appropriate steps to prevent such conduct from occurring in the future and to ameliorate its effects.

In May 2020, the U.S. Department of Education issued new regulations for colleges and universities that address sexual harassment. Specifically, the U.S. Department of Education new set of regulations under Title IX:

- Define the meaning of “sexual harassment” (including forms of sex-based violence) and limits Title IX’s coverage to incidents involving misconduct that is “severe, pervasive and objectively offensive,”
- Address how institutions of higher education that receive federal funding (including Teachers College) **must** respond to reports of behaviors falling within that definition of sexual harassment, and
- Set out a detailed grievance process that institutions of higher education (including Teachers College) **must** follow when investigating, adjudicating and imposing sanctions in cases involving sexual harassment under that definition.

To comply with these regulations, the College has adopted a new policy for those types of misconduct alleged against employees - the Title IX Policy and Procedures. These new regulations do not cover all of the types of misconduct or places in which misconduct occurs that Teachers College believes must be addressed in keeping with our own commitment to non-discrimination and our obligations under additional federal, state and local laws. The Teachers College Policy and Procedures on Discrimination and Harassment addresses other types of discrimination, harassment and gender-based misconduct by employees that are not covered by the new regulations. Both policies are important to creating and

¹ For purposes of this Policy, the term “discrimination and harassment” refers to discrimination, harassment and all forms of gender-based misconduct.

² See the [Teachers College Non-Discrimination Statement](#)

supporting a College community that rejects all forms of discrimination, harassment and gender-based misconduct. In addition, Columbia University, Teachers College and Barnard College maintain the [Gender-Based Misconduct Policy and Procedures for Students](#) for instances of gender-based misconduct where the Respondent is a student.

Under both the Title IX Policy and Procedures and the Policy and Procedures on Discrimination and Harassment, Teachers College remains committed to diligently investigating reports of misconduct, supporting students and employees who experience gender-based misconduct, and responding fairly and firmly when employee members of the College community violate College policy.

SCOPE OF POLICY AND PROCEDURES

This Policy governs the conduct of College employees and third parties³ that: (1) occurs on any College campus or in connection with College-sponsored programs or activities; or (2) creates, contributes to, or continues a hostile work, educational or living environment for College employees, students, or third parties.

The Procedure sections below describe the general response, resolution and disciplinary processes that apply when the person accused of prohibited conduct (referred to as the “Respondent”) is a current College employee or a third party.

As noted above, federal, state⁴ and local laws set forth specific requirements for addressing allegations of sexual harassment, sexual assault, dating violence, domestic violence and stalking, as well as other types of gender-based misconduct (including gender-based harassment, and sexual exploitation). The **Sexual Misconduct Procedures** describe the general response, resolution and disciplinary process that applies to these prohibited conducts when the Respondent is a current College employee or a third party. For allegations meeting the federal definition of sexual harassment under Title IX, the Teachers College Title IX Policy and Procedures is applicable.

POLICY

All members of the College community are expected to adhere to this Policy and to cooperate with the Procedures it describes.

This Policy includes the following guidance:

- Principles and definitions concerning discrimination, harassment, gender-based misconduct and related matters
- Reporting obligations and options
- Informal and formal procedures
- Resources
- Legal Protections and External Remedies

DEFINITIONS OF PROHIBITED CONDUCT

Discrimination

³ For purposes of this Policy, “third parties” includes non-employees who are (or are employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in the workplace. Non-employees include persons commonly referred to as independent contractors, “gig” workers and temporary workers. Also included are persons providing equipment repair, cleaning services or any other services provided pursuant to a contract with the employer.

⁴ New York law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace from workplace harassment. A perpetrator of workplace harassment can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, visitor, or student. This includes by students, staff or third party.

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

Discriminatory Harassment

Discriminatory harassment is defined as subjecting an individual to unwelcome conduct, whether verbal, physical or visual that creates an intimidating, hostile or abusive working, learning or campus living environment: that alters the conditions of employment or education; or unreasonably interferes with an individual's work or academic performance on the basis of the individual's membership in a protected class.

Discriminatory harassment may include, but is not limited to: verbal abuse; epithets or slurs; negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; insulting or obscene comments or gestures; and display or circulation (including in hard copy, by email or text, or through social media) in the working, learning or living environment of written or graphic material that denigrates or shows hostility or aversion toward an individual or group. Sexual harassment and gender-based harassment, which are described below, are forms of discriminatory harassment.

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

Sexual Harassment

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, gender identity and the status of being transgender. Sexual harassment is considered a form of employee misconduct and sanctions will be enforced against individuals engaging in sexual harassment and against managers and supervisors who knowingly allow such behavior to continue.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:

- Such conduct is made either explicitly or implicitly a term or condition of an individual's employment, academic, co-curricular or student life activities; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment, academic evaluation, grades, advancement or student life decisions affecting that individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance, education or participation in educational programs or activities or creating an intimidating, hostile or offensive employment, academic, or campus living environment, even if the complaining individual is not the intended target of the sexual harassment.

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone, which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient's job performance.

Examples of Sexual Harassment:

- Physical assaults of a sexual nature, such as:
 - Touching, pinching, patting, grabbing, brushing against another person's body or poking another person's body.
- Unwanted sexual advances or propositions, such as:

- Requests for sexual favors accompanied by implied or overt threats concerning the victim’s job performance evaluation, a promotion or other job benefits or detriments;
- Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks, jokes, or comments about a person’s sexuality or sexual experience, which create a hostile work or learning environment.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
 - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- Hostile actions taken against an individual because of that individual’s sex, sexual orientation, gender identity and the status of being transgender, such as:
 - Interfering with, destroying or damaging a person’s workstation, tools or equipment, or otherwise interfering with the individual’s ability to perform the job;
 - Sabotaging an individual’s work;
 - Bullying, yelling, name-calling.

Sexual harassment can occur between individuals, regardless of their sex or gender. Sexual harassment can occur on or off campus, including while traveling for business or at TC-sponsored events or parties. Calls, text messages and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises or not during work hours.

Gender-Based Harassment

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

Gender-Based Misconduct

Gender-based misconduct includes a broad range of behaviors focused on sex and/or gender that may or may not be sexual in nature. Gender-based misconduct encompasses gender-based harassment, sexual harassment, sexual assault, sexual exploitation, stalking, dating violence and domestic violence.

Sexual Assault: Penetration

Any form of vaginal, anal, or oral penetration, however slight, by a penis, tongue, finger, or object, 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 violence can be a single act or a pattern of behavior, depending on the frequency, nature, and severity of the conduct. Domestic violence may include: coercion, threats, intimidation, isolation, stalking, or other forms of emotional, psychological, sexual, technological, or economic abuse.

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, depending on the frequency, nature, and severity of the conduct.

Stalking

A course of unwanted attention that is repeated or obsessive, directed toward an individual or a group that is reasonably likely to cause alarm, fear or substantial emotional distress. Stalking may take many forms, including but not limited to: lying in wait for, monitoring or pursuing contact. Stalking may occur in person or through telephone calls, text messages, unwanted gifts, letters, emails, surveillance, or other types of observation and communication.

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 limited to: (1) 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; (2) 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; (3) exposing one's genitals in non-consensual circumstances; (4) inducing incapacitation for the purpose of making another person vulnerable to gender-based misconduct.

Retaliation

Retaliation is unlawful under federal, state and local law. Retaliation is any adverse action or threatened action, taken or made, personally or through a third party, against an individual (or group of individuals) because of that individual's participation in any manner in an investigation or proceeding under this Policy, including individuals who file a third-person report and those who are interviewed or otherwise provide evidence in an investigation (witnesses). Retaliation is conduct that would discourage a reasonable person from reporting misconduct, participating in an investigation or taking other actions protected by this Policy. The adverse action need not be academic or job-related or occur in the classroom or workplace to constitute retaliation.

- Any individual or group of individuals, not just the Respondent or Complainant can be found to have engaged in retaliation.
- Retaliation includes threatening, intimidating, harassing or any other conduct that would discourage a reasonable person from engaging in activity protected under this Policy. Protected activity includes: reporting misconduct (either internally or with any antidiscrimination agency); participating in an investigation or adjudication; seeking services; receiving protective measures and accommodations.
- Retaliation includes maliciously and purposefully interfering with, threatening, or damaging the academic or professional career of another individual, before, during or after the investigation and resolution of a report of misconduct under this Policy.
- This provision does not apply to reports made or information provided in good faith, even if the facts alleged in the report are determined not to be accurate.
- Retaliation may be found even when the underlying charge does not constitute discrimination, harassment or gender-based misconduct in violation of College policies.

- Any person found to have retaliated against another will be subject to disciplinary action even if the alleged discrimination, harassment or gender-based misconduct is found not to have violated this Policy.

CONSENSUAL ROMANTIC AND SEXUAL RELATIONSHIPS

Consensual romantic or sexual relationships between faculty (and other instructional staff) and students are not a violation of this Policy; however, such relationships are prohibited in certain circumstances. A complete explanation of the rules governing such relationships may be found in the [Romantic or Sexual Relationships between Faculty \(and other instructional staff\) and Students Policy](#).

DISABILITY ACCOMMODATIONS AND ACCESS

The College is committed to complying with all applicable provisions of the Americans with Disabilities Act (“ADA”) as well as with other relevant federal, state and local disability laws. It is the College’s policy not to discriminate against any qualified employee, student or applicant with regard to any terms or conditions of employment or education based on that individual’s disability or perceived disability. Consistent with this policy of nondiscrimination, the College will provide reasonable accommodations to a qualified individual with a disability who has made the College aware of their disability and has engaged in an interactive process with the College to determine appropriate and reasonable accommodations (unless doing so places an undue hardship on the College or represents a fundamental alteration of the job, program or course).

Individuals with disabilities who believe they need reasonable accommodations to perform the essential functions of their job or to participate fully and equally in their education should contact the Office of Access and Services for Individuals with Disabilities (OASID) at: www.tc.columbia.edu/oasid, (212) 678-3689, or via email at oasid@tc.columbia.edu to discuss those concerns with OASID staff.

In addition, the College is committed to fostering a campus that is equally accessible to employees, students and applicants. Individuals with disabilities who have physical or digital access needs to the Teachers College community should also contact OASID to discuss their concerns.

REASONABLE ACCOMMODATION OF PREGNANCY

In accordance with federal, state and local law, the College will provide reasonable accommodations to employees and students based on the needs of pregnancy, childbirth or related medical conditions, unless doing so places an undue hardship on the College.

Employees seeking a reasonable accommodation based on the needs of pregnancy, childbirth or related medical conditions should contact [TC Human Resources](#) for guidance and assistance.

Students seeking a reasonable accommodation based on the needs of pregnancy, childbirth or related medical conditions should contact the TC Title IX Coordinator, Janice S. Robinson at jrobinson@tc.columbia.edu, or via telephone at (212) 678-3391 for guidance and assistance.

REASONABLE ACCOMMODATION OF RELIGION

In accordance with federal, state and local law, the College will provide reasonable accommodations of religious practices and beliefs, unless doing so places an undue hardship on the College.

Employees seeking a religious accommodation should contact their supervisor or [TC Human Resources](#).

Students seeking a religious accommodation should initially work with their course instructor. If they cannot reach a suitable arrangement, students should consult with the appropriate program director or department chair. Students also may take the matter to the Office of the Provost for additional appeal.

Faculty, staff and students will not be penalized or retaliated against for requesting **any** type of accommodation.

DUTY TO ACT

Management and supervisory personnel are expected to take reasonable and necessary action to prevent discrimination and harassment, to take appropriate action when they learn directly or indirectly of conduct that may violate College policies, and to respond promptly and thoroughly to any such claims. Management and supervisor personnel are also responsible for reasonably accommodating their direct reports. For additional information regarding this obligation, please see the [TC Reasonable Accommodation Policy for Employees](#).

A manager or supervisor who fails to take appropriate action may be found to have violated the College's policies even in situations where the underlying event does not constitute discrimination or harassment. Upon notice that a direct report is a Respondent in an allegation of prohibited conduct, the Respondent's immediate supervisor(s) will take prompt and effective remedial action to immediately stop the prohibited conduct, as well as prevent its recurrence.

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

- Any employee having formal supervisory responsibility over employees;
- Faculty in such roles as department chair, program director, institute director, center director, dean or similar position supervising other faculty and/or staff;⁵ and
- Principal Investigators on a grant or contract act in a supervisory capacity over the individuals in the lab or research they lead.

DUTY TO REPORT

Abuse of Minors

All College employees are directed contact the police (911) if they believe a child is in immediate danger and to then report to Michael Feerman, TC General Counsel at (212) 678-3438, Janice S. Robinson, Vice President for Diversity and Community Affairs and TC Title IX Coordinator at (212) 678-3391, or Public Safety at (212) 678-3333

To report child abuse externally, employees are directed to contact the NYS Child Abuse Hotline (800-635-1522 (mandated reporters) or 800-342-3720 (others)), and then must report to Michael Feerman, TC General Counsel at (212) 678-3438, Janice S. Robinson, Vice President for Diversity and Community Affairs and TC Title IX Coordinator at (212) 678-3391, or Public Safety at (212) 678-3333.

A copy of the College's policy on Abuse and Harassment of Minors can be found here: [Guidance for Teachers College Faculty and Staff on Reporting Obligations](#).

Prohibited Gender-Based Misconduct

All Teachers College employees have a duty to report any instance or allegation of prohibited gender-based misconduct, including: sexual harassment, sexual assault, dating violence, domestic violence, stalking, gender-based harassment and

⁵ For example, faculty and other instructional staff may supervise teaching assistants, course assistants, research assistants, department secretaries and other staff members.

sexual exploitation, that is disclosed to, observed, or otherwise known by that employee.

Prohibited gender-based misconduct should be reported immediately to the TC Title IX Coordinator, Janice S. Robinson at:

- Via report form
- By phone at (212) 678-3391
- By email jrobinson@tc.columbia.edu
- By mail at 525 West 120th Street, 128 Zankel Hall Box 220, New York, NY 10027
- By hand delivery to 128 Zankel Hall

Other Prohibited Conduct

The College strongly encourages all employees to report any other form of discrimination or harassment to the Office of the Vice President for Diversity and Community Affairs (ODCA) and/or the employee's designated Human Resources representative.

Managers and Supervisors

Managers and supervisors **must** report any instance or allegation of prohibited conduct by an employee or third party that is disclosed to, observed or otherwise known by them to ODCA and/or their designated human resources representative (who will report to immediately and coordinate with ODCA regarding the appropriate College response).

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

Employees Not Required to Report

College employees serving in a privileged professional capacity (e.g., counselors)⁶ are not obligated to report and, absent a request by the Complainant, should not report information disclosed to them in their capacity as a privileged professional, except as required by law.

Similarly, the College Ombuds Officer will not provide the College or the Title IX Coordinator with identifying information concerning individuals who disclose possible incidents of discrimination or harassment. The College Ombuds Officer will quarterly provide the College with limited, nonidentifiable information intended to permit the College to assess the incidence of such prohibited conduct and, where appropriate, include such incidents in the College's Annual Security Report.

If an employee has any question about who is the appropriate College contact to whom that employee should report potential prohibited conduct, the employee should contact ODCA staff at (212) 678-3391 or via email at odca@tc.columbia.edu for guidance.

PRIVACY AND CONFIDENTIALITY

The College values the privacy of its faculty, staff, students and all community members. Some campus resources are confidential and will not share any identifying information with others, except as required by law in emergency situations. Other resources are not confidential, but will protect the privacy of a faculty, staff or student to the greatest extent possible and will share information with other staff on a need to know basis. Appendix B contains resource information regarding including whether the resource is confidential.

⁶ Individuals trained as psychologists, counselors and lawyers have a legal obligation of confidentiality to their patients and clients, but not to their students, colleagues or others. While faculty will protect student privacy to the extent possible, the law does not protect student or colleague confidences shared with administrators or faculty members. Psychologists hired as faculty/instructors/lecturers/adjuncts are not confidential.

EDUCATION AND TRAINING PROGRAMS

All College employees are expected to read, understand and adhere to this Policy. The College provides educational and training programs for faculty and staff concerning conduct that may constitute a violation of College policies and the procedures applicable to alleged violations. All College employees are required⁷ to participate in training programs offered to them and to be knowledgeable about the College's policies and procedures.

Requests for live training as well as any questions about the College's policies and procedures should be addressed to the Office of the Vice President for Diversity and Community Affairs at odcatraining@tc.columbia.edu.

ACADEMIC FREEDOM

Nothing in this Policy shall abridge academic freedom or the College's educational mission. This Policy is not intended to inhibit or restrict academic freedom or genuine contributions to the marketplace of ideas. Prohibitions against discrimination and harassment do not extend to statements or written materials that are relevant and appropriately related to the subject matter of educational courses.

RESOURCES

The College provides a variety of resources for individuals who believe they have experienced prohibited conduct and all parties involved in the resolution and investigative processes. Contact information for these resources and other community providers is provided Appendix B.

⁷ All Teachers College employees are required to complete annual online discrimination, harassment and gender-based misconduct training. Access to the training platform may be found in the myTC portal under Support Resources.

PROCEDURES

COMPLAINTS OF PROHIBITED CONDUCT

Teachers College provides a range of options for those who believe they have experienced Prohibited Conduct and individuals are encouraged to bring their concerns to the College's attention immediately. The College takes allegations of Prohibited Conduct very seriously, will actively respond to alleged discrimination and/or harassment and will take remedial action, where appropriate. The College does not limit the time for submitting a complaint of Prohibited Conduct, but strongly urges the immediate reporting of complaints or concerns. Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of discrimination and/or harassment. The College's ability to investigate and respond effectively may be reduced with the passage of time.

Where to Report

Those who have experienced Prohibited Conduct by a College employee or third party may notify ODCA. If particular circumstances make a discussion with, or a complaint to ODCA inappropriate (for instance, the complaint involves an ODCA employee), incidents may be reported to Human Resources or the Complainant's supervisor. The College takes allegations of Prohibited Conduct very seriously and will take appropriate action against all alleged discrimination and/or harassment, even in the absence of a complaint.

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

- By phone at (212) 678-3391
- Via report form
- By email at odca@tc.columbia.edu
- By mail at 525 West 120th Street, 128 Zankel Hall Box 220, New York, NY 10027
- By hand delivery to 128 Zankel Hall

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

The College will, as appropriate, assess complaints against third parties or unknown individuals discriminating against or harassing College employees or students. The College will take appropriate steps to protect employees, non-employees providing services on campus, students, and the College community as a whole.

If employees choose to direct their complaints or allegations of Prohibited Conduct to their managers, supervisors, or Human Resources, then those individuals, as mandatory reporters, will report the alleged conduct to ODCA. Except in matters falling under the Sexual Misconduct Procedures (described below), union members may file complaints with their collective bargaining unit unless prohibited by their collective bargaining agreement, or unless an inherent conflict of interest would interfere with a fair adjudication in the collective bargaining unit. The proceedings will be governed by the applicable procedures of the applicable collective bargaining agreement:

<https://www.tc.columbia.edu/human-resources/policies--union-contracts/union-contracts/> .

If an individual files a complaint with more than one College department or office regarding the same incident, ODCA, in consultation with the other departments, will determine the appropriate department to conduct the investigation.

Complaints shall not be investigated by more than one department or office simultaneously, nor will a department or office investigate a complaint after another department/office has completed an investigation into that claim.⁸

Action Taken By ODCA

Initial Assessment of Complaints

After receiving a report of possible prohibited conduct, ODCA will conduct an initial assessment to evaluate whether, if substantiated, the conduct constitutes a Policy violation and whether there is a reasonable basis to engage in the investigative process. Reasonable basis is defined as the existence of some credible information to support the alleged violation and can include a credible witness or Complaint's narrative, among others. ODCA will assess the available information, determine if a complaint is supported or unsupported by any such information, and take the following actions:

- ODCA may dismiss the complaint if it determines that the report does not allege facts that, if substantiated, would constitute a violation of the Policy, or that the facts as alleged in the report are refuted by evidence or information known to or possessed by the Office;
- ODCA may refer the report to another office such as Human Resources to address the alleged conduct through alternate means;
- ODCA will review available options for resolution with the parties, including but not limited to investigation, and other options for informal resolution such as personal informal resolution, administrative resolution, mediation, facilitated dialogues and/or communications between the parties. Informal resolution is not available for allegations of sexual harassment and sexual assault.

ODCA can require an investigation upon assessment of a complaint, even if the parties request an alternative resolution. ODCA's assessment includes, without limitation, whether there is sufficient information to conduct an investigation and the nature and scope of the alleged prohibited conduct.

Resolutions

Individuals who believe they have experienced Prohibited Conduct (non-gender based misconduct) have various options for resolution both informally and formally.

Options for Informal Resolution

Informal resolution options are not available for individuals who have experienced sexual harassment or sexual assault.

Options for informal resolution may be available for individuals who have experienced domestic violence, dating violence and/or stalking depending on the resolution involved.

For all other forms of Prohibited Conduct, the College will provide each party with sufficient information to make an informed decision to consent to any form of informal resolution.

Personal Informal Resolution

A person who believes that they have experienced discrimination or harassment, based on their membership in a protected class may choose to work with the alleged offender directly through various approaches including:

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

In some cases, this may effectively resolve the situation; in others, they may be ineffective or place the complaining individual in an uncomfortable, insecure or compromised position. Under no circumstances should an individual feel pressured to

⁸ "Grievances of academic appointees shall first be considered or given a hearing through regular administrative channels. If action taken is not satisfactory to the complainant, appeal may be taken to the Faculty Advisory Committee." See Faculty Handbook Section 2.VI.B.13.

attempt informal resolution. If these measures prove unsuccessful, the individual may choose to pursue other methods of resolution.

College-Assisted Informal Resolution Options

If both parties consent and sexual harassment or sexual assault is *not* involved, the College may offer to facilitate informal procedures involving both parties. Such approaches will be pursued only with the consent of both parties, and either party has the right to terminate the process and begin the formal process at any time. If any of these approaches result in a resolution, any formal procedures will be concluded and the matter closed. If the parties are unable to reach a resolution, a Complainant may choose to proceed with a formal resolution.

Facilitated Conversation

TC encourages a facilitated conversation whenever practical and appropriate. A facilitated conversation may take place only if the Complainant and Respondent both agree to participate. A matter is resolved through a facilitated conversation only if all parties agree on the resolution.

Employees may seek assistance from their manager or supervisor, or other College entity to facilitate a conversation between the parties to discuss the allegations and a possible resolution of the matter. *Students* may seek out their faculty member or instructor, program director or department chair for assistance in requesting a facilitated conversation to discuss the allegations and a possible resolution of the matter.

Formal Mediation

Mediation is a private process where parties can participate in a search for mutually acceptable solutions. Mediation requires the consent of both parties and suspends any formal procedures for up to thirty (30) business days, which can be extended with the consent of both parties and at the discretion of the College. TC may facilitate mediation between parties who agree to mediation.

Parties may agree upon a variety of resolutions such as modification of work assignment, training for department staff, or an apology. Because mediation is a voluntary process, formal disciplinary action cannot be imposed against a Respondent. Parties may agree to a resolution that is oral or embodied in a written agreement. The final resolution is private unless the parties agree otherwise.

Alternate Resolution

The College may seek to resolve certain Prohibited Conduct through an informal process involving both the Complainant and Respondent. This form of resolution can take place prior to a formal resolution.

Supportive and Interim Measures

Where appropriate, the College will work with individuals affected by Prohibited Conduct to ensure their safety and promote their well-being. In addition to providing preliminary information regarding the resolution processes, ODCA Staff will discuss the availability of supportive and interim measures with both parties. This assistance may take the form of supportive measures intended to support or to protect the employee or student in the aftermath of an incident and interim measures while an investigation or disciplinary action is pending. Parties may request supportive or interim measures even in cases where an investigation is not undertaken or the Complainant or Respondent has declined to participate in the College proceeding or where applicable, a criminal process. The College will evaluate any request for supportive or interim measures in light of the circumstances and information available at the time of the request.

Supportive and interim measures may include extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or

housing locations, leaves of absence or administrative leave, no contact directives, increased security and monitoring of certain areas of the campus, and other similar measures.

The College also will assist parties seeking accommodations for a disability in connection with the process of reporting or responding to an incident of prohibited conduct by working with the Office of Access and Services for Individuals with Disabilities (OASID).

The imposition of supportive and interim measures does not indicate that the College has made a final decision about the report of prohibited conduct. The College will provide notice about these supportive and interim measures only to those who need to know in order to make them effective. Failure to comply with supportive and/or interim measures or other directives is a violation of College Policy and may lead to additional disciplinary action.

All parties and witnesses are expected to continue to perform their job responsibilities during the course of an ODCA resolution process. Supportive and interim measures are intended to support parties in fulfilling their job responsibilities.

Formal Resolution

Investigation

Any individual who wishes to make a formal complaint of prohibited conduct may submit a written complaint to the ODCA. If a Complainant feels unable to prepare a written complaint themselves, ODCA will make a record of the Complainant's oral statements that the Complainant may review, correct any inaccuracies, and sign. To the extent possible, the Complainant should include the following information: the identity and status of the Complainant and Respondent; details concerning the incident(s) or conduct that gave rise to the complaint, including the date(s) of the incident(s) and location(s) of the incident(s); and the identity and status of any witness(es) to the incident(s) with telephone numbers, email addresses and street addresses.

Except in matters falling under the **Sexual Misconduct Procedures** (described below), union members also may file complaints with their collective bargaining unit unless prohibited by their collective bargaining agreement or unless inherent conflict of interest would interfere with a fair adjudication in the collective bargaining unit. The proceedings will be governed by the applicable procedures of the applicable [collective bargaining agreement](#).

Upon receiving a written or verbal formal complaint that a College employee or third party has allegedly engaged in Prohibited Conduct, ODCA will initiate an investigation. The Vice President for Diversity and Community Affairs will assign an investigative team to conduct the investigation and may, in their sole discretion, assign the investigation an outside investigator.

Confidentiality

A Complainant may request that the College not disclose the Complainant's identity to anyone else, including the alleged offender; however, the College cannot guarantee that the Complainant's identity will not be disclosed. The College strives to preserve the privacy of information shared with the College leading up to and during an investigation where such privacy does not conflict with its obligations to conduct a prompt and thorough investigation.

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

During the investigation process, no party is permitted to be represented by legal counsel. The **Sexual Misconduct Procedures** for claims of sexual assault, dating violence, domestic violence and stalking and student complaints of gender-based misconduct permit advisors of choice (who may be an attorney) (as described below). Members of collective bargaining units are entitled to union representation during any investigation process. The union representative may not actively participate in or interfere with the investigative process.

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

Investigative Findings and Disciplinary Recommendations

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

Upon conclusion of the investigation, the investigative team will provide a written investigative report (Investigative Report) to the Complainant, the Respondent, and the Respondent's supervisor(s). The Investigative Report will summarize the alleged prohibited conduct that was the subject of investigation, identify the Prohibited Conduct at issue, briefly detail the investigative steps, and inform the parties of ODCA-respective finding(s) as to whether the conduct constituted a violation of the Policy. If the investigative team finds that the Respondent has engaged in the Prohibited Conduct at issue, the investigative team will forward a disciplinary recommendation to the Respondent's supervisors. The Investigative Report will also inform the parties that they have five (5) days to appeal as described below.

Discipline

If the investigative team finds that the Respondent has engaged in Prohibited Conduct, the Respondent's supervisor(s) will be informed of the finding(s) and based on the facts and circumstances of the case and, in consultation with appropriate College officials (including ODCA), will be tasked with implementing appropriate discipline for the Respondent.

The Respondent's supervisor(s) may consider instances of previous Prohibited Conduct, the seriousness of the violation, the totality of the information available, and any extenuating or aggravating circumstances the designated supervisor(s) deems relevant.

Discipline may include, but is not limited to: reprimand/warning, change of Respondent's job duties, disciplinary probations, revocation of honors and awards, restricted access to College and University facilities or activities (including College housing), a "no contact" order, transfer of a

Respondent's College-provided residence, transfer of Respondent's workplace/station, demotion, suspension, and dismissal or restriction from College employment. The College may also require training or recommend counseling.

Appeal

Either party may appeal the determination. There are two grounds for appeal: (1) the party has new information, unavailable at the time of the investigation; that may change or affect the outcome; or (2) there was a procedural error that may have impacted the outcome. Disagreement with the finding is not, by itself, grounds for appeal. The appeal must be in writing and may be no longer than five double-spaced, type-written pages. The appeal must be delivered to the Vice President for Diversity and Community Affairs within five (5) business days of delivery of the Investigative Report to the parties (via email, mail or hand delivery). Failure to meet the deadline for appeal shall result in waiver of the right to appeal. The College reserves the right to investigate and take any necessary action of its own accord based on new information or events that were not known during the course of the initial investigation.

On receipt of the appeal, the Vice President will designate an Appeal Officer in the matter and will forward the appeal to the Appeal Officer for review. The designated Appeal Officer will be a senior administrator at the College. Thereafter, the Vice President will notify the party who is not appealing that an appeal was filed, the grounds for appeal asserted, and the identity of the Appeal Officer. The non-appealing party will be permitted to submit a written response to the appeal, which shall be no longer than five double-spaced type-written pages to the Vice President within five (5) business days of receiving notice of the appeal. The Vice President will forward any response to the Appeal Officer.

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

The Appeal Officer should render a written decision within ten (10) business days of receipt of any response from the non-appealing party, and will forward the written decision to the Vice President. The Vice President will provide written notice to the parties of the final disposition of the matter. Once submitted to the Vice President, the decision of the Appeal Officer is not subject to further review. Faculty members have additional appeal rights under the College's Statutes; as required by applicable law, any available appeal rights will be available to both the Complainant and the Respondent in any matter.

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

Corrective Action

The College may also determine that additional measures are appropriate to respond to the effects of the incident on the College community. Additional responses for the benefit of the community may include increased monitoring, supervision, or security at locations or activities where the prohibited conduct occurred, additional training and educational materials for students and employees and revision of policies.

PROCEDURES

SEXUAL MISCONDUCT

- For allegations of **sexual harassment**
- For allegations of **sexual assault, domestic violence, dating violence, or stalking** when the Complainant is an employee or third party; and all types of **gender based misconduct** when the Complainant is a student

The Sexual Misconduct Procedures apply to reports of sexual harassment,⁹ sexual assault, domestic violence, dating violence, stalking and retaliation relating to such claims against employees and third parties when the complainant is an employee or third party. These procedures also apply to all gender-based misconduct (including sexual assault, domestic violence, dating violence, stalking, sexual harassment, gender-based harassment, sexual exploitation, retaliation and other forms of discrimination based on gender or sex) against employees and third parties when the complainant is a student. Allegations of Gender Based Misconduct against Teachers College students are governed by the [Gender Based Misconduct Policy and Procedures for Students](#).

Reports of alleged Sexual Misconduct may be submitted by those who experienced Sexual Misconduct, by witnesses, or by others made aware of the incident. Nothing in the Sexual Misconduct Procedures shall affect the College's inherent authority to take actions it deems appropriate to further the educational mission or to protect the safety and security of the TC community, including its authority to terminate at-will employees immediately, with or without cause. While these Sexual Misconduct Procedures identify TC offices or employees who typically perform certain roles, the College may designate others to perform any roles or duties described.

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

COMPLAINTS OF SEXUAL MISCONDUCT

Teachers College provides a range of options for those who believe they have experienced sexual misconduct and individuals are encouraged to bring their concerns to the College's attention immediately. The College takes allegations of Sexual Misconduct very seriously, will actively respond to alleged Misconduct, and will take remedial action, where appropriate. The College does not limit the time for submitting a complaint of Sexual Misconduct, but strongly urges the immediate reporting of complaints or concerns. Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of Sexual Misconduct. The College's ability to investigate and respond effectively may be reduced with the passage of time.

Where to Report

Those who have experienced Sexual Misconduct by a College employee or third party should notify the TC Title IX Coordinator. If particular circumstances make a discussion with, or a complaint to the Title IX Coordinator inappropriate (for instance, the complaint involves the Title IX Coordinator), incidents may be reported to a designee. The College takes allegations of Sexual Misconduct very seriously and will take appropriate action against all alleged sexual harassment, sexual assault, domestic violence, dating violence, stalking and all forms of student reports of gender-based misconduct, even in the absence of a complaint.

⁹ Please be aware that the federal definition of sexual harassment under the new Title IX regulations is different from the definitions found in NYC and NYS laws. Therefore, as noted above, Teachers College has created a separate policy to address those behaviors that fall under the federal definition.

Reports and/or complaints may be made in writing or made orally to an employees' manager or supervisor, or to the TC Title IX Coordinator. All employees, especially management and supervisory personnel, have a duty to report allegations of Sexual Misconduct to the TC Title IX Coordinator. Complaints and/or reports should be submitted directly to the TC Title IX Coordinator by any of the following methods:

- By phone at (212) 678-3391
- By email at jrobinson@tc.columbia.edu
- Via report form
- By mail to 525 West 120th Street, 128 Zankel Hall Box 220, New York, NY 10027
- By hand delivery to 128 Zankel Hall

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

The Title IX Coordinator will, as appropriate, assess complaints against third parties or unknown individuals engaging in Sexual Misconduct against College employees or students. The College will take appropriate steps to protect employees, non-employees providing services on campus, students, and the College community as a whole.

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

Initial Assessment of Complaints and Reports

After receiving a report of possible sexual misconduct, the Title IX Coordinator will designate the report to the ODCA Title IX Staff who will conduct an initial assessment to evaluate whether, if substantiated, the conduct constitutes a Policy violation and whether there is a reasonable basis to engage in the investigative process. Reasonable basis is defined as the existence of some credible information to support the alleged violation and can include a credible witness or Complainant's narrative, among others. The ODCA Title IX Staff will assess the available information, determine if a complaint is supported or unsupported by any such information, and take the following actions:

- The ODCA Title IX Staff may dismiss the complaint if it determines that the report does not allege facts that, if substantiated, would constitute a violation of the Policy, or that the facts as alleged in the report are refuted by evidence or information known to or possessed by the Office;
- The ODCA Title IX Staff may refer the report to another office such as Human Resources to address the alleged conduct through alternate means;
- The ODCA Title IX Staff will review available options for resolution with the parties, including but not limited to investigation, and other options for informal resolution such as personal informal resolution, administrative resolution, mediation, facilitated dialogues and/or communications between the parties. Informal resolution is not available for allegations of sexual harassment and sexual assault.

ODCA Title IX Staff can require an investigation upon assessment of a complaint, even if the parties request an alternative resolution. ODCA's assessment includes, without limitation, whether there is sufficient information to conduct an investigation and the nature and scope of the alleged misconduct.

ALLEGATIONS OF SEXUAL HARASSMENT

Formal Resolution - Investigation

The College will investigate all complaints and/or reports about suspected sexual harassment in a private and timely manner.

Upon receipt of a written or verbal complaint and/or report that a College employee or third party has allegedly engaged in sexual harassment, the Title IX Coordinator will designate the ODCA Title IX Staff to conduct an immediate review of the allegations and take any interim actions, as appropriate. If the complaint is oral, the Complainant will be encouraged to complete the TC Complaint Form. If the Complainant refuses, the ODCA Title IX Staff will prepare the Complaint Form based on the oral reporting. The Title IX Coordinator will assign the investigation to an appropriate College Title IX investigative team or to an outside investigator to conduct the investigation.

The investigative team will conduct a prompt, thorough and private investigation that ensures a fair process for all parties. The investigative team will interview the Complainant, the Respondent and any other persons with relevant information about the alleged incident(s). The investigative team will inform Complainants of their right to file a sexual harassment complaint or a charge externally.¹⁰ The investigative team will preserve, obtain and review all evidence including documents, emails or phone records relevant to the allegations. Acting on behalf of the College, the investigative team has the authority and responsibility to gather information from all sources judged necessary for a fair resolution of a complaint. The Complainant and Respondent may suggest witnesses the investigative team should interview and documentation they should consider. The investigative team, however, has complete discretion to determine which witnesses to interview and which documents to consider. Complainants, Respondents, and witnesses will not be permitted to record anything related to the investigation and/or disciplinary process.

During the sexual harassment investigation process, no party is permitted to be represented by legal counsel. Members of collective bargaining units are entitled to union representation during any resolution or investigation process.

Investigative Findings and Disciplinary Recommendations

The investigative team will complete the investigation and submit a determination to the Title IX Coordinator in a timely fashion. The investigative team will make a determination on the basis of preponderance of the evidence (it is more likely than not that the behavior occurred), taken in its totality and considering any attendant circumstances.

Upon conclusion of the investigation, the investigative team will provide a written investigative report to the Complainant, the Respondent, and the Respondent's supervisor(s). The Investigative Report will summarize the alleged sexual harassment, briefly detail the investigative steps, and inform the parties of the investigative team's respective finding(s) as to whether the conduct constituted a violation of the Policy. The Investigative Report will also inform the parties that they have ten days to appeal.

If the investigative team finds that the Respondent has engaged in sexual harassment, the investigative team will forward a disciplinary recommendation to the Respondent's supervisors. In making such a recommendation, the investigative team shall consider records of previous conduct or behavior, the seriousness of the violation, the totality of the information available (including investigative records) and any extenuating or aggravating circumstances the investigator deems relevant.

Discipline

The Title IX Coordinator will consult with the Respondent's supervisor regarding possible discipline and along with the supervisor, based on the facts and circumstances of the case, they may consider instances of previous Prohibited Conduct or Misconduct, the seriousness of the violation, the totality of the information available, and any extenuating or aggravating circumstances the supervisor deems relevant in determining appropriate discipline. The Respondent's supervisor will impose discipline that is fair and appropriate given the facts of the particular case; adequate to protect the safety of the campus

¹⁰ For a list of external agencies, please see Appendix C.

community and reflective of the seriousness of the sexual harassment.

The Respondent's supervisor and Title IX Coordinator will consider relevant factors, which may include: (1) the specific conduct at issue; (2) the circumstances accompanying any lack of consent (such as force, threat, coercion, intentional incapacitation, etc.); (3) the Respondent's state of mind (intentional, knowing, bias-motivated, reckless, negligent, etc.); (4) the impact of the offense on the Complainant; (5) the Respondent's prior disciplinary history; (6) the safety of the College community; and (7) the Respondent's conduct during the disciplinary process.

In determining what discipline will protect the safety of the College community, Respondent's supervisor may be advised by Public Safety or other experts and will consider: (1) the risk that the Respondent may engage in additional Misconduct; and (2) the deterrent or permissive effect of a particular discipline on the campus community, including on particular individuals and organizations aware of the offense (keeping in mind that discipline must always be fair and appropriate for the particular case).

The Respondent's supervisor will generally render a disciplinary decision within 10 business days following issuance of the final investigation report. The Respondent's supervisor will communicate the disciplinary decision in writing to the Title IX Coordinator who will notify the Complainant and Respondent in writing.

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

Appeal

Either party may appeal the determination. There are two grounds for appeal: (1) the party has new information, unavailable at the time of the investigation that may change or affect the outcome; or (2) there was a procedural error that may have impacted the outcome. Disagreement with the finding is not, by itself, grounds for appeal. The appeal must be in writing and may be no longer than five double-spaced, typewritten pages. The appeal must be delivered to the Title IX Coordinator within ten (10) business days of delivery of the determination to the parties (via email, mail or hand delivery). Failure to meet the deadline for appeal shall result in waiver of the right to appeal. The College reserves the right to investigate and take any necessary action of its own accord based on new information or events that were not known during the course of the initial investigation.

On receipt of the appeal, the Title IX Coordinator will designate an Appeal Officer in the matter and will forward the appeal to the Appeal Officer for review. The appeal officer will be a senior administrator at the College. Thereafter, the Title IX Coordinator will notify the party who is not appealing that an appeal was filed, the grounds for appeal asserted, and the identity of the Appeal Officer. The non-appealing party will be permitted to submit a written response to the appeal, which shall be no longer than five double-spaced typewritten pages to the Title IX Coordinator within five (5) business days of receiving the notice of the appeal. The Title IX Coordinator will forward any response to the Appeal Officer.

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

The Appeal Officer will render a written decision within ten (10) business days of the initial receipt of the appeal, and will forward the written decision to the Title IX Coordinator. The Title IX Coordinator will provide written notice to the parties of the final disposition of the matter. Once submitted to the Title IX Coordinator, the decision of the Appeal Officer is not subject to further review. Faculty members have additional appeal rights under the College's Statutes; as required by applicable law, any available appeal rights will be available to both the Complainant and the respondent in any matter.

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

Corrective Action

The College may also determine that additional measures are appropriate to respond to the effects of the incident on the College community. Additional responses for the benefit of the community may include increased monitoring, supervision, or security at locations or activities where the prohibited conduct occurred, additional training and educational materials for students and employees and revision of policies.

ALLEGATIONS OF OTHER SEXUAL MISCONDUCT (INCLUDING SEXUAL ASSAULT, DATING VIOLENCE, DOMESTIC VIOLENCE, STALKING AND STUDENT COMPLAINTS OF GENDER BASED MISCONDUCT)

Confidentiality

A Complainant may report Sexual Misconduct to the Title IX Coordinator and request in writing that the Title IX Coordinator not disclose the Complainant's identity to anyone else, including the person who allegedly committed the misconduct. While such a request may limit the ability to investigate and respond to the reported sexual misconduct, the Title IX Coordinator will consider the request in light of the College's commitment to provide a safe and non-discriminatory environment and will honor the request whenever possible.

In considering the request, the Title IX Coordinator will weigh the following factors:

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

The Title IX Coordinator will promptly notify the Complainant in writing whether the College will be able to honor the Complainant's request for confidentiality. At the Complainant's written request, the Title IX Coordinator will also notify the Respondent in writing, including that the Complainant asked the Title IX Coordinator not to investigate.

Whether or not the Title IX Coordinator is able to grant a request to keep the Complainant's identity confidential, College personnel will reveal information about investigations and disciplinary proceedings related to Sexual Misconduct only to those who need to know in order to carry out their duties and responsibilities. In all cases, the College will take appropriate steps designed to counteract the effects of the alleged Sexual Misconduct, prevent its recurrence and provide supportive measures for the parties involved.

Student Amnesty for Alcohol and/or Drug Use

The health and safety of every student at TC is of utmost importance. TC recognizes that students who have been drinking and/or using drugs (whether use is voluntary or involuntary) at the time that violence, including but not limited to sexual

assault, domestic violence, dating violence, or stalking occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. The College strongly encourages students to report sexual assault, domestic violence, dating violence, or stalking to TC officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any assault to College officials or law enforcement will not be subject to disciplinary action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the sexual assault, domestic violence, dating violence, or stalking.

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

Advisors of Choice

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

Employee Complainants and Respondents may be accompanied by the advisor of their choice to any meeting related to an incident of sexual assault, dating violence, domestic violence, stalking or retaliation relating to an incident of such misconduct. For incidents of sexual assault, dating violence, domestic violence, stalking, sexual harassment, gender-based harassment, sexual exploitation, related retaliation and other forms of discrimination based on gender or sex – when a student is the complainant and exercises their right to be accompanied by an advisor, employee respondents will be permitted to be accompanied by an advisor as well.

Guidelines for Advisors of Choice

Advisors may provide support and advice about the resolution and investigation process. An advisor may not intervene in a meeting or address an investigator or other disciplinary officials. If any advisor's conduct is not consistent with these guidelines, the advisor may be excluded from the process. While efforts will be made to accommodate the schedules of advisors, the process will not be unduly delayed due to an advisor's unavailability. Advisors who are attorneys are permitted whenever advisors are permitted (as set forth above).

Options for Informal Resolution

Informal resolution options are not available for individuals who have experienced sexual harassment or sexual assault.

Options for informal resolution may be available for individuals who have experienced domestic violence, dating violence and/or stalking depending on the resolution involved.

Personal Informal Resolution

A person who believes that they have experienced sexual misconduct, may choose to work with the alleged offender directly through various approaches including:

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

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

If both parties consent and sexual assault is *not* involved, the College may offer to facilitate informal procedures involving both parties. Such approaches will be pursued only with the consent of both parties, and either party has the right to terminate the process and begin the formal process at any time. If any of these approaches result in a resolution, any formal procedures will be concluded and the matter closed. If the parties are unable to reach a resolution, a Complainant may choose to proceed with a formal resolution.

Facilitated Conversation

TC encourages a facilitated conversation whenever practical and appropriate. A facilitated conversation may take place only if the Complainant and Respondent both agree to participate. A matter is resolved through a facilitated conversation only if all parties agree on the resolution.

Employees may seek assistance from their manager or supervisor, or other College entity to facilitate a conversation between the parties to discuss the allegations and a possible resolution of the matter. *Students* may seek out a faculty member or instructor, program director or department chair for assistance in requesting a facilitated conversation to discuss the allegations and a possible resolution of the matter.

Formal Mediation

Mediation is a private process where parties can participate in a search for mutually acceptable solutions. Mediation requires the consent of both parties and suspends any formal procedures for up to thirty (30) working days, which can be extended with the consent of both parties and at the discretion of the College. The Title IX Coordinator (or designee) may facilitate mediation between parties who agree to mediation.

Parties may agree upon a variety of resolutions such as modification of work assignment, training for department staff, or an apology. Because mediation is a voluntary process, formal disciplinary action cannot be imposed against a Respondent. Parties may agree to a resolution that is oral or embodied in a written agreement. The final resolution is private unless the parties agree otherwise.

Alternate Resolution

The College may seek to resolve certain Misconduct through an informal process involving both the Complainant and Respondent. This form of resolution can take place prior to a formal resolution.

Supportive & Interim Measures

Where appropriate, the College will work with individuals affected by Prohibited Conduct to ensure their safety and promote their well-being. In addition to providing preliminary information regarding the resolution processes, ODCA Staff will discuss the availability of supportive and interim measures with both parties. This assistance may take the form of supportive measures intended to support or to protect the employee or student in the aftermath of an incident and interim measures while an investigation or disciplinary action is pending. Parties may request supportive or interim measures even in cases where an investigation is not undertaken or the Complainant or Respondent has declined to participate in the College proceeding or where applicable, a criminal process. The College will evaluate any request for supportive or interim measures in light of the circumstances and information available at the time of the request.

Supportive and interim measures may include extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence or administrative leave, no contact directives, increased security and monitoring of certain areas of the campus, and other similar measures.

The College also will assist parties seeking accommodations for a disability in connection with the process of reporting or responding to an incident of prohibited conduct by working with the Office of Access and Services for Individuals with Disabilities (OASID).

The imposition of supportive and interim measures does not indicate that the College has made a final decision about the report of prohibited conduct. The College will provide notice about these supportive and interim measures only to those who need to know in order to make them effective. Failure to comply with supportive and/or interim measures or other directives is a violation of College Policy and may lead to additional disciplinary action.

All parties and witnesses are expected to continue to perform their job responsibilities during the course of an ODCA resolution process. Supportive and interim measures are intended to support parties in fulfilling their job responsibilities.

Formal Resolution

Investigation

Any individual who wishes to make a formal complaint of sexual assault, domestic violence, dating violence, stalking and/or a student complaining of gender-based misconduct, should submit a written complaint to the Title IX Coordinator. If a Complainant feels unable to prepare a written complaint themselves, the Title IX Coordinator will make a record of the Complainant's oral statements, which the Complainant may review, correct any inaccuracies and sign. To the extent possible, the Complainant should include the following information: the identity and status of the Complainant and Respondent; details concerning the incident(s) or conduct that gave rise to the complaint, including the date(s) of the incident(s) and location(s) of the incident(s); and the identity and status of any witness(es) to the incident(s) with telephone numbers, email addresses and street addresses.

Upon receipt of a written or verbal complaint that a College employee or third party has allegedly engaged in misconduct, the Title IX Coordinator will initiate an investigation. The Title IX Coordinator will assign an investigative team to conduct the investigation and may, in their sole discretion, assign the investigation to an outside investigator.

As soon as possible after the start of an investigation, the Investigative Team will provide notice to the Complainant and Respondent with a written explanation of their rights and resources available. The Title IX Coordinator will additionally provide updates on a regular basis and notice at key stages of the investigation, including notice of all meetings with the Complainant and/or Respondent regarding the complaint. Such notices shall be simultaneous and in writing. Notice will describe the allegations in the report. The Complainant and Respondent will be given the opportunity to meet separately with the investigative team to review these Procedures and any applicable policies.

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

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

Evidentiary Rules

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

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

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

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

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

Time Frame

The College will seek to resolve every report under these Procedures as expediently and efficiently as possible. Time frames may vary depending on the details of a case and at certain times of the academic year (for example during breaks, study periods or final exams). The College may extend any time frame for good cause.

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

Written Report

In consultation with the Title IX Coordinator, the investigative team will prepare a draft report detailing the relevant content from the interviews and the documentation gathered. The draft report will include the investigative team's assessment of individual credibility and recommended findings of responsibility. The Respondent and Complainant will each have the opportunity to review a copy of the investigative report. The names and other identifying information of students will be redacted from such materials in accordance with the Family Educational Rights and Privacy Act (FERPA) except to the extent that doing so would interfere with the purpose of Title IX to eliminate sex-based discrimination.

Following their review of the draft investigation report, both the Complainant and Respondent will have the opportunity to submit to the investigative team written responses to the draft report. The Complainant and Respondent will have the opportunity to review any written submissions by the other. The Title IX Coordinator may set reasonable parameters for these written submissions. In the written submission, the Respondent will be required to respond to the alleged violation in one of the following ways: 1) Responsible; 2) Not Responsible; or 3) No Response. If the Respondent accepts responsibility, the matter will immediately proceed to the disciplinary stage. If the Respondent does not accept responsibility, the investigative team will review the written submissions and make any appropriate revisions to the draft report.

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

Discipline

If the investigative team finds that the Respondent has engaged in sexual harassment, the Respondent's immediate supervisor will take prompt and effective remedial action to immediately stop the sexual harassment, as well as prevent its recurrence.

The Title IX Coordinator will consult with Respondent's supervisor regarding possible discipline and along with the supervisor, based on the facts and circumstances of the case, they may consider instances of previous Prohibited Conduct or Misconduct, the seriousness of the violation, the totality of the information available, and any extenuating or aggravating circumstances the supervisor deems relevant in determining appropriate discipline. The Respondent's supervisor will impose discipline that is fair and appropriate given the facts of the particular case; adequate to protect the safety of the campus community and reflective of the seriousness of the Sexual Misconduct.

The Respondent's supervisor and Title IX Coordinator will consider relevant factors, which may include: (1) the specific conduct at issue; (2) the circumstances accompanying any lack of consent (such as force, threat, coercion, intentional incapacitation, etc.); (3) the Respondent's state of mind (intentional, knowing, bias-motivated, reckless, negligent, etc.); (4) the impact of the offense on the Complainant; (5) the Respondent's prior disciplinary history; (6) the safety of the College community; and (7) the Respondent's conduct during the disciplinary process.

In determining what discipline will protect the safety of the College community, Respondent's supervisor may be advised by Public Safety or other experts and will consider: (1) the risk that the Respondent may engage in additional Misconduct; and (2) the deterrent or permissive effect of a particular discipline on the campus community, including on particular individuals and organizations aware of the offense (keeping in mind that discipline must always be fair and appropriate for the particular case).

The Respondent's supervisor will generally render a disciplinary decision within 10 business days following issuance of the final investigation report. The Respondent's supervisor will communicate the disciplinary decision in writing to the Title IX Coordinator who will notify the Complainant and Respondent in writing.

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

Appeal

Either party may appeal the determination. There are two grounds for appeal: (1) the party has new information, unavailable at the time of the investigation that may change or affect the outcome; or (2) there was a procedural error that may have impacted the outcome. Disagreement with the finding is not, by itself, grounds for appeal. The appeal must be in writing and may be no longer than five double-spaced, typewritten pages. The appeal must be delivered to the Title IX Coordinator within ten (10) business days of delivery of the determination to the parties (via email, mail or hand delivery). Failure to meet the deadline for appeal shall result in waiver of the right to appeal. The College reserves the right to investigate and take any necessary action of its own accord based on new information or events that were not known during the course of the initial investigation.

On receipt of the appeal, the Title IX Coordinator will designate an Appeal Officer in the matter and will forward the appeal to the Appeal Officer for review. The appeal officer will be a senior administrator at the College. Thereafter, the Title IX Coordinator will notify the party who is not appealing that an appeal was filed, the grounds for appeal asserted, and the identity of the Appeal Officer. The non-appealing party will be permitted to submit a written response to the appeal, which shall be no longer than five double-spaced typewritten pages to the Title IX Coordinator within five (5) business days of receiving the notice of the appeal. The Title IX Coordinator will forward any response to the Appeal Officer.

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

The Appeal Officer will render a written decision within ten (10) business days of the initial receipt of the appeal, and will forward the written decision to the Title IX Coordinator. The Title IX Coordinator will provide written notice to the parties of the final disposition of the matter. Once submitted to the Title IX Coordinator, the decision of the Appeal Officer is not subject to further review. Faculty members have additional appeal rights under the College's Statutes; as required by applicable law, any available appeal rights will be available to both the Complainant and the respondent in any matter.

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

Corrective Action

The College may also determine that additional measures are appropriate to respond to the effects of the incident on the College community. Additional responses for the benefit of the College community may include increased monitoring, supervision, or security at locations or activities where the Prohibited Conduct occurred; additional training and educational materials for students and employees; further revision of College policies.

RIGHTS OF EMPLOYEE COMPLAINANTS AND RESPONDENTS

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

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

RIGHTS OF STUDENT COMPLAINANTS

- To respect, dignity, and sensitivity.
- To appropriate support from the College.
- To privacy to the extent possible consistent with applicable law and College policy.
- To information about applicable College policies.
- To the presence of an advisor throughout the process.
- To an opportunity to challenge investigator(s), disciplinary officer, and/or the appeal officer for a possible conflict of interest.
- To participate or to decline to participate in the investigation process. However, a decision to refrain from participating in the process either wholly or in part will not prevent the process from proceeding with the information available.
- To a prompt and thorough investigation of the allegations.
- To adequate time to review and comment on a summary of the Complainant's investigative interview.
- To refrain from making self-incriminating statements.
- To report the incident to law enforcement at any time.
- To understand that information collected in the process may be subpoenaed in criminal or civil proceedings.
- To notification in writing of the case resolution, including the outcome of any appeal.
- All students also have the rights set forth in the Students' Bill of Rights established by New York State law (see Appendix D)

APPENDIX A

DEFINITIONS

Complainant. The person who experienced the alleged Prohibited Conduct.

Respondent. The person alleged to have engaged in the Prohibited Conduct.

Protected Class. A class of persons who are protected under applicable federal, state and local laws against discrimination and harassment on the basis of: race, color, religion, creed, sex, sexual orientation, national origin, ancestry, age, marital status, citizenship status, veteran status, disability, pregnancy, gender expression, or any other criterion specified by federal, state and local laws.

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

- Consent can be given by words or actions, as long as those words or actions clearly communicate willingness to engage in the sexual activity. It is important not to make assumptions about consent. If there is confusion or ambiguity, participants need to stop sexual activity and communicate about each person's willingness to continue.
- Consent cannot be procured by the use of physical force, compulsion, threats, intimidating behavior, or coercion.
- Consent cannot be obtained from, or given by, a person who is incapacitated.
- Consent to one form of sexual activity does not imply consent to other forms of sexual activity.
- Consent to engage in sexual conduct with one person does not imply consent to engage in sexual conduct with another person.
- Silence or the lack of resistance, in and of itself, does not demonstrate consent. Again, it is important not to make assumptions; if confusion or ambiguity arises during a sexual interaction, it is essential that each participant stops and clarifies the other's willingness to continue engaging in the sexual conduct.
- Consent can be withdrawn at any time, including after it is initially given. When consent is withdrawn or can no longer be given, sexual activity must stop.
- Previous relationships or previous consent for sexual activity is not consent to sexual activity at another time. However, established patterns of consent in a specific relationship may be considered when evaluating whether affirmative consent was given on a particular occasion.
- Accepting a meal, a gift, or an invitation to socialize, including on dating apps, does not imply or constitute consent to sexual activity.
- The definition of consent does not vary based on a participant's sex, sexual orientation, gender identity, gender expression or relationship status.

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

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

Coercion. Unreasonable pressure for sexual activity. When someone makes it clear that they do not want to engage in sexual activity or go beyond a certain point of sexual activity, continued pressure beyond that point can be considered coercive. The use of coercion can involve the use of pressure, manipulation, substances, and/or force. Ignoring another's objections is a form of coercion.

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

Incapacitation may be associated with a person's lacking consciousness; being asleep; being involuntarily restrained; having a disability that impedes consent; or if an individual otherwise cannot consent due to other forms of helplessness.

Depending on the degree of intoxication, someone under the influence of alcohol, drugs or other intoxicants may be incapacitated and therefore unable to consent. Being intoxicated, impaired or incapacitated by alcohol or other drugs is never an excuse for committing a policy violation and does not diminish anyone's responsibility to obtain informed and freely given consent. The use of alcohol or other drugs never makes someone at fault for experiencing gender-based violence.

APPENDIX B

Resources

Campus Resources for Faculty and Staff

Confidential

Ombuds Office

Stephen Peeverly, College Ombuds

ombuds@tc.columbia.edu

(212) 678-4169

280 Grace Dodge Hall

Non Confidential

Office of the Vice President for Diversity and Community Affairs

Janice S. Robinson

Vice President for Diversity and Community Affairs

TC Title IX Coordinator jsr167@tc.columbia.edu

(212) 678-3732

128 Zankel Hall

Melissa Rooker

Associate Vice President for Diversity and Community Affairs & Equity

Section 504 Compliance Officer

mor2102@tc.columbia.edu

(212) 678-7508

128 Zankel Hall

Juan Carlos Reyes

Director, Diversity, Community Affairs & Equity

Deputy Section 504 Compliance Officer

jcr2101@tc.columbia.edu

(212) 678-

128 Zankel Hall

Human Resources

Lisa Seales

Associate Vice President, Human Resources

ls2007@tc.columbia.edu

120 Whittier Hall

Svetla Eneva

Director

Eneva@tc.columbia.edu

(212) 678-4026

120 Whittier Hall

Office of the Vice Provost

Tom Rock

Vice Provost for Student Affairs

tpr4@tc.columbia.edu

(212) 678-3083
163 528 Building

Public Safety

(212) 678-3333 (emergency)
(212) 678-3220 (non-emergency)
Whittier Hall Suite 1A

John DeAngelis
Assistant Vice President Public Safety and Environmental Health
deangelis@tc.columbia.edu

(212) 678-4180
100 Whittier Hall

Non-Teachers College Resources for Faculty and Staff

Employee Assistance Program (EAP) *confidential*

Call toll-free 24/7:
(855) 789-5915 TTY: 711
mhn.advantageengagement.com
company code: tceap

Mt. Sinai/St. Luke's Hospital Crime Victims Treatment Center

(212) 523-4728

Safe Horizon
Sexual Assault Hotline
(212) 227-3000
Domestic Violence Hotline
(800) 621-HOPE (4673)

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

Local Law Enforcement:

Emergency
911
26th Precinct
(212) 678-1311

New York County (Manhattan) District Attorney's Office
Domestic Violence Unit
(212) 335-4308
Sex Crimes Unit
(212) 335-9373

Special Victims Bureau – Manhattan Family Justice Center

(212) 335-4300

APPENDIX C

Legal Protections and External Remedies for Sexual Harassment

Sexual harassment is not only prohibited by Teachers College, but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at Teachers College, employees may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

State Human Rights Law (HRL)

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Beginning on August 12, 2020, complaints with DHR may be filed any time **within three years** of the sexual harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, **within three years** of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to Teachers College does not extend your time to file with DHR or in court. The three years is counted from date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: www.dhr.ny.gov.

Contact DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

Civil Rights Act of 1964

The United States Equal Employment Opportunity Commission (EEOC) enforces federal antidiscrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1800-6694000 (TTY: 1-800-669-6820), visiting their website at www.eeoc.gov or via email at info@eeoc.gov.

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

The Office for Civil Rights (OCR)

The Office for Civil Rights enforces Title IX of the Education Amendments of 1972, the federal law that prohibits sex discrimination in programs or activities that receive federal financial assistance from the Department of Education. A complaint of discrimination can be filed by anyone who believes that an education institution that receives federal financial assistance has discriminated against someone on the basis of sex. Complaints must be filed within 180 calendar days after the discrimination. The following is the contact information for the OCR's New York office:

United States Department of Education
Office for Civil Rights (OCR)
New York Office
32 Old Slip, 26th Floor
New York, NY 10005-2500
Telephone: 646-428-3900
FAX: 646-428-3843; TDD: 800-877-8339
Email: OCR.NewYork@ed.gov

Local Protections

Employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 40 Rector Street, 10th Floor, New York, New York; call 311 or (212) 306-7450; or visit www.nyc.gov/html/cchr/html/home/home.shtml.

Contact the Local Police Department

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

APPENDIX D

NYS Student's Bill of Rights

All students reporting dating violence, domestic violence, sexual assault and/or stalking have the right to:

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

TEACHERS COLLEGE

COLUMBIA UNIVERSITY

Reporting Form: Discrimination, Harassment & Gender-Based Misconduct

I. If you believe that you were subjected to discrimination, harassment and/or gender-based misconduct, you are encouraged to complete this form and submit it to:

Your immediate supervisor

Faculty Concerns

- Debra A. Noumair, Professor of Psychology and Education; Director of Executive Education Programs in Change & Consultation, noumair@tc.columbia.edu, 212-678-3395, 218 B Zankel Hall

Office of Human Resources

- Lisa Seales, Associate Vice President, Human Resources, ls2007@tc.columbia.edu, 120 Whittier Hall
- Svetla Eneva, Director, Eneva@tc.columbia.edu, (212) 678-4026, 120 Whittier Hall

Office of the Vice President for Diversity and Community Affairs

- Janice S. Robinson, Vice President for Diversity and Community Affairs & TC Title IX Coordinator, jsr167@tc.columbia.edu, (212) 678-3732, 128 Zankel Hall
- Melissa Rooker, Associate Vice President for Diversity and Community Affairs & Equity; Section 504 Compliance Officer, mor2102@tc.columbia.edu, (212) 678-7508, 128 Zankel Hall

You will not be retaliated against for filing a report.

II. If you are an employee who is reporting an instance or allegation of discrimination, harassment and/or gender-based misconduct you may use this form to report that behavior to:

Janice S. Robinson

Vice President for Diversity and Community Affairs, TC Title IX Coordinator

- By phone at (212) 678-3391
- By email at jrobinson@tc.columbia.edu
- Via report form
- By mail at 525 West 120th Street, 128 Zankel Hall Box 220, New York, NY 10027
- By hand delivery to 128 Zankel Hall

As a reminder, all College faculty and staff (except the College Ombuds) who learn of possible sexual misconduct are required to report that behavior immediately to Janice S. Robinson, TC Title IX Coordinator. Additionally, all managers and supervisors are also required to report any instance of discrimination and harassment to:

Janice S. Robinson

Vice President for Diversity and Community Affairs, TC Title IX Coordinator

- By phone at (212) 678-3391
- By email at jrobinson@tc.columbia.edu
- Via report form
- By mail at 525 West 120th Street, 128 Zankel Hall Box 220, New York, NY 10027
- By hand delivery to 128 Zankel Hall

If there is an immediate safety or health concern, please contact TC Public Safety at 212-678-3333.

REPORTER INFORMATION

Full Name:

Job Position/Title:

Work Phone Number:

Work Email Address:

Work Physical Address:

Select Preferred Communication Method: Email Phone In person

DISCRIMINATION, HARASSMENT, GENDER-BASED MISCONDUCT INFORMATION

1. Who is the person(s) alleged to have engaged in the discrimination, harassment and/or gender-based misconduct:

Full Name:

Job Position/Title:

Work Phone Number:

Work Email Address:

Work Physical Address:

2. Please describe what happened. Use additional sheets of paper if necessary.

3. Date(s) discrimination, harassment and/or gender-based misconduct occurred:

Is the discrimination, harassment and/or gender-based misconduct continuing? Yes/No

Location of discrimination, harassment and/or gender-based misconduct:

4. Please list the name and contact information of any witnesses or individuals who may have information related to the report:

5. If you have any supporting documentation (such as emails, text messages, etc.) please attach them to this form.

Signature: _____

Date: _____

Responsible Office: Vice President for Diversity and Community Affairs

Effective Date: October 9, 2018

Last updated/edited: June 24, 2021

Appendix J: Smoke-Free Campus

Retrieved September 8, 2021 from: www.tc.columbia.edu/policylibrary/public-safety/smoke-free-campus

Smoke-Free Campus

POLICY 407

1.0 PURPOSE

To establish Teachers College policy and procedure conforming with State regulations pertaining to smoking on College property.

2.0 SCOPE

This policy applies to all employees.

3.0 RESPONSIBILITY

The interpretation and administration of this policy shall be the responsibility of the Director of Public Safety.

4.0 POLICY

In accordance with the [Smoke-Free Air Act](#) and the [Clean Indoor Air Acts](#) smoking is prohibited in all College buildings and common areas including private offices, lounges, roof tops, residence hall rooms/apartments and the Russell Courtyard. Smoking is also prohibited within fifty (50) feet of building entrances.

Smoking where prohibited is a violation of both Teachers College policy and, in most cases, New York City and State law. Violation of this policy may result in disciplinary action within TC as well as legal penalties.

Responsible Office: Public Safety

Effective Date:

Last Updated: April 2015

Appendix K: Violence-Free Workplace

Retrieved September 8, 2021 from: www.tc.columbia.edu/policylibrary/human-resources/violence-free-workplace

Violence Free Workplace

POLICY 412

1.0 PURPOSE

To establish Teachers College policy and procedure to enhance the safety of employees, students and community members.

2.0 SCOPE

This policy applies to all employees.

3.0 RESPONSIBILITY

The interpretation and administration of this policy shall be the responsibility of the Director of Public Safety.

4.0 POLICY

4.1 Teachers College is committed to providing a safe workplace for all employees.

4.2 Prohibited Conduct

The College does not tolerate any type of workplace violence committed by or against employees. Employees are prohibited from making threats or engaging in violent activities.

Examples of prohibited conduct include but are not limited to:

- Causing physical injury to another person;
- Making physically-threatening remarks;
- Aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress;
- Intentionally or recklessly damaging employer property or property of another employee;
- Possession of a weapon while on College property or while on College business;
- Committing acts motivated by, or related to, sexual harassment or domestic violence.

4.3 Threats, threatening conduct, or any other acts of aggression or violence in the workplace will not be tolerated. Any employee determined to have committed such acts will be subject to disciplinary action, up to and including termination, and may be reported to the proper authorities. Non-employees engaged in violent acts on the College premises will be reported to the proper authorities.

4.4 Any potentially dangerous situations must be reported immediately to the [Director of Public Safety](#) or, if s/he is not available, a Public Safety Officer. All reported incidents or concerns will be investigated. Reports or incidents warranting confidentiality will be handled appropriately and information will be disclosed to others only on a need-to-know basis.

Responsible Office: Human Resources

Effective Date:

Last Updated: February 2015

Appendix L: Drug-Free Workplace

Retrieved September 8, 2021 from: www.tc.columbia.edu/policylibrary/human-resources/drug-free-workplace

Drug Free Workplace

POLICY 408

1.0 PURPOSE

To establish Teachers College policy and procedure pertaining to unlawful use, distribution or possession of drugs or alcohol in its workplace.

2.0 SCOPE

This policy applies to all employees.

3.0 RESPONSIBILITY

The interpretation and administration of this policy shall be the responsibility of the Human Resources Officer.

4.0 POLICY

4.1 The College prohibits the unlawful manufacture, distribution, dispensation, sales, possession or use of any drug or substance by its employees and in its facilities. The sale, service, possession, and consumption of alcoholic beverages at Teachers College is governed by the New York State Alcoholic Control Law and by other laws of the State of New York, as indicated in TC policy. See [www.tc.edu/policylibrary/Alcoholic Beverages](http://www.tc.edu/policylibrary/Alcoholic%20Beverages)

4.2 Any College employee who violates the College's policy or who is convicted of a drug-related crime is subject to the College's disciplinary procedures, up to and including termination. Where appropriate, an employee who has violated the College's policy may be required to participate satisfactorily in a drug or alcohol abuse assistance or rehabilitation program as a condition of continued employment.

4.3 The College must certify to contracting government agencies that it provides a drug-free workplace in connection with its government contracts. All employees are therefore given and required to sign a statement explaining the policy. The College complies with its legal obligation to notify the federal government of any employee's workplace-related drug conviction.

4.4 Each College employee agrees, as a condition of employment, to abide by this policy and to notify his or her supervisor no later than five (5) days after any conviction under a criminal drug statute.

4.5 Reasonable efforts will be made to assist an employee who comes forth and discloses that s/he is known to be a substance abuser. The College will endeavor to make supervisors aware of the dangers of drug abuse in the workplace.

Responsible office: Human Resources

Last updated: November 9, 2015

Appendix M: Title IX Policy and Procedure

Retrieved September 8, 2021 from:

<https://www.tc.columbia.edu/policylibrary/diversity-and-community-affairs/title-ix-policy-and-procedure/>

Teachers College Title IX Policy and Procedures

POLICY STATEMENT

Teachers College, Columbia University (“TC” or the “College”) is committed to providing a working, learning and living environment free from sexual discrimination and harassment and to fostering a vibrant, nurturing community founded upon the fundamental dignity and worth of all of its members.

In furtherance of this commitment, and in accordance with Title IX of the Education Amendments of 1972 (“Title IX”), and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the “Clery Act”), as amended by the Violence Against Women Act (“VAWA”), the College prohibits the forms of sexual or related conduct as defined below.

Title IX of the Educational Amendments Act of 1972 (“Title IX”) is the federal law that prohibits sex discrimination by any educational institution that receives federal funding. This law has been interpreted by courts and the U.S. Department of Education to require colleges and universities to take certain steps to prevent and respond to sexual harassment.

In May 2020, the U.S. Department of Education issued new regulations for colleges and universities that address sexual harassment. Specifically, the U.S. Department of Education new set of regulations under Title IX:

- Define the meaning of “sexual harassment” (including forms of sex-based violence) and limits Title IX’s coverage to incidents involving misconduct that is “severe, pervasive and objectively offensive,”
- Address how institutions of higher education that receive federal funding (including Teachers College) **must** respond to reports of behaviors falling within that definition of sexual harassment, and
- Set out a detailed grievance process that institutions of higher education (including Teachers College) **must** follow when investigating, adjudicating and imposing sanctions in cases involving sexual harassment under that definition.

To comply with these regulations, the College has adopted this Title IX Policy and Procedures to address the types of misconduct alleged against employees. These new regulations do not cover all of the types of prohibited conduct or places in which sexual misconduct occurs that Teachers College believes must be addressed in keeping with our own commitment to non-discrimination and our obligations under state and local law. Teachers College also maintains the “Policy and Procedures on Discrimination and Harassment” for other types of discrimination, harassment and gender-based misconduct by employees that are not covered by the new regulations. Both policies are important to creating and supporting a College community that rejects all forms of discrimination, harassment and gender-based misconduct. In addition, Columbia University,

Teachers College and Barnard College maintain the “Gender Based Misconduct Policy and Procedures for Students” for other types of gender-based misconduct by students that are not covered by the new regulations.

Under both the Title IX Policy and Procedures and the Policy and Procedures on Discrimination and Harassment, the College remains committed to diligently investigating reports of prohibited conduct, supporting students and employees who experience discrimination, harassment or gender-based misconduct, and responding fairly and firmly when employee members of the College community violate College policy.

EFFECTIVE DATE

The Title IX Policy and Procedures are effective on August 14, 2020, and will only apply to sexual harassment alleged to have occurred on or after August 14, 2020. Incidents of sexual harassment alleged to have occurred before August 14, 2020, will be investigated and adjudicated according to the process in place at the time the incident allegedly occurred.¹

SCOPE OF POLICY AND PROCEDURES²

This Policy governs the conduct of College employees that occurs within any College education program or activity within the United States in locations, events or circumstances over which TC has exercised substantial control over both the Respondent and the context in which the Title IX behavior occurs.

The Procedures set forth describe the general response, investigation, disciplinary, sanctioning and appeal processes that apply when a person accused of sexual harassment (referred to as the “Respondent”) is a current Teachers College employee.

POLICY

All members of the College community are expected to adhere to this Policy and to cooperate with the Procedures it describes.

This Policy includes the following guidance:

- Federal law definition of sexual harassment
- Reporting obligations and options
- Procedures

¹ According to the Department of Education Office for Civil Rights Blog Post of August 5, 2020, “the Rule does not apply to schools’ responses to sexual harassment that allegedly occurred prior to August 14, 2020. The Department will only enforce the Rule as to sexual harassment that allegedly occurred on or after August 14, 2020. With respect to sexual harassment that allegedly occurred prior to August 14, 2020, OCR will judge the school’s Title IX compliance against the Title IX statute and the Title IX regulations in place at the time that the alleged sexual harassment occurred. In other words, the Rule governs how schools must respond to sexual harassment that allegedly occurs on or after August 14, 2020.”

² This policy and related procedures only pertain to the Federal Title IX Regulated Policy and Procedures. Other behaviors and conduct may be covered under other Teachers College policies including the TC Policy and Procedures on Discrimination and Harassment.

DEFINITION OF PROHIBITED CONDUCT

Sexual Harassment

Sexual Harassment is defined by Federal Title IX as misconduct on the basis of sex that satisfies one or more of the following conditions:

- An employee conditioning educational benefits on participation in unwelcome sexual conduct (i.e., quid pro quo);

- Unwelcome sexual conduct that a reasonable person would determine is so severe, pervasive and objectively offensive that it effectively denies a person equal access to the College's education programs or activities;
- Sexual Assault (as defined in the Clery Act); which includes any sexual act directed against another person, without consent of the victim including instances where the victim is incapable of giving consent;
- Dating Violence (as defined in the VAWA amendments to the Clery Act), which includes any violence committed by a person: (a) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (b) where the existence of such a relationship will be determined based on a consideration of the following factors: (i) The length of the relationship; (ii) The type of relationship; (iii) The frequency of interaction between the persons involved in the relationship;
- Domestic Violence (as defined in the VAWA amendments to the Clery Act), which includes any felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under New York States domestic or family violence laws or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of New York State;
- Stalking (as defined in the VAWA amendments to the Clery Act), meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for their safety or the safety of others; or (b) suffer substantial emotional distress.

IMPORTANT POLICY-RELATED CONCEPTS

Affirmative Consent

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

- Consent can be given by words or actions, as long as those words or actions clearly communicate willingness to engage in the sexual activity. It is important not to make assumptions about consent. If there is confusion or ambiguity, participants need to stop sexual activity and communicate about each person's willingness to continue.
- Consent cannot be procured by the use of physical force, compulsion, threats, intimidating behavior, or coercion.
- Consent cannot be obtained from, or given by, a person who is incapacitated.
- Consent to one form of sexual activity does not imply consent to other forms of sexual activity.
- Consent to engage in sexual conduct with one person does not imply consent to engage in sexual conduct with another person.
- Silence or the lack of resistance, in and of itself, does not demonstrate consent. Again, it is important not to make assumptions; if confusion or ambiguity arises during a sexual

interaction, it is essential that each participant stops and clarifies the other's willingness to continue engaging in the sexual conduct.

- Consent can be withdrawn at any time, including after it is initially given. When consent is withdrawn or can no longer be given, sexual activity must stop.
- Previous relationships or previous consent for sexual activity is not consent to sexual activity at another time. However, established patterns of consent in a specific relationship may be considered when evaluating

whether affirmative consent was given on a particular occasion.

- Accepting a meal, a gift, or an invitation to socialize, including on dating apps, does not imply or constitute consent to sexual activity.
- The definition of consent does not vary based on a participant's sex, sexual orientation, gender identity, gender expression or relationship status.

Education Program or Activity includes:

- Any on-campus premises.
- Any off-campus premises, events or circumstances over which Teachers College exercises substantial control over both the Respondent and the context in which the sexual harassment occurs. This includes buildings or property owned or controlled by a recognized student organization.
- Activity occurring within computer and internet networks, digital platforms and computer hardware or software owned or operated by, or used in the operations of Teachers College's programs and activities over which Teachers College has substantial control.

Formal Complaint

A document (including an electronic submission) (a) filed by a Complainant with a signature or other indication that the Complainant is the person filing the formal complaint, or (b) is signed by the Title IX Coordinator, alleging sexual harassment against a Respondent about conduct within a Teachers College education program or activity and requesting initiation of the procedures consistent with the Title IX Policy and Procedures to investigate the allegation of sexual harassment. Complainants are only able to file a Formal Complaint under this Policy if they are currently participating in, or attempting to participate in, the education programs or activities of the College, including as an employee.

Complainant

Any individual who has reported being or is alleged to have experienced conduct that could constitute covered sexual harassment as defined under this Policy.

Relevance

The basic test for relevance is whether the evidence presented and/or hearing question posed tends to make an allegation of sexual harassment more or less likely to be true. The following type of evidence and questions are not relevant:

- Evidence and questions about the Complainant's sexual predisposition or prior sexual behavior **unless:**
 - they are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or
 - they concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.
- Evidence and questions that constitute or seek disclosure of, information protected under a legally-recognized privilege.
- Any party's medical, psychological and similar records unless the party has given voluntary, written consent.

Respondent

Any individual who is reported to be the perpetrator of conduct that could constitute covered sexual harassment as defined under this policy.

Confidentiality versus Privacy

References made to *confidentiality* refer to the ability of identified confidential resources to not report crimes and

violations to law enforcement or College officials without permission, except for exigent circumstances, such as a health and/or safety emergency or child abuse. References made to *privacy* mean Teachers College offices and employees who cannot guarantee confidentiality but will maintain privacy to the greatest extent possible, and information disclosed will be relayed only as necessary to investigate and/or seek a resolution and to notify the Title IX Coordinator or designee, who is responsible for tracking patterns and spotting systemic issues. Teachers College will limit the disclosure as much as practicable, even if the Title IX Coordinator determines that the request for confidentiality cannot be honored.

Retaliation

The College or other person may not intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX because the individual made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing.

Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX constitutes retaliation.

DISABILITY ACCOMMODATIONS

This Policy does not alter any institutional obligations under federal disability laws including the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973. Parties may request reasonable accommodations for disclosed disabilities to the Title IX Coordinator at any point before or during the Title IX Process that do not fundamentally alter the Process. The Title IX Coordinator will affirmatively provide disability accommodations that the Parties request.

PROCEDURES

Reporting Sexual Harassment

Teachers College provides a range of options for those who believe they have experienced sexual harassment and individuals are encouraged to bring their concerns to the College's attention immediately. The College takes allegations of sexual harassment very seriously, and will actively respond to alleged sexual harassment and will take remedial action, where appropriate.

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

Sexual harassment should be reported immediately to the TC Title IX Coordinator, Janice S. Robinson:

- Via report form
- By phone at (212) 678-3391
- By email at jrobinson@tc.columbia.edu
- By mail to 525 West 120th Street, 128 Zankel Hall Box 220, New York NY 10027
- By hand delivery 128 Zankel Hall

The Title IX Coordinator will designate the report to ODCA Title IX Staff to begin the grievance process. If the

particular circumstances make a discussion with, or a report to, ODCA Title IX Staff inappropriate (for instance, the complaint involves an ODCA employee), incidents may be reported to Human Resources or the Complainant's supervisor. The College takes allegations of sexual harassment very seriously and will take appropriate action.

Reports made to the Title IX Coordinator should include all of the information known to the Complainant or reporter including, but not limited to, the following:

- the identity and status of the Complainant and the Respondent (e.g., employee, student);
- details concerning the incident(s) or conduct that gave rise to the report;
- date(s) of, and location(s) of the incident(s);
- the identity and status of any witness(es) to the incident(s) with telephone numbers, e-mail addresses, and street addresses if known.

Reports may be submitted anonymously, by witnesses, or by others who are made aware of the incident. However, anonymous reports may limit the College's ability to investigate and respond.

Reports of sexual harassment do not automatically initiate a formal investigation. ODCA TitleIX Staff will attempt to gather additional information from relevant individuals and assess such information in order to determine next steps.

Intake

Any individual, whether affiliated with the College or not, may allege violations of the Policy. Upon receipt of an allegation of sexual harassment to ODCA Title IX Staff or the Title IX Coordinator, the College will make prompt efforts to speak with the Complainant. ODCA TitleIX Staff will inform the Complainant of the availability of supportive measures (with or without the filing of a formal complaint), as described below and will explain the process for filing a formal complaint.

Supportive and Interim Measures

The College will work with individuals affected by sexual harassment to ensure their safety and promote their well-being. In addition to providing preliminary information regarding the Title IX process, ODCA Title IX Staff will discuss the availability of supportive measures with both parties. Supportive measures are designed to ensure that both parties maintain equal access to College employment and educational programs and activities, without unreasonably burdening the other party. The measures are designed to protect the safety of all parties and the College environment, including the deterrence of violations of this Policy. For example, supportive measures may include extensions of deadlines or other course-related adjustments, modifications of work or class schedules, no contact directives, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence or administrative leave, increased security and monitoring of certain areas of the campus, and others similar measures.

In determining whether supportive measures are appropriate, ODCA Title IX Staff will consider the Complainant's wishes, as well as the burden to the parties. Where supportive measures are deemed appropriate, they will be non-disciplinary, non-punitive, and provided without fee or charge to the parties. Supportive measures may be provided to either party at any phase in the process, regardless of whether a formal complaint has been filed. Supportive measures will be kept confidential to the extent possible.

The College may also impose interim measures, based on the totality of facts known at the time, to ensure the safety of all parties involved, to prevent the escalation of conflict, and to protect the integrity of the disciplinary process while the process is ongoing. If, after taking an individualized safety and risk analysis, the College determines there is an immediate threat to the physical health or safety of any individual arising from the sexual harassment allegations, the College may consider removing a Respondent from educational programs or activities on an emergency basis. Where removal is deemed appropriate, the Respondent will receive prompt notice and have an opportunity to challenge the decision by appealing to the Title IX Coordinator. The appeal must be in writing and may be no longer than five double-spaced,

typewritten pages. The appeal must be delivered to Title IX Coordinator within three (3) business days of notice of the removal decision (via email, mail or hand delivery). Failure to meet the deadline for appeal will result in waiver of the right to appeal.

The imposition of supportive and interim measures does not indicate that the College has made a final decision about the report of prohibited conduct.

The College will provide notice about these supportive and interim measures only to those who need to know in order to make them effective.

Failure to comply with supportive and/or interim measures or other directives is a violation of College Policy and may lead to additional disciplinary action.

Filing a Formal Complaint

In order to initiate a formal complaint, the Complainant must submit a **written document**, physical or digital, alleging sexual harassment against a Respondent and requesting the College to investigate the allegations. The formal complaint must contain the Complainant's physical or digital signature, or otherwise indicate that the Complainant is the person filing the formal complaint, and the document should be submitted to the TC Title IX Coordinator or ODCA Title IX Staff.

The complaint must include the following information:

- the identity and status of the Complainant and Respondent(s);
- details concerning the incident(s) or conduct that gave rise to the complaint;
- date(s) of the incident;
- location(s) of the incident(s);
- the identity and status of any witness(es) to the incident(s) with telephone numbers, e-mail addresses, and street addresses if known.

In certain instances, if a complainant does not wish to make a Formal Complaint, the TC Title IX Coordinator may determine a Formal Complaint is necessary, and will file such a formal complaint and inform the Complainant. In such instances, the Title IX Coordinator is not a party to the matter, and, if known, the identities of the parties will be made known in any subsequent notice of allegations to the Respondent.

Initial Assessment of Formal Complaint

Once received, ODCA Title IX Staff will assess whether the allegations, as put forth, implicate this Title IX Policy and Procedures or some other form of alleged misconduct. In the latter case, ODCA Title IX Staff will assess the matter under a separate TC policy, which may be the TC Policy and Procedures on Discrimination and Harassment. ODCA Title IX Staff will also assess the formal complaint for other jurisdictional issues.

ODCA Title IX Staff **must** dismiss a formal complaint under the following circumstances:

- the alleged matter does not meet the Title IX definition of sexual harassment as described above;
- the alleged matter does not arise from a College education program or activity;
- the alleged matter is not raised against a person in the United States;
- the alleged matter occurred before August 14, 2020.

ODCA Title IX Staff **may** dismiss a formal complaint under the following circumstances:

- the Complainant submits a written request to withdraw the complaint;
- the Respondent is no longer at the College

If a complaint is dismissed, it may qualify for review under a separate, applicable College policy. Parties will simultaneously be provided with a written notice containing the reason(s) for dismissal and that dismissals may be appealed.

Appealing Dismissal of Formal Complaint

Appeals pertaining to the dismissal of a formal complaint must be submitted to the Title IX Coordinator within three (3) business days from receipt of the dismissal. The appeal must meet one or more of the following criteria:

- **Procedural Irregularity:** An appeal based on procedural irregularity must identify with specificity each

alleged irregularity within the consideration of the complaint and the ways in which the specified irregularity(s) affected the decision to dismiss the complaint; or

- **New Evidence:** An appeal based on new evidence must explain why this information was not reasonably available at the time the decision to dismiss the formal complaint was made and how this information could affect the decision to dismiss the complaint. Information not provided because a party declined to participate or withdrew from the process cannot be considered new information for the purpose of appeal. This includes situations where a party declines to participate on the advice of their advisor; and/or
- **Conflict of Interest/Bias:** An appeal based on conflict of interest or bias must explain how ODCA Title IX Staff or the TC Title IX Coordinator had a conflict of interest or bias for or against complainants or respondents generally, or the individual Complainant or Respondent that affected the decision to dismiss the complaint.

Upon receipt of an appeal from one of the parties, the Title IX Coordinator will inform the other party and provide a copy of the appeal. The non-appealing party will have three (3) business days from receipt of the appeal to respond should the party wish to do so. If both the Complainant and the Respondent appeal, the appeals will be considered concurrently and each party will have the opportunity to review and respond to the other party's appeal.

The Title IX Coordinator will review the appeal and non-appealing party's response (if provided). Within three (3) business days (of the non-appealing party's response or the appeal if no response is provided), the Title IX Coordinator will communicate, in writing, the determination regarding the appeal simultaneously to both parties. The Title IX Coordinator may take the following actions:

- Uphold the decision to dismiss the complaint. In such cases, the complaint may be considered for investigation under a separate, applicable TC policy; or
- Reverse the decision to dismiss the complaint. If the Title IX Coordinator reverses the decision to dismiss, the complaint will be investigated as outlined in the Formal Investigation Process section in this Policy.

The determination of the Title IX Coordinator is final. Failure to meet the deadline for appeal will result in waiver of the right to appeal.

FORMAL INVESTIGATION PROCESS

Upon the filing a formal complaint that sufficiently implicates this Policy and which is not otherwise subject to dismissal, ODCA Title IX Staff will initiate a formal investigation pursuant to the procedures laid out in this Policy.

Notice of Allegations

Upon receipt of a formal complaint, the College must provide written notice to the parties, who are known, which includes sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known (including the Complainant), the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known. A party may not proceed anonymously in connection with a formal investigation. The notice must include reasonably prompt time frames for the investigation and a process that allows for any temporary delay of the investigation or the limited extension of time frames for good cause with written notice to the Complainant and the Respondent of the delay or extension and the reasons for the action.

The notice must include a statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding a violation of the Policy is made at the conclusion of the grievance process. The notice must inform the parties that they may have an advisor of their choice, who may be, but is not required to be an attorney. The notice must include a statement that before the conclusion of the investigation, the parties may inspect and review evidence that is directly related to the allegations, including evidence upon which TC does not intend to rely in reaching a determination regarding responsibility, and evidence that both tends to prove or

disprove the allegations whether obtained from a party or other source. The notice must inform the parties of any provision in the College's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the investigation. If, in the course of the investigation, ODCA Title IX Staff decide to investigate allegations about the Complainant or Respondent that are not included in the notice initially provided, ODCA Title IX Staff must provide notice of the additional allegations to the parties whose identities are known.

ODCA Title IX Staff must also provide written notice to any parties whose participation is invited or expected (i.e. witnesses) of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings with sufficient time for the party to prepare to participate.

Advisors

Complainants and Respondents may be accompanied by an advisor of their choice (which may be an attorney, but does not need to be so) to any meeting or proceeding related to any incident of sexual harassment. Advisors may provide support and advice about the investigation, hearing and disciplinary processes.

Complainants and Respondents may choose not to have an advisor during the investigative process. However, Complainants and Respondents **must** have an advisor during the live hearing process so that the hearing advisor ("Hearing Advisor") can pose questions to the opposing party and witnesses. Complainants and Respondents may not direct questions at each other or the witnesses during the hearing process. Where a Complainant or Respondent does not have a Hearing Advisor, the College will provide one at no cost to the Complainant or Respondent. The Hearing Advisor provided by the College may or may not be an attorney.

The following outlines the ways in which advisors may or may not participate throughout the investigative and hearing processes.

Investigative Meetings

An advisor **may**:

- Talk quietly with the advisee or pass notes in a non-disruptive manner.
- Take a break, at the advisee's request, to speak privately with the advisee.
- Review information provided to the advisee by the investigators. An advisor

may not:

- Speak on behalf of the advisee.
- Pose questions to the investigators.
- Answer questions posed to the advisee.
- Make requests (outside of scheduling and accommodations).
- Provide information to the investigators.
- Address the investigators.
- Be disruptive (for example, badgering a witness or party; not following decision-maker instructions or protocol; speaking out of turn).

Hearings

A Hearing Advisor **may**:

- Talk quietly with the advisee or pass notes in a non-disruptive manner, except during cross-examination of the advisee.
- Review the information provided to the advisee.
- Ask questions of participants in the hearing, including the other party and witnesses.
- Assist the advisee with preparing opening and/or closing statements to the Decision-maker. A Hearing

Advisor **may not**:

- Speak on behalf of the advisee.
- Answer questions posed to the advisee.

- Be disruptive.
- Intervene in the hearing (for example, interrupting during questioning or any process during the live hearing).
- Address the Decision-maker.

INVESTIGATIVE TEAM

The TC Title IX Coordinator is the College's designated officer for conducting or overseeing investigations of alleged violations of this Policy. The TC Title IX Coordinator will designate a team of investigators (the "Investigative Team"), who will tailor an investigation based on the facts, nature, and complexity of the allegations and surrounding circumstances. All investigators will have extensive training in investigating and evaluating conduct prohibited under the Policy. The Investigative Team will be impartial and unbiased. The Title IX Coordinator may, in their sole discretion, assign the investigation to appropriate non-Title IX investigator(s) or outside investigator(s). Should a party perceive a potential conflict of interest or bias related to the member(s) of the Investigative Team, the party is expected to promptly raise such conflict in writing to the TC Title IX Coordinator as soon as practicable to allow for appropriate redress.

Fact Gathering

The Investigative Team will gather relevant information from all sources determined necessary for fair resolution of a formal complaint,

including interviewing the Complainant, the Respondent, and any other persons with relevant information about the alleged incident(s). The Investigative Team may also review personnel records, documents, and other materials that could prove relevant to the investigation.

The Investigative Team will speak to each party in detail about the allegation(s) and ask each party to identify potential witnesses and/or other evidence to be considered. The parties will have equal opportunity to present fact and expert witnesses and other inculpatory and exculpatory evidence through the course of the investigative process. However, the parties must articulate a reasonable basis to the Investigative Team regarding why their proposed witnesses and/or other suggested evidence are relevant (i.e. will demonstrate that facts material to the allegations under investigation are more or less likely to be true) before the Investigative Team will consider such proposals. Only relevant information will be considered by the Investigative Team, and the Investigative Team retains sole discretion in determining whether the proffered witnesses and/or other evidence are relevant to the allegation(s). The Investigative Team will objectively evaluate all relevant evidence gathered through the course of the investigation.

The parties are expected to submit such evidence and respond to the Investigative Team's evidentiary requests in a timely fashion. Any documents submitted to the Investigative Team for consideration may be referenced in the Investigative Report and, as discussed below, will be shared with both parties and the parties' advisors, if applicable. The Investigative Team will work with parties and witnesses to receive evidence from the parties and witnesses. The Investigative Team may wish to question a party regarding certain evidence gathered; in that circumstance, the Investigative Team may share certain evidence with a party in advance of a scheduled meeting to provide a fair opportunity to respond to questions presented during the meeting.

The Investigative Team will inform the parties in writing when the fact-gathering stage of the investigation has concluded. No additional witnesses will be interviewed, and no additional evidence may be submitted to the Investigative Team at that time. Both parties will have equal opportunity to inspect and review all evidence (inculpatory and exculpatory) that was gathered

from any source that is directly related to the allegations. Prior to the completion of the investigative report, the Investigative Team will provide each party and the party's advisor, if applicable, the evidence subject to this review in an electronic format. The parties will have ten

(10) business days to submit to the Investigative Team a written response to this evidence. Any written response will be considered by the Investigative Team prior to completion of the investigative report.

The Complainant, the Respondent, advisors, and all witnesses may not record any meeting conducted as part of the investigative process, nor copy, photograph, nor improperly disseminate any documents or evidence to which they

are afforded access as part of the investigative process.

Evidentiary Rules

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

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

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

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

[Without exception, all questions and evidence regarding the Complainant's sexual predisposition are deemed irrelevant and prohibited from consideration. Questions and evidence regarding the Complainant's prior sexual behavior are also irrelevant and prohibited, subject to two, limited exceptions: (1) where evidence of prior sexual behavior is offered to prove someone other than the Respondent committed the alleged offense, or (2) where prior sexual behavior evidence is specifically about the parties' shared sexual history and is offered to prove consent.]

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

Medical Information. Any party's medical, psychological, or similar records cannot be accessed, considered, disclosed, or otherwise used as part of this investigative process without the party's voluntary, written consent. Each party has the right to request that evidence regarding his or her mental health diagnosis and/or treatment be excluded from consideration on the basis that it is not relevant to the allegations.

Legally Recognized Privilege. Any information protected by a legally recognized privilege (e.g. attorney-client) is deemed irrelevant and precluded from consideration throughout the investigative process, unless properly waived by the party maintaining such privilege.

Information from Expert Witnesses. A party may request that information be considered from an expert witness. When such information is deemed relevant to the allegations, the Investigative Team will retain the appropriate expert. Subject to other limitations identified in this Policy, the Investigative Team may include in the investigative record medical, forensic, technological, or other expert testimony and materials (such as writings and recordings) that the Investigative Team deems relevant and reliable. The Investigative Team has the discretion to determine the relevance and reliability of any expert testimony and materials, and, accordingly, the Investigative Team will determine what, if any, expert testimony and materials will be received into the investigative file. The results of polygraph tests and other "lie-detection" techniques will not be considered by the Investigative Team.

Investigative Report

Once the information-gathering stage has concluded and prior to completion of the Investigative Report, the Investigative Team will send each party and the party's advisor (if any), relevant evidence³ subject to inspection and review in an electronic format or hard copy.

The parties will have at least 10 business days to submit a short written response, which the Investigative Team will consider prior to completion of the Investigative Report.

After receipt of the parties' responses, the Investigative Team will then create an Investigative Report that fairly summarizes relevant evidence. The Investigative Report is not intended to catalog all evidence obtained by the Team, but only to provide a fair summary of that evidence.

Only relevant evidence (including both inculpatory and exculpatory – i.e. tending to prove and disprove the allegations) will be referenced in the Investigative Report. The Investigative Team may redact irrelevant information from the Investigative Report when that information is contained in documents or evidence that is/are otherwise relevant.

The Investigative Team will not make determinations of responsibility in the investigative report.

A copy of the report will be provided to the parties and their advisors at least five (5) business days prior to a hearing or any other date when respondent's responsibility may be determined. The investigative report will be sent to the parties in digital form and parties will not duplicate, alter or copy the investigative report. A single investigative report may be used for allegations arising out of the same set of facts or circumstances, where there are multiple complainants and/or respondents.

³ All evidence directly related to the allegations.

The parties are permitted to submit a short written response to the Decision-maker three (3) business days in advance of the hearing. Parties' written responses will be provided to each other for review but no additional responses will be permitted.

LIVE HEARING PROCESS

Upon the conclusion of the investigation, the parties have the opportunity to engage in a live hearing. The live hearing is a closed proceeding; no one other than the Decision-maker, the Respondent, the Complainant, their respective Hearing Advisors, witnesses, the Investigative Team/Title IX Coordinator, and other necessary College personnel may be present during the proceeding. Live hearings may be conducted with all participants physically present in the same location, or, at the College's discretion, may occur virtually using technology that will enable participants to simultaneously view and hear each other. The live hearing will be recorded and a copy of the recording will be made available to the Respondent and the Complainant for their inspection and review. Participants to the live hearing may not record the hearing. Cell phones and recording devices may not be used in the hearing room(s) unless approved by the Decision-maker in advance.

The Decision-maker, whenever possible, will give the Complainant and the Respondent at least ten (10) days advance notice of the hearing. Requests to postpone the hearing may be granted at the discretion of the Decision-maker based on a compelling reason. Because of administrative complexity, where possible, parties should make postponement requests no less than three (3) business days prior to the date of the hearing.

The Decision-maker

The Decision-maker is tasked with evaluating and analyzing all relevant information in the Investigative Report, as well as any relevant additional submissions and information presented by the parties in the hearing process. The Decision-maker determines whether a violation of Policy occurred based on the preponderance of evidence

standard.

The Decision-maker will receive regular training on the definition of sexual harassment under Title IX, the scope of the College's education program or activity, how to conduct hearings, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest and bias. The Decision-maker will also receive training on the technology used at the hearing and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not permitted.

Rules of Evidence

In order to promote a fair and expeditious live hearing, the parties and their Hearing Advisors must attend a pre-hearing conference with the Decision-maker. The pre-hearing conference assures that the parties and their Hearing Advisors understand the parameters of the live hearing and allows for significant issues to be addressed in advance of the hearing. At the pre-hearing conference, the Decision-maker will address the conduct expectations for the parties and Hearing Advisors at the live hearing (see also "Rules of Decorum"). Additionally, the parties must provide the Decision-maker with a list of the witnesses they intend to question and exhibits they intend to present at the live hearing. All references to witnesses and exhibits will be made to those contained in the investigative file.

Once the parties have submitted their respective lists of proposed evidence from the investigative file, the Decision-maker will then assess each proposed item to confirm its relevance to the allegations and responses of the matter. The Decision-maker will also ensure that no evidence regarding prior sexual history of the parties is considered, unless the Decision-maker determines at the pre-hearing conference that the evidence meet one of two permitted exceptions: 1) where evidence of prior sexual behavior is offered to prove someone other than the Respondent committed the alleged offense, or 2) where prior sexual behavior evidence is specifically about the parties' shared sexual history and is offered to prove consent. The Decision-maker may, only in exceptional circumstances, grant requests to present evidence not already in the investigative file and retains complete authority to determine how such new evidence may impact the hearing (e.g. if the hearing must be continued until a later date for the Investigative Team to review and present the new evidence to the parties).

During the hearing itself, the Decision-maker has complete authority to assess any questions presented by the parties, and/or their Hearing Advisors, for relevancy. In such instances, the parties, and/or their Hearing Advisors, must wait for the Decision-maker to make a determination of relevance before any answer may be submitted.

The Hearing

The Complainant, the Respondent, their respective Hearing Advisors, witnesses, and the Investigative Team are afforded the opportunity to participate in the hearing. Each participating individual may be placed in a separate room for the duration of the hearing and may view the proceedings via video conference. When it is an individual's turn to appear before the Decision-maker, that person will appear separately before the Decision-maker. The Complainant and Respondent may have a Hearing Advisor in the room with them at all times. If the hearing is conducted wholly or partially through video conference, an administrator will ensure that each party has the opportunity to appear before or speak directly to the Decision-maker and appropriately participate in the questioning process.

Rules of Decorum

All participants, including parties and Hearing Advisors, are expected to participate in a respectful and non-abusive manner during the hearing. The following behaviors are strictly prohibited for all participants:

- Yelling or screaming
- Throwing, hitting, or any similarly aggressive gesture

- Threatening statements or gestures
- Use of slurs (unless directly relevant to the underlying allegations)
- Intentionally violating the physical space of another hearing participant
- Engaging in any behavior which deliberately disrupts the hearing process

Hearing Advisors are expected to treat all parties and witnesses in a respectful manner at all times, including during the questioning portion of the hearing. A Hearing Advisor should not engage in

questioning that is abusive, intimidating or disrespectful. A Hearing Advisor may not badger a party or witness, engage in unnecessarily repetitive questioning, or during questioning, lean into the personal space of a party or witness.

Violations of the rules of decorum may be raised by either Hearing Advisor or the Decision-maker. If a Hearing Advisor refuses to comply with the Rules of Decorum (for example, by insisting on yelling at the other party), the Hearing Advisor may be removed from the hearing. In this circumstance, the College will provide a new Hearing Advisor if it provided the original advisor. If the original advisor was selected by the party, the party will have five (5) business days to replace the advisor.

These rules apply equally to both parties, their Hearing Advisors, Decision-maker, witnesses, and any other person present during the hearing.

Hearing Process Order

Opening

The Decision maker will open and establish the rules and expectations for the hearing.

Opening Statements

The Complainant and the Respondent may provide opening statements to the Decision-maker. Should they choose to do so, the opening statement may not exceed three (3) minutes. The party's Hearing Advisors may assist them with drafting an opening statement and the parties may read from a written document. However, the party's Hearing Advisors may not present the opening statement on their behalf.

Questions by the Decision-maker

The Decision-maker may ask questions of the Complainant, Respondent, and witnesses, including the Investigative Team. Generally, questions will focus on statements made by the parties, information contained in the Investigative Report, the Investigative Team's analysis, and any other information provided to the Decision-maker. The Decision-maker will pose any questions they have to the hearing participants prior to the Hearing Advisors' questioning of the participants and may ask any necessary follow up questions after questions from the Hearing Advisors.

Questions by the Hearing Advisors (Cross Examination)

Each party's Hearing Advisor may pose **relevant** questions to the opposing party and witnesses (including the Investigative Team). Relevant questions include those questions that tend to prove or disprove an element of the allegation(s) being considered by the Decision-maker. During this live-cross examination, the Hearing Advisor will ask the other party or parties and witnesses relevant questions and follow-up questions, including those challenging credibility directly, orally and in real time. Before a Complainant, Respondent, or witness answers a question, the Decision-maker will determine whether the question is indeed relevant and therefore can be answered. If the Decision-maker decides to exclude a question, the Decision-maker will provide an explanation as to why the question is not relevant.

The parties may not pose questions to each other or the witnesses. If a party does not have a Hearing Advisor, the College will provide a Hearing Advisor for the live hearing without fee or charge to that party. The Hearing Advisor will be selected by the College and is not required to be an attorney even if the opposing party's advisor is an

attorney. A party should alert the Decision-maker as early as possible if the party needs a Hearing Advisor so that the arrangements can be made and the process can continue to progress in a timely manner.

Parties may call expert and character witnesses for direct and cross-examination. The Decision maker will also admit and allow testimony regarding polygraph tests and other procedures that are outside of standard use in academic and non-academic conduct processes.

If a party or a witness does not submit to being questioned during the live hearing, the Decision-maker may not rely on any statement of that individual in reaching a determination regarding responsibility; provided, however, that the Decision-maker cannot draw an inference about the determination regarding responsibility based solely on that individual's absence from the live hearing or refusal to answer questions.

Closing Statements

At the conclusion of the cross-examination and questioning by the Decision-maker, the Complainant and Respondent will have the opportunity to present closing statements to the Decision-maker. Closing statements may not exceed three (3) minutes, and, similar to the opening statements, the closing statements must be presented by the parties, not their Hearing Advisors. The Hearing Advisors may assist in the preparation of the closing statement and the parties may read from a written document.

Standard of Proof, Determination and Sanction

Following the investigation and conclusion of the hearing, the Decision-maker will render a written determination of whether the Respondent is responsible for the conduct alleged and if found responsible, the Decision-maker will determine the sanction. The Decision-maker will use "preponderance of the evidence" as the standard of proof to determine whether a violation of the Policy occurred. Preponderance of the evidence means that the Decision-maker must determine whether, based on the evidence presented, the Respondent was more likely than not to have engaged in the conduct at issue.

The Decision-maker will find the Respondent responsible or not responsible after a review of all of the statements and evidence summarized in the Investigative Report, the written statements submitted by the Complainant and the Respondent, and the statements, testimony, and evidence at the hearing. The Decision-maker will generally render a determination decision within ten

(10) business days after the conclusion of a hearing, which will be delivered to the parties simultaneously, and will include the following explanation of the basis for the decision which will include identification of allegations, description of procedural steps taken from receipt of formal complaint to determination, including any notifications, finding of fact, conclusions; statement of and rationale for the result as to each allegation, any disciplinary sanctions and whether remedies will be provided; procedures and permissible bases for appeal.

APPEAL OF DETERMINATION AND SANCTION

Complainants and Respondents are afforded appeal rights as it pertains to the determination of the Decision-maker. Appeals must satisfy one or more of the following criteria:

- **Procedural Irregularity:** An appeal based on procedural irregularity must identify with specificity each alleged irregularity within the investigation, hearing, and/or sanctioning process and the ways in which the specified irregularity(s) affected the outcome of the matter. Disagreement with the finding or sanction is not, by itself, a ground for appeal; or
- **New Evidence:** An appeal based on new evidence must explain why this information was not reasonably available at the time the determination was made and how this information could affect the outcome of the matter. Information not provided because a party declined to participate or withdrew from the process cannot be considered new information for the purpose of appeal. This includes situations where a party declines to participate on the advice of their advisor; or

- **Conflict of Interest/Bias:** An appeal based on conflict of interest or bias must explain how the Title IX Coordinator, Investigative Team, or Decision-maker had a conflict of interest or bias for or against complainants or respondents generally, or the individual Complainant or Respondent, that affected the outcome of the matter; or
- **Excessiveness or Insufficiency of the Sanction:** 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.

The appeal of the determination and/or sanction must be submitted to the Title IX Coordinator within five (5) business days from the date the determination was issued. No attachments or exhibits will be accepted. References to evidence should be made to the materials included in the hearing record. The Title IX Coordinator will notify the non-appealing party in writing upon receipt of the appeal and provide a copy of the appeal. The non-appealing party may provide a written response to the appeal and if the non-appealing party decides to submit a written response to the Title IX Coordinator they must do so within five (5) days. If both the Complainant and the Respondent appeal, the appeals will be considered concurrently and each party will have the opportunity to review and respond to the other party's appeal.

If the appeal outlines the appropriate criteria for consideration, the Title IX Coordinator will designate an Appellate Officer⁴ for review. The Appellate Officer for staff respondents is the Associate Vice President and Chief Human Resources Officer (or designee). The Appellate Officer for faculty respondents is the Vice Provost for Student Affairs (or designee). As it relates to appeals of the Decision-maker's determination, the Appellate Officer will not initiate a review of substantive issues of fact, or reach a new determination of whether a violation of the

⁴ The Appellate Officer will receive relevant training at least once a year on how the adjudicatory and appeal process works, the definition of sexual harassment, the scope of the institution's education program or activity, how to conduct an investigation and the grievance process including hearings, appeals, and informal resolution processes, as applicable, how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias, and the sensitive issues in reviewing these cases.

Policy has occurred. The Appellate Officer is strictly limited to determining if an appeal should be granted based on the above-cited criteria for appeal. Similarly, the Appellate Officer will not issue a new sanction but rather determine whether the issued sanction was excessive or insufficient.

In making an assessment, the Appellate Officer will have access to and the ability to review all applicable documents, including the formal complaint, complete Investigative Report, all exhibits, written statements submitted to the Decision-maker, impact statements, and a recording of the hearing (if applicable). The Appellate Officer may also request additional information from the Title IX Coordinator, Investigative Team, and/or Decision-maker regarding issues of procedural irregularity or new evidence as applicable. Additionally, in the event a party submits an appeal containing inaccurate facts or information outside the scope of the Policy, those portions of the information may be redacted and/or the Title IX Coordinator may provide a curative instruction to the Appellate Officer.

The Appellate Officer may take the following actions:

- Deny the appeal, thereby upholding the decision of the Decision-maker; or
- Grant the appeal and return the matter to the Decision-maker or Investigative Team, for further consideration.

If the matter is returned to the Decision-maker or Investigative Team, the Appellate Officer will provide instructions regarding the nature and extent of the reconsideration. Following reconsideration by the Decision-maker or Investigative Team, further proceedings will be conducted as appropriate. In instances where an appeal is granted for possible conflict of interest/bias, the Title IX Coordinator may assign other College personnel for reconsideration of the matter.

The Appellate Officer will notify the Title IX Coordinator of their decision, and the Title IX Coordinator will simultaneously notify the Complainant and the Respondent of the Appellate Officer's decision in writing. Appeal decisions will be rendered generally within twenty (20) business days after the receipt of the last written submission by either of the parties, depending on the availability of the Appellate Officer at the time of the appeal. Title IX Coordinator will notify the parties if there is a delay. There is no further College recourse beyond the decision of the Appellate Officer.

Failure to meet the deadline for appeal will result in waiver of the right to appeal. The College reserves the right to investigate and take any necessary action of its own accord based on new information or events that were not known during an initial investigation. A determination will be considered "final" after the time period to file an appeal has expired, or if a party does file an appeal, after the appeal decision has been sent to the parties.

The Office of the Vice President for Diversity and Community Affairs is the responsible office for this policy and procedures. If you have any questions related to this policy and procedures, you may contact the Title IX Coordinator directly or reach out to Title IX Staff at odca@tc.columbia.edu.

Effective Date: August 14, 2020