

COLUMBIA UNIVERSITY
GRADUATE SCHOOL OF ARTS & SCIENCES

DISCIPLINARY PROCEDURES

LAST REVISED APRIL 11, 2005

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SPRING 2003

COLUMBIA UNIVERSITY
IN THE CITY OF NEW YORK
GRADUATE SCHOOL OF ARTS AND SCIENCES

To: M.A. and Ph.D. Students
From: Henry C. Pinkham, Dean of the Graduate School of Arts and Sciences (GSAS)
Date: February 25, 2003

This pamphlet contains the texts of the GSAS disciplinary procedures and descriptions of related University-wide policies that have their own procedures. Briefly summarized, the procedures are as follows:

1) *The GSAS Procedure for Student Discipline*, which was revised and approved by the Executive Committee of the Graduate School of Arts & Sciences in April 2002, lays out the Graduate School's regulations for academic and personal conduct and the procedures to be used whenever there appears to have been a breach of these regulations.

2) *The University Discrimination and Sexual Harassment Procedure* may be used as an alternative to the *GSAS Procedure for Student Grievances* in cases in which students feel they may have been harassed or discriminated against based on race, color, age, national origin, religion, sex, sexual orientation, disability, citizenship, actual or perceived status as a victim of domestic violence, veteran status and related issues.

3) *The University Sexual Misconduct Disciplinary Procedure* may be used as an alternative to the *GSAS Procedure for Student Grievances* in cases in which a violation of the University's Policy on Sexual Misconduct has occurred.

4) *The University Guideline for Reviewing Professional Misconduct* governs cases in which there are reasonable grounds for making an allegation of possible misconduct or fraud in research against a faculty member. These guidelines apply as well to graduate students and post-docs engaged in research at Columbia.

Questions about these procedures may be addressed to me at gsas_dean@columbia.edu. Students may also consult directly and confidentially with the Ombuds Officer.

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The GSAS Procedure for Student Discipline

Columbia University is an academic community committed to fostering intellectual inquiry in a climate of academic freedom and integrity. Its members are expected to uphold these principles and abide by the regulations of the University. They are also expected to obey local, state and federal laws. Students continue at the University, receive academic credits, graduate, and obtain degrees subject to the disciplinary powers of the University. The Trustees of the University have delegated responsibility for student discipline to the deans of the individual schools or divisions. Students should be aware that academic dishonesty (for example, plagiarism, cheating on an examination, or dishonesty in dealing with a faculty member or other University official) or violence, threatening behavior, or harassment are particularly serious offenses that will be dealt with severely under Dean's Discipline. Thus, any graduate student who engages in any form of academic or personal misconduct is subject to the disciplinary procedures developed by the Graduate School. Since student status does not render the individual immune from non-University jurisdiction, infractions of city, state and federal laws may be referred to civil authorities. Such referral does not preclude disciplinary action within the University when it would serve the best interest of the academic community. This document outlines these policies and the disciplinary procedures invoked in cases of student misconduct.

Policy on Academic and Personal Misconduct

The Graduate School prohibits academic dishonesty or misconduct. Without trying to list every example, the following illustrate the different forms that academic fraud or misconduct can take:

1. Cheating on examinations or tests; also fabrication of data and/or fabrication of results.
2. Plagiarism, the failure to acknowledge adequately ideas, language or research of others, in papers, essays, dissertations or other work.
3. Knowingly assisting others in plagiarism, by making one's papers, essays, or written work available for such use.
4. Misstatement or misrepresentation in connection with any academic matter, such as in an application for admission or financial aid, or during a formal inquiry by University officials.
5. Misuse, alteration, or fabrication of University documents, records and credentials, including transcripts and I.D. cards.
6. Improper use of the library and its resources: theft or purposely hoarding or hiding books or materials.
7. Misconduct in carrying out teaching or research responsibilities. See appendix C for faculty guidelines. These guidelines apply to anyone teaching or conducting research at Columbia.

The Graduate School also strictly prohibits conduct that disrupts or interferes with the operations of the University or activities of any member of the University community.

The following types of misconduct fall under this rubric:

1. Harassment, coercion, or intimidation of any member of the community. This includes behavior that is rude or abusive and harassment based on personal characteristics such as gender, race, ethnicity, religion, disability, age or sexual orientation.
2. Interference with instruction or research.
3. Unauthorized or improper use of University services, equipment, library or laboratory facilities, including computers, CU email, CU web addresses, and telephones.

4. Failure to comply with an order of a legitimate University authority acting in the line of duty, including security office, faculty member, or other official.
5. Violation of other rules of the University or the Graduate School of Arts & Sciences.

Please note: The University has established alternative policies and procedures to Dean's Discipline for the following types of misconduct:

1. Disruptions of the operations of the University during demonstrations, rallies, picketing and circulation of petitions may be dealt with through the Rules Administrator of the Rules of University Conduct (See heading "Rules of University Conduct" in Appendix C of *FACETS*).
2. Discrimination and sexual harassment may be dealt with through the Office of Equal Opportunity and Affirmative Action, the Ombuds Office, the dean of the school of the accused if the accused is a student or the Department of Security if the situation may involve criminal activity (See Appendix E of *FACETS*).
3. Sexual misconduct by a student may be dealt with through the Office on Sexual Misconduct Prevention and Education (See Appendix F of *FACETS*).
4. Academic assessment of students resides with the departmental faculty. Thus, in disciplinary cases where assessment is an issue, the procedure is limited to assuring that the assessment was made impartially and according to procedures applicable to all students.

Procedure for Disciplinary Cases

Informal Resolution

In many cases, charges of misconduct may be resolved by an individual faculty member and the student involved. Either party may wish to involve the Department Chair at the outset of the resolution process. Discussions aimed at informal resolution must remain confidential and generally should last for no more than 30 working days.

Formal Charge of Misconduct

Charges of misconduct not resolved informally or at the department level may be brought to the attention of the Graduate School for a formal proceeding of the Committee on Discipline. The Committee has authority to conduct a proceeding for the following types of complaints:

1. A charge of academic misconduct against a student, usually brought by a faculty member or department.
2. A charge of non-academic misconduct against a student, which could be brought by any member of the University community.

Regulations for Hearings of the Committee on Discipline

Prior to Hearing:

A written statement outlining the charge and specifying the category of misconduct is presented to the Assistant Dean of the Graduate School of Arts and Sciences for referral to the Committee on Discipline. Charges shall be timely if brought within two years of the alleged misconduct. However, under special circumstances, this time limit may be extended.

Any student accused of academic dishonesty or misconduct will receive written notice of the complaint at least ten days before he or she is required to appear before the

Committee. Both the accused student and the complainant will be informed of the requirements of confidentiality of the proceedings, and the need to inform any potential witnesses of these requirements. The student will be advised that he or she is presumed innocent, and that he or she is expected to cooperate in the investigation of the complaint. Additionally, the student will be advised of his or her right to an advocate from the University community, and of the potential penalties if he or she is found guilty. The student will be advised that he or she is entitled to the option of taking a leave of absence until the matter is resolved.

An accused student may, but need not, submit a written statement answering the complaint prior to appearing at the proceeding. Both the complainant and the accused student will be informed prior to the hearing of their rights to identify witnesses and documents. Witnesses' names will be submitted to the Assistant Dean at least two days in advance of the first session of the hearing. Rebuttal witnesses, if any, may be identified and their names forwarded to the Assistant Dean during the hearing process. The Assistant Dean will contact witnesses to schedule their appearances and to advise them about procedure and the requirement of confidentiality of the proceedings.

Prior to and during the hearing, the Assistant Dean may grant extensions of time for good reason to either party in order to produce supporting evidence or to appear at a session.

At any time after a complaint has been received, but prior to a decision being rendered by the Committee, the parties may agree to settle the matter between themselves with the help of a mediator or the Assistant Dean.

The Hearing Process

The hearing is held before the Committee on Discipline, which is composed of (a) two faculty chosen by the Dean from among the faculty members of the Graduate School Executive Committee, (b) two graduate students chosen by the Dean from six nominations made by the Graduate Student Advisory Council; and (c) the Assistant Dean. The Assistant Dean chairs the meeting. Before members of the Committee begin their deliberations, the Dean may appoint a replacement for any member of the committee who believes him or herself to be biased or to have a conflict of interest. Faculty will be replaced with faculty, students with students, and the Assistant Dean with an administrator of the Dean's choosing.

The hearing may involve one or more sessions, depending on how long it takes to collect, present and evaluate the evidence needed to review the charge of misconduct. Hearings are conducted in a timely fashion, that is, are completed by the end of the semester following the one in which the student received notification of the charge of misconduct.

Once the hearing has commenced, the Committee may make any procedural decisions it deems necessary to ensure fairness and to avoid undue delay. The Committee determines the admissibility, relevance and materiality of the evidence offered, and may exclude any evidence or witnesses it deems repetitive, irrelevant or disruptive. The charge is read and understood at the beginning of the first session by all members of the Committee and by the accused. The complainant informs the Committee of the facts of the situation, and answers any questions its members may have.

The accused student has the right to testify in his or her defense, but may choose not to do so. The student may select a member from the University community to attend the meeting, serve as his or her advocate and speak on his or her behalf. The advocate may not pose questions or intervene in the proceedings, but may talk quietly or pass notes to the student in a non-disruptive manner. The advocate, however, is not privy to deliberations and does not vote. Although the student is free to consult with an attorney, he or she is not permitted to have an attorney present during the disciplinary proceeding or at any appeal.

If either the complainant or the accused chooses not to appear or testify, he or she is informed that the Committee will proceed to a decision.

The proceeding is not an adversarial courtroom-type proceeding. Rather, the proceeding is intended to educate the members of the Committee so that they may determine the truth of the charges made. There is no verbatim transcript. Both the complainant and the accused are given an opportunity to present a written or oral argument in support of his or her position, based on the evidence submitted, before the Committee retires for deliberation.

All deliberations of the Committee are held in private. The Committee must be persuaded by clear and convincing evidence that an infraction of the rules for academic or personal conduct has occurred and decide by majority vote.

The decision of the Committee is rendered in a written report and includes the rationale for the decision and any supporting evidence. The decision should in most cases be rendered within ten working days of completion of the hearing. The written report also recommends an appropriate sanction if an infraction has been found.

The Committee may recommend the following sanctions:

- Warning, a reprimand, which becomes part of the student's official record but is not considered a formal disciplinary action.
- Probation, which is intended to serve as a serious warning to students whose conduct gives cause for concern. It is hoped that probation will cause the student to return to satisfactory behavior. The student will be relieved from probation if, at the end of a set period of time, satisfactory conduct has been maintained. Failure to meet the conditions of probation is a serious matter, and will ordinarily result in suspension or dismissal.
- Suspension, which requires that the student not register for a period of one or more semesters and is recorded on the student's permanent transcript.
- Dismissal, an action taken in serious disciplinary cases, which ends a student's connection with the University and is recorded on the student's permanent transcript.

After the Hearing

If no infraction of the rules is found, notification is sent to both parties and to the Dean. If an infraction of the rules has occurred, the written report is sent to both parties and to the Dean. Then, in writing, the Assistant Dean informs the student of the penalty he or she is imposing, and informs the student of his or her right to appeal. An appeal may be submitted to the Dean within thirty working days of the proposed imposition of any penalty.

On appeal, the Dean shall review the record and may consult with the members of the Committee, but shall not consider new evidence. Ordinarily, the determination of an appeal will be based on procedural grounds rather than a re-examination of the facts. The decision of the Dean is final. Both the complainant and accused are advised of the outcome of any appeal.

Appendix
Related University-wide Procedures, Policies & Resources

A. Policy Statement on Discrimination and Harassment, Statement of Nondiscriminatory Policies, Discrimination Grievance Procedure, Policy on Sexual Harassment, and Romantic Relationship Advisory Statement (Excerpt from Appendix E of FACETS)

Columbia University is committed to providing a working and learning environment free from discrimination and sexual harassment and to fostering a nurturing and vibrant community founded upon the fundamental dignity and worth of all of its members. Consistent with this commitment and with applicable federal, state, and local laws, it is the policy of the University not to tolerate discrimination or sexual harassment in any form and to provide faculty, students, administrators, and staff who feel that they are victims of either with mechanisms for seeking redress.

The University offers several options for those seeking the intervention of the offices and individuals who are authorized to respond to their complaints. These include informal counseling, mediation, and a formal process for having their complaint reviewed.

All members of the University community are expected to adhere to the policy in this statement and to cooperate with the procedure it describes for responding to complaints of discrimination and sexual harassment. They are also encouraged to report any conduct they believe to be in violation of this policy. Management and supervisory personnel in particular are responsible for taking reasonable and necessary action to prevent discrimination and sexual harassment in the workplace and for responding promptly to any such claims.

In the event of a investigation conducted according to the appropriate University procedure, individuals found to have engaged in discrimination or sexual harassment will be subject to discipline. The sanctions imposed can range up to and include termination of employment in the case of officers and staff or dismissal from the programs in which they are enrolled for students. Retaliation against anyone who files a complaint or participates in an investigation is prohibited and may be addressed in an independent claim.

Consensual, romantic relationships between faculty and other employees and students and between individuals who work together are generally not considered sexual harassment and are not prohibited by University policy. However, individuals should be aware that these relationships are susceptible to being characterized as non-consensual, and even coercive, if there is an inherent power differential between the parties, and can lead to complaints of sexual harassment.

Nothing in this policy shall abridge academic freedom or the University's educational mission. Prohibitions against discrimination and sexual harassment do not extend to statements or written materials that are relevant and appropriately related to the subject matter of courses.

What to do if you feel you are the victim of discrimination or harassment:

Students who feel they may have been harassed or discriminated against based on race, color, age, national origin, religion, gender, sexual orientation, disability, veteran's status, or any other protected status may consult or file a complaint with:

- the Office of Equal Opportunity and Affirmative Action if the accused is a University employee (faculty or staff);
- the Ombuds Office;
- any member of the Panel on Discrimination and Sexual Harassment
- their own dean;
- the Dean or Dean of Students of the school of the accused, if the accused is a student;
- the Chair of the department of the accused (student or faculty);
- the Dean of the School or division of the accused, if the accused is a faculty member;
- Management and supervisory personnel, if the accused is an employee;
- the Office of Employee and Labor Relations, Human Resources, if the accused is an employee;
- the Department of Public Safety, if the situation appears to involve criminal activity.

For the disciplinary procedure applicable to discrimination and sexual harassment, please see the entire text of Appendix E in *FACETS* which is available on the web at www.columbia.edu/cu/facets. For information and a more comprehensive explanation of the University's policies and procedures, or regarding discrimination or sexual harassment, contact:

Office of Equal Opportunity and Affirmative Action
103 Low Memorial Library, Mail Code 4333
(212) 854-5511

B. Sexual Misconduct Policy and Disciplinary Procedure (Excerpt from Appendix F of FACETS)

On February 25, 2000, the University Senate adopted a Sexual Misconduct Policy and Disciplinary Procedure that can be used as an alternative to Dean's Discipline. The Sexual Misconduct Policy applies to all students in all schools of the University.

The Disciplinary Procedure for Sexual Misconduct applies to these same students, with the exception of the Law School, but including the students of Teachers College and Barnard College. The policy prohibits sexual misconduct by any student. A comprehensive program to educate students, faculty, and administrators about the issue of sexual misconduct has also been developed. Copies of the policy and procedure are available from the Office of the Dean of Students of every school.

Policy on Sexual Misconduct

The University's Policy on Sexual Misconduct requires that standards of sexual conduct be observed on campus, that violations of these standards be subject to discipline, and that resources and structures be sufficient to meet the physical and emotional needs of individuals who have experienced sexual misconduct. Columbia University's policy defines sexual misconduct as non-consensual, intentional physical conduct of a sexual nature, such as unwelcome physical contact with a person's genitals, buttocks or breasts. Lack of consent may be inferred from the use of force, threat, physical intimidation, or advantage gained by the victim's

mental or physical incapacity or impairment of which the perpetrator was aware or should have been aware.

What to do if you are the victim/survivor of sexual misconduct or assault:

- Please consider getting medical attention and contacting the NYPD;
- contact the Rape Crisis/Anti-Violence Support Center
- consult or file a complaint with the Office of Sexual Misconduct Prevention and Education if the accused is another student;
- consult or file a complaint with the dean of the accused if the accused is another student;
- file a complaint with the Department of Security;
- consult with the Ombuds Office

For the disciplinary procedure applicable to cases of sexual misconduct, please see the entire text of Appendix F of *FACETS* or contact:

Office of Sexual Misconduct Prevention and Education
703 Lerner Hall, Mail Code 2617
(212) 854-1717

C. Statement on Professional Ethics and Faculty Obligations and Guidelines for Review of Professional Misconduct (Excerpt from Appendix E of the Faculty Handbook)

The Statement on Professional Ethics and Faculty Obligations and Guidelines for Review of Professional Misconduct was adopted by the University Senate on September 29, 1972, and revised by that body on April 18, 1986.

I. Teaching

The freedom traditionally accorded to members of the faculty to decide for themselves in large measure what they teach and how imposes a correlative obligation of responsible self-discipline. Every effort must therefore be made to be accurate, to be objective, to demonstrate appropriate restraint, and to show respect for the opinions of others. Faculty members may not enroll or refuse to enroll students on the basis of those students' beliefs, or otherwise discriminate arbitrarily or capriciously among them. Evaluation of students and awards of grade and credit must be based on academic performance professionally judged, not on matters extraneous to that performance; grades and other evaluations shall be provided to the University promptly as required for each student, for each class. Faculty members shall meet their classes as announced and shall also make themselves regularly available to their students outside the classroom. When it is impossible to meet a class, alternative instruction shall be offered, and adequate notice given, such as to satisfy the students' expectations and the faculty member's contract with the University; this obligation can be met in various ways, and the method adopted should be endorsed by the department chairman or the dean. Exploitation of students or of junior colleagues for private advantage is to be avoided, and all significant assistance must be publicly acknowledged. Faculty members must respond conscientiously to requests from students or former students for references; the confidential nature of teacher-student relationships is to be respected.

II. Faculty Relationship

All members of the faculty share responsibility for the governance of the University and for the preservation of an atmosphere of scholarship and rational discourse. Faculty members may not use their positions to cause interference with personal security, property, or freedom of movement, expression, or assembly on campus. Faculty members should join in the broadest

possible search for academic talent, and in the appointment or promotion of the best qualified candidate, making every effort to be objective in their professional judgments of colleagues and potential colleagues. Faculty members must acknowledge indebtedness to other scholars. Senior faculty members should stand ready to counsel their junior colleagues and to give them due credit for any assistance given. When faculty members assume obligations outside the University, they should assess the amount and character of these obligations with due regard to their paramount responsibilities within the University. When a faculty member speaks or acts as a private person outside the University, a special effort must be made to avoid giving the impression that he or she speaks or acts on behalf of the University.

III. Research

A climate must be maintained at the University where creativity and productivity in research are promoted in an atmosphere of high ethical standards. It is essential that the integrity of research be maintained at all times, since long-standing, often irreversible damage can result from breach of academic commitment to truth in investigative activities. Misconduct in research is herein defined as gross lack of integrity in conducting basic or clinical investigations involving dishonesty, knowing misrepresentation of data, and/or violation of accepted standards. Academic misconduct or fraud can destroy public trust in the academic community as a whole and in our own institution in particular; it can shatter individual careers; it can undermine sensitive relationships between investigators, students, and the public.

In modern collaborative research, the implications of academic misconduct or fraud go far beyond the individual; they also affect collaborators whose own work has been committed to objective search for truth. The specter of guilt by association may lurk in the background for many years to come. Therefore, joint authorship requires joint responsibility; each author claiming credit for the entire work must also be aware of joint discredit. Investigators in collaborative research projects each must make reasonable and periodic inquiry as to the integrity of and processes involved in gathering and evaluating data. It should be understood that overall responsibility for the integrity of collaborative research rests with the principal investigator. Senior investigators cannot be allowed to escape the consequences of the discovery of misconduct or fraud committed under their supervision.

Every member of the faculty has a duty to respond promptly to any well-founded suspicion of academic misconduct or fraud. Allegations must be made with caution; nevertheless, the results of long-standing misconduct or fraud are so devastating that potential irregularities must be brought promptly to the attention of the proper authorities. At the same time, the rights of those whose research procedures or results are in question from the standpoint of possible falsification or adulteration must be carefully protected while a careful and fair investigation is being carried out.

For the guidelines for the review of professional misconduct or fraud in research, please see the complete text of Appendix E of *The Faculty Handbook* which is available on the web at www.columbia.edu/cu/vpaa/fhb.

Note: These and other passages from the Faculty Handbook also inform policy regarding graduate students. Graduate students engaged in teaching and research are at all times expected to uphold the ethical standards that are here applied to the faculty.

D. The Ombuds Office

The Ombuds Officer is a neutral complaint-handler who seeks fair and equitable solutions to problems. The Ombuds Office serves the entire Columbia University community. In considering any given instance or concern, the rights of all parties that may be involved, along with the welfare of the University, are taken into account.

The Ombuds Office is a safe and confidential place to voice concerns. No formal permanent records of individual cases are kept, except anonymous aggregate statistical data on the categories of complaints or inquiries. The Ombuds Officer will not report the names of callers or visitors or the specific content of problems reported unless permission is granted, or in the very rare instance in which there is reasonable cause to believe that the safety of the caller or others may be endangered.

Except in emergencies, the Ombuds Officer does not take action or investigate an issue without the permission of the person who introduced the information to the Ombuds Office. The Ombuds Officer will listen, offer information about Columbia University policies and procedures, present a range of options for resolving a problem or help find ways to convey information while maintaining the confidentiality of the source.

The Ombuds Officer may conduct an informal, impartial investigation or facilitate a resolution upon request. However, the Ombuds Officer does not arbitrate or adjudicate. The Ombuds Officer has no power to establish, change, or set aside any University rules or policies. However, the Ombuds Officer is a resource for administrators and, when appropriate, may make recommendations or propose general changes in existing practices to correct problem areas or stimulate discussion of issues affecting the University community.

The Ombuds Office supplements, but does not replace, the existing resources for conflict resolution and fair practice available at Columbia University. The Ombuds Office is independent of existing administrative structures and reports directly to the President of the University. Discussions with the Ombuds Officer are off-the-record and do not constitute formal notice to the University.

University Ombuds Office
660 Schermerhorn Extension, Mail Code 5558, or
101 Bard Hall
(212) 854-1234; (212) 304-7026