



GENDER-BASED MISCONDUCT POLICY AND PROCEDURES FOR STUDENTS

GENDER-BASED MISCONDUCT OFFICE
STUDENT CONDUCT AND COMMUNITY STANDARDS

GENDER-BASED MISCONDUCT POLICY AND PROCEDURES FOR STUDENTS

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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 deal fairly and firmly with students who violate University policy. 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.

With this Gender-Based Misconduct Policy and accompanying Procedures, the University defines gender-based misconduct and sets out its procedures for addressing gender-based misconduct involving students. The Policy and Procedures are designed to reflect the University's commitment to a safe and non-discriminatory educational environment, consistent with Title IX, the Violence Against Women Act ("VAWA"), and New York State Education Law 129-B.

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, 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 Teachers College are used. For more information, see the Scope of Policies and Procedures on page 3.

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, these behaviors do not have to be sexual in nature to 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 can seek help and bring complaints in the University process set out in this document. Those found responsible will be sanctioned in 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 under this Policy.

This Policy and accompanying Procedures are part of the University's multifaceted approach toward eliminating gender-based misconduct from 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 investigation and resolution of reports of misconduct; and (4) protections designed to prevent recurrence.

This Policy first specifies prohibited conduct and provides illustrative scenarios, which may be helpful in understanding the Policy's scope. It then describes available resources for students.

The Procedures discuss reporting options, campus resources, and the measures and accommodations that may be available in particular cases to support and assist students. The Procedures also spell out the investigation, adjudication, and sanctioning process that apply when students are accused of misconduct, as well as the rights of students in connection with 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 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 student at the University. The Policy applies regardless of a person's gender, gender identity, gender expression, sex, sexual orientation, age, 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 investigation and disciplinary process that applies when the Respondent is a current undergraduate, graduate, or professional student at the University, including students on leave. The University's Gender-Based Misconduct Office⁴ ("the Office") serves as the central point of contact for all University students affected by gender-based misconduct. Reports of gender-based misconduct can be made online at <http://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 investigation and disciplinary process as described here:

- If the Respondent is a Columbia employee or other person doing business with Columbia, the investigation and disciplinary processes described in Columbia's [Employee Policies and Procedures on Discrimination, Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking](#) apply.
- If the Respondent is a Barnard student, Barnard employee, or other person doing business with Barnard College, the investigation and disciplinary processes 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 investigation and disciplinary processes described in the Teachers College [Policy on the Protection from Harassment](#) 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.

² While gender-based misconduct is prohibited in all University programs and activities, this Policy does not cover elementary or secondary school students in University programs.

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

⁴ The University's Gender-Based Misconduct Office is part of the University's Student Conduct and Community Standards Office.

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 an intimate or sexual 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 turning to the definitions of prohibited conduct, here is important information about consent, non-consensual activity, and gender-based misconduct.

Consensual sexual activity requires a knowing, voluntary and mutual decision among all participants involved. Any non-consensual sexual activity is gender-based misconduct.

More specifically:

- 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, 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

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

Sexual Assault: Intercourse

Any form of vaginal, anal, or oral penetration, however slight, by a penis, object, tongue, or finger without a person’s affirmative consent.

Sexual Assault: Contact

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

Domestic Violence

The use or threat of physical or sexual violence 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, based 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 one’s self, one’s partner, or the family members, friends, pets, or personal property of the partner.

Dating Violence

The use or threat of physical or sexual violence 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 or sexual violence. Dating violence can be a single act or a pattern of behavior, based 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 one's self, 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.

Examples of sexual exploitation include observing another person's nudity or sexual activity or allowing another to observe nudity or sexual activity without the knowledge and affirmative consent of all participants; non-consensual streaming or distribution of images, photography, video, or audio recording of sexual activity or nudity without the knowledge and affirmative consent of all participants; exposing one's genitals in non-consensual circumstances; and inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

Stalking

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

messages, unwanted gifts, letters, e-mails, surveillance, or other types of observation.

Sexual Harassment

Unwelcome sexual advances, requests for sexual contact, and other verbal, physical, or visual conduct of a sexual nature 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 or student life decisions affecting that individual;
- Such conduct is intentional, serves no legitimate purpose, and involves contact with parts of another individual's body that may cause that person to feel degraded or abused;
- When the behavior is for the purpose of gratifying the actor's sexual desire; or
- Such conduct has the effect of unreasonably interfering with another person's academic performance or creating an intimidating, hostile, demeaning, or offensive campus or living environment.

Gender-Based Harassment

Acts of aggression, intimidation, stalking, or hostility based on gender or gender stereotyping constitute gender-based harassment. Gender-based harassment can occur if students are harassed either for exhibiting what is perceived as a stereotypical characteristic of their 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 create an intimidating, hostile, demeaning, or offensive academic or living environment.

Retaliation

Any adverse action or threatened action, taken or made, personally or through a third-party, against someone who has filed a gender-based misconduct complaint (a Complainant) or has been the subject of a gender-based misconduct complaint (a Respondent) or any other individual (a Witness, Third-Party Reporter or Advisor) who engages with the Office and/or the 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 engaging in activity protected under this Policy, such as seeking services; receiving protective measures and accommodations; reporting gender-based misconduct; or participating in an investigation or adjudication as a Complainant, Respondent, Witness, Third-Party Reporter or Advisor.
- Retaliation includes maliciously and purposefully interfering with, threatening, or damaging the academic or professional career of another individual, before, during or after the investigation and resolution of a report of gender-based misconduct under this Policy.
- Retaliation may also include violations of a no contact directive and/or other interim measures put in place during the course of an investigation.
- 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.
- If the alleged retaliation occurs during the course of an investigation and occurs between the Complainant and the Respondent, these allegations may be investigated separately through the Dean's Discipline process or folded into the

pending investigation, based on the circumstances of the allegation.

- Allegations of retaliation by other parties, i.e., not between the Complainant and the Respondent, will be investigated separately by the Office when the allegations involve gender-based misconduct. Any other allegations of retaliation will be investigated and adjudicated through the Dean's Discipline process.

Here are some additional examples of conduct that could constitute gender-based misconduct under the definitions discussed:

- Coercion for a date or a romantic or intimate relationship
- Unwelcome touching, kissing, hugging, or massaging
- Use of unwanted force in connection with sexual activity or attempted sexual activity
- Sexual contact with a person who has not clearly consented
- Unwelcome remarks about a person's genitals or breasts
- Belittling remarks about a person's gender or sexual orientation based on gender stereotypes
- Videotaping or photographing of activity of a sexual or private nature without the consent of the person(s) being videotaped or photographed
- Graffiti concerning the sexual activity of another person
- Use of e-mail, the Internet, or other forms of digital media to facilitate any of the conduct previously listed
- Publishing a social media post threatening to harm an individual who speaks with the Office

C. Important 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 contact or activity. It is important not to make assumptions. If there is confusion or ambiguity, participants in sexual activity need to stop and talk 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 procured 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.
- 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 verbally clarifies the other’s willingness to continue engaging in the sexual contact or activity.

- Consent may be initially given, but can 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.
- Accepting a meal, a gift, or an invitation to get together for a date, including on web-based dating apps, does not imply or constitute consent.
- 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 contact against their will.

- Coercion is more than an effort to persuade, entice or attract another person to have sex. When a person makes clear that they do not want to participate in a particular form of sexual activity, that they want to stop or that they do not want to go beyond a certain sexual activity, continued pressure can be coercive.
- 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 isolation of the person being subjected to that conduct or those threats. Coercion may be evidenced by a proposed *quid pro quo* interaction that assumes that a party will be harmed or restrained if they do not engage in sexual activity (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 of physical violence and/or imposing on someone physically to gain sexual access. Examples of physical violence include hitting, punching, slapping, kicking, restraining, choking, strangulation and/or brandishing or using any weapon.

Hostile Environment

A hostile environment may arise when unwelcome conduct of a sexual or gender-based nature affects a student's ability to participate in or benefit from an education program or activity, or creates an intimidating, threatening, or abusive educational and/or living environment. A single, isolated incident of sexual or gender-based harassment may, based on the facts and circumstances, create a hostile environment.

In evaluating a hostile environment, the University will consider the totality of the known circumstances, 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.

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 his or her decision.

- Incapacitation may be associated with a person lacking consciousness; being asleep; being involuntarily restrained; having a disability that impedes consent; or if an individual cannot consent due to other forms of helplessness. *Under New York State law, a person under the age of 17 lacks the capacity to give consent.*
- 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 discussion on how drugs and alcohol can affect consent.

- Whether sexual activity 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.

How drugs and alcohol affect consent

- The use of 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 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:

- How the Complainant understood the "who, what, when, where, why or how" of the sexual activity; 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 "blackout"). A person may experience this symptom while appearing to be functioning "normally," including communicating through actions or words to express an interest in engaging in sexual activity.

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 activity.

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. Pat noticed that Dana staggered upon returning from the bathroom. Dana's friend informed 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 sexual intercourse with Dana. Upon waking 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. Dana began crying and said, "I didn't want to have sex with you."

This 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.

This 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 activity on this particular evening. In addition, silence does not imply consent.

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 she did not understand why Jordan was making such a big deal about Peyton touching her.

This is a violation of this Policy. Peyton had not obtained Jordan's affirmative consent and, as such, this behavior constitutes intentional physical contact of a sexual nature.

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 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. This behavior constitutes stalking.

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.

This is a violation of this Policy. Any use or threat of physical violence toward a 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.

D. Resources for Students

Immediate Assistance

The University encourages all students affected by gender-based misconduct to seek immediate 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, seven (7) days a week. The Resource listing at the end of this document provides contact information for the campus and community resources available to help.

Confidentiality/Mandatory Referral

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, who are required by federal and state law to provide relevant information to the University's Title IX coordinators. Those coordinators are responsible for helping to connect 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 Resources will be able to explain his or her referring obligations in more detail.

Confidential Resources

Advocacy, Counseling Services, and Healthcare Providers

The University provides confidential advocacy, crisis and pastoral counseling, and medical services on campus. Advocates, counselors, clergy, 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 listing following the Procedures.

They will listen, help access additional assistance, and explain options for obtaining additional support from the University and others. They can also arrange for medical care and accompany students, or arrange for someone to accompany students, to seek such care. Students may use these Resources whether or not they decide to make a report or participate in University disciplinary proceedings or the criminal process.

These advocates, counselors, clergy, and healthcare providers 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)

Gender-Based Misconduct Office

The University has established the Gender-Based Misconduct Office to support and provide assistance to students affected by gender-based misconduct, whether they are a Complainant or a Respondent. The Office does not act as an advocate, but is a neutral resource available to all students. The Office is responsible for referring students to available resources, offering appropriate protections, and coordinating the disciplinary process. The Office can provide support and assistance immediately following an incident, throughout the investigation and disciplinary process and throughout a student's time at the University. Contact information for the Gender-Based Misconduct Office is in the Resources listing following the Procedures.

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

The University does not require a Complainant to report an instance of gender-based misconduct to law enforcement; however, the University resources noted later in this document are available to assist a Complainant with information about contacting the appropriate law enforcement agency. Any questions about whether a specific incident violated the penal law should be addressed to law enforcement.

The University's Public Safety personnel and the other resources in the Resources listing are familiar with New York City and New York State law enforcement processes and can explain what happens when gender-based misconduct is reported to law enforcement.

Confidential support resources as well as the Gender-Based Misconduct Office and University Public Safety 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 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)

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

This section first describes how to report an incident of gender-based misconduct; students' rights in the investigation and adjudication process; and other important background information, about privacy, advisors, and time frames. It then details the disciplinary process.

A. Reporting Gender-Based Misconduct

The University encourages students to report gender-based misconduct to the Gender-Based Misconduct Office or to a Title IX coordinator, so that the University can investigate and respond effectively. Students may meet with the Office staff to learn more about the process before making a 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. Other than defined confidential resources, if these individuals receive a report, they are required to refer what they learn about the incident to the Office, either directly or through a Title IX Coordinator. The University will endeavor to follow up on any report it receives about possible gender-based misconduct, whether from a student, other member of the community, or an anonymous source.

Before a student reveals information about an incident, Responsible Employees will try to ensure that the student understands the employee's reporting obligations. For example, if the student wishes to maintain confidentiality, a faculty member or non-

confidential staff member will direct the student to the University's confidential resources.

Confidential resources, such as counseling staff and staff from Sexual Violence Response will not share identifying information with the Gender-Based Misconduct Office about a student or an incident without the student's permission.

Requesting Confidentiality in Connection with a Report to the Gender-Based Misconduct Office

A student who reports gender-based misconduct to the Office can request that the Office not disclose his or her 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 misconduct, the Office, in consultation with the appropriate Title IX Coordinator(s), will consider the request in light of the University's commitment to provide a safe and non-discriminatory environment for all students and will honor the request whenever possible. The Office will promptly notify the student making the request whether the University will be able to honor it.

Whether or not the University is able to grant a request to keep the student's identity confidential, University personnel will reveal information about investigations and disciplinary proceedings related to gender-based misconduct only 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 protective measures in consultation with the affected students.

Intake with Case Managers

Each Complainant and Respondent who engages with the Gender-Based Misconduct Office will be assigned a Case Manager. Case Managers are typically the initial point of contact for a student with the Office. They work as a neutral and exclusive resource (a Complainant and Respondent in the same case will not have the same Case Manager) to help effectively navigate the Gender-Based Misconduct Office's investigative, disciplinary, and educational processes and to facilitate support for all University students related to gender-based misconduct.

Case Managers may assist students who need support and are seeking accommodations (e.g., working with partner offices to move a student's residence, adjust the student's academic schedule, provide access to tutoring, or addressing other academic needs). Case Managers may also assist students seeking accommodations through the Office where a Complainant chooses not to engage in the disciplinary process.

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

Accommodations and Interim Measures

The University can provide accommodations and impose interim measures after a report has been filed.

Accommodations

The Office will work with all students affected by gender-based misconduct to ensure their safety and promote their well-being throughout their time at the University. Sometimes this assistance will take the form of appropriate accommodations intended to support and provide relief.

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

The Office will evaluate any request for accommodations in light of the circumstances and information available at the time of the request. If requested accommodations cannot be granted, the Office will provide an explanation, in writing, to the student.

Accommodations may include, but are not limited to:

- Moving a student's residence
- Adjusting a student's work schedule for University employment
- Changing a student's academic schedule
- Allowing a student to withdraw from or retake a class without penalty
- Providing access to tutoring or other academic support

The Office will also work with Disability Services to assist students, as appropriate, if the student so requests. The University will provide notice about accommodations only to those who need to know in order to make them effective.

Students who are Complainants or Respondents may request a prompt and reasonable review of the need for and terms of any accommodation that directly affects them and may submit information in support of their request. Requests for review of the accommodations shall be submitted in writing to the Associate Vice President for Student Conduct and Community Standards.

A student who has experienced gender-based misconduct may also be entitled to obtain remedies under applicable law, such as an order of protection. The University can assist students in contacting law enforcement or legal service organizations to learn about these remedies.

Interim Measures

The University may also take action through directives (known as interim measures) while an investigation or disciplinary process is pending. These measures seek to ensure the safety of all parties involved and to protect the integrity of the ongoing investigation or disciplinary process.

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 the University⁵; and
- Temporarily suspending a Respondent from specified activities.

The University will provide notice about these measures only to those 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 disciplinary action.

Following the report of an incident, the Office will provide written notice to the students involved in the incident, describing any necessary interim measures and providing information about the 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 interim measure that directly affects them and may submit evidence in support of their request. Requests for review of the interim measure shall be submitted in writing to the Associate Vice President for Student Conduct and Community Standards.

⁵ 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/or the University community at large.

Other Information about Reporting

Time for Reporting

The University does not limit the time for submitting a report of gender-based misconduct. However, the University's ability to investigate and respond effectively may be reduced 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 of the report, the University may not be able to take disciplinary action against the Respondent, but 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 the 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.

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 (including but not limited to

domestic violence, dating violence, stalking, and sexual assault) to University employees, it has adopted the following policy: 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 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.

Unknown/Non-University Offenders

The University will, if possible, investigate 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. In addition, the Office will assist students in identifying appropriate campus and other resources.

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. These activities help inform the need for campus-wide education and prevention efforts. The disclosure of incidents of gender-based misconduct at such events is not considered a report to the University for the purposes of prompting an investigation of a particular incident.

B. Rights of the Complainant and Respondent

In order to provide accessible, prompt, and fair methods of investigation and resolution of incidents of student gender-based misconduct, the University has developed a process for investigation and adjudication

of misconduct reports. A handout that lists these rights will be provided to both the Complainant and the Respondent, along with the NYS Students’ Bill of Rights, during each student’s initial meeting with a Case Manager from the Gender-Based Misconduct Office. Throughout this process, both the Complainant and the Respondent have the following rights:

- 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 investigation or adjudication process (however, a decision not to participate 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 documents in the Office following the 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;
- 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;
- To notification, in writing, of the case resolution, including the outcome of any appeal;
- 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 reveal information about its investigation and adjudication of gender-based misconduct only to those who need to know the information in order to carry out their duties and responsibilities. It will inform all University affiliates, including students, faculty and staff participating in an investigation, proceeding, or hearing that they 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.

Advisors

The Complainant and the Respondent, respectively, may be accompanied to any meeting or hearing by the advisor of their choice through the course of case management, investigation, adjudication, and the appeal process. Witnesses or others involved in the Gender-Based Misconduct 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 an investigation and throughout the process. Although students are not required to bring their advisor to all meetings, they are expected to maintain the same, single advisor throughout the process unless there are extenuating circumstances that require them to obtain a replacement. This use of a single, consistent advisor enables the process to move forward in an efficient fashion. In the event that students want to make a permanent change to 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 the Investigative Team. While an advisor may address the Investigative Team during an investigative interview to seek clarity, 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 objections. In addition, while advisors may provide guidance and assistance throughout the process, all written submissions must be authored by the student.

All University administrators, including the Gender-Based Misconduct Office staff, will communicate directly with the student, rather than with the advisor. It is the student's responsibility to communicate with their advisor, including but not limited to information related to process updates.

Advisors will be expected to sign an agreement to abide by the guidelines just discussed. If an advisor fails to abide by such guidelines, he/she may be prohibited from attending ongoing or future meetings. The agreement will be provided to the student and their advisor once an advisor is requested by a student.

A Complainant or Respondent may choose to have an attorney serve as his or her advisor. University students may retain counsel independently or the University will arrange for an attorney-advisor upon request. The designated attorney-advisor will be provided at no cost to the University student. Once an attorney-advisor is assigned by the University, the student may not request a different attorney-advisor from the University, but may make another advisor selection if they choose. If the University is requested to arrange for an attorney-advisor for either the Complainant or Respondent, it will notify the other party and upon request arrange for an attorney-advisor.

Declining to Participate

The Gender-Based Misconduct Office will make multiple efforts to engage the participation of the Complainant and/or Respondent in the process; however, either party may decline to participate in any step of this process, including the investigation, adjudication, and/or any subsequent appeal.

The University may continue the process without the Complainant's and/or Respondent's participation. Declining to participate during the investigation stage of the process will preclude 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; however, the Complainant or Respondent may submit an impact statement at the sanctioning stage, if applicable, without regard to earlier participation in the process. 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.

Declining to schedule a meeting with investigators or refusal 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, as explained 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.

Time Frames

The University will seek to resolve every report of gender-based misconduct within approximately sixty (60) days of an initial report, not including the time for any appeal. 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 Resolution, Mediation, Restorative Justice, Pre-hearing Conference, 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; accommodation of the availability of parties and witnesses; students on leave; accounting for exam periods, school breaks or vacations; and/or accounting for complexities of a specific investigation, including the number of witnesses and volume of information provided by the parties. The Office will give periodic status updates to the parties, in writing.

Generally, a case will proceed in the following order:

- Receipt of report of gender-based misconduct
- Outreach by Case Management to the parties
- Discussion of possible resolutions
- Investigation conducted
- Factual Summary of Investigative Report distributed to parties
- Pre-Determination Conference held (parties provided opportunity to present the investigators with questions for the other party and/or witnesses; any necessary additional investigation conducted)
- Investigative Report with recommendations of responsibility and credibility assessment distributed to parties and hearing panel
- Pre-Hearing Conference held
- Hearing conducted (if necessary)
- Determination of the hearing panel
- Notice of sanctions, if applicable
- Appeals by either party
- Notice of a filed appeal
- Parties' review and response to an appeal
- Decision by the appellate panel

Each of these stages is explained in greater detail below and on the following pages.

Notice

The Office will provide notification (“notice”) in writing to both the Complainant and Respondent at many points in the process, depending on the stage of the process and needs of the student(s). Notice from the Office will be sent via University e-mail and may include information, such as: a written explanation of the alleged policy violation(s), Complainants’ and Respondents’ rights and options, interim measures, available accommodations, initiation of an investigation, and the range of possible sanctions should the Respondent be found responsible for a policy violation. The Office will also ensure that the Complainant and Respondent are updated throughout the investigative process, including with 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 violations that will be investigated and/or adjudicated based on information learned during the investigation.

More specifically, the Complainant and Respondent will simultaneously be given the following written notices:

- Initiation of an Investigation: Notice of the allegations and an explanation of the investigative process. This notice will include the names of the Case Manager and Title IX Investigators assigned to the matter, as well as a scheduled date and time for each person’s initial meeting related to the matter.
- Conclusion of the Investigation: Notice of the alleged policy violation(s) that will be adjudicated and Notice of an opportunity to review the Investigative Report and any other information that will be used in the hearing process, sanctions determination, and appeals, if any, consistent with federal law governing the privacy of student information.

- Pre-Determination Conference: Notice of an opportunity to meet with the Investigative Team to discuss the information obtained during the investigation and to submit any additional information, questions for the other party, and/or clarification.
- Pre-Hearing Conference: Notice of whether the Respondent accepts responsibility for violating the Policy.
- Hearing Panel: Notice of the date and time of any hearing and list of hearing panel members and Notice of hearing procedures.
- Finding: Notice of the hearing panel’s finding of “responsible” or “not responsible,” along with the rationale for the outcome, provided within three (3) business days after the hearing.
- Sanctioning: Notice of the sanctions imposed and the reasons for the sanctions and the University’s appeals process, provided within three (3) business days after the determination of the hearing panel. There will be no sanction notice if there is not a responsible finding.
- Appeals Process: Notice of whether an appeal has been filed and an opportunity to review and respond to the other party’s appeal. Requests for an appeal are due within seven (7) business days after sanction(s) are issued; Notice of the Deans assigned to the appellate panel; Notice of a response to a filed appeal; and Notice of the appellate panel’s determination, including whether the responsibility determination or sanctions have been modified and when the responsibility determination and sanctions, if any, become final. An appeal decision is delivered within fifteen (15) business days after the notice the appeal was filed.

Conflicts of Interest

The University requires any individual participating in the investigation, adjudication process, sanctioning or appeal determinations to disclose to the Gender-Based Misconduct Office any potential or actual conflict of interest. If a Complainant or Respondent believes that any individual involved in the process has a conflict of interest, he or she may make a request to the Office that the individual not participate. A conflict of interest would include, for example, situations where an individual is a party's family member, close friend, or advisor or has other similar relationships with a party.

A Complainant or Respondent who believes that a member of an Investigative Team or hearing or appellate panel has a conflict of interest must submit this written request to the Office within two (2) days after notification of the individuals involved in the investigation or panel. Any request should include a description of the conflict. The fact that an individual is the same 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. Investigation Process

The Gender-Based Misconduct Office is charged with investigating reports of violations of the Gender-Based Misconduct Policy for Students. During the investigation, the Complainant and the Respondent have an opportunity to make statements, present witnesses, ask questions and provide other information. Because every case is different, the Office tailors each investigation to the specific facts of the case while maintaining a meaningful opportunity to be heard for all parties.

Initial Assessment of Complaints

The Gender-Based Misconduct Office may initiate the investigative process when it receives a complaint or report of a violation of this Policy and there is adequate information to pursue an investigation. The Office will conduct an initial assessment of a complaint or report and related available information and may take any of the following actions:

- The Office may dismiss the complaint if it determines that the complaint does not allege facts that, if substantiated, would constitute a violation of the Policy;
- The Office may refer the complaint to another office for review if it determines that the complaint is outside the scope of this Policy; or
- The Office will determine appropriate interim measures, facilitate accommodations, and initiate an investigation if it determines that the complaint or report would, if substantiated, constitute a violation of the Policy.

Investigation

The University will notify the Complainant and the Respondent, in writing, when a report has been filed and an investigation will proceed. The notice will describe the allegations in the report and include a scheduled date and time for each to meet separately with the Gender-Based Misconduct Office. The Complainant and the Respondent must respond, confirming receipt of the notice and scheduled meeting time, within two (2) days of receiving this notice. Requests to postpone meetings and interviews may be granted, provided that the request is based on a compelling reason. When possible, Complainants and Respondents should request a postponement at least 24 hours before the scheduled meeting or interview.

During any meeting, interview and/or hearing, the Complainant and Respondent may bring an advisor. 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.

The University's process for responding to, investigating and adjudicating gender-based misconduct reports will ordinarily continue during any law enforcement proceeding. The Gender-Based Misconduct Office may need to temporarily delay an investigation while law enforcement is gathering evidence, generally no longer than ten (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.

Requests Not to Investigate

The Office will inform the Complainant before starting an investigation and 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 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 previously known conduct by the same Respondent; Whether the Respondent has threatened further gender-based misconduct against the Complainant or others; and 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.
- 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.

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 allegations, the rights and responsibilities of each party, the prohibition against retaliation, and the adjudication process before discussing the specific facts of an allegation with each party. The Complainant, the Respondent, advisors, and all witnesses will be required to agree in writing not to engage in retaliation against any participant in the investigation and adjudication process, not to record any meeting or hearing conducted as part of the process, and not to copy or photograph any documents or evidence to which they are afforded access as part of the process. Subsequently, the Investigative Team will speak to each party in detail about the allegations 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 and/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.
- Preserving 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 and Facebook and Instagram messages, writings and photographs).
- 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.

- 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 and fairness to both parties.
- Mental Health Treatment/Diagnosis: Each party has the right to request that evidence regarding his or her 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 have an opportunity to respond, requesting this 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. 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 will use the following factors when assessing the credibility of parties and the witnesses: the consistency or inconsistency of their accounts of events over time; their demeanor during their interviews; their motive to lie; any corroborating evidence; and whether their statements included specific details that were reasonable and logical.
- **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, that 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 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.

At the conclusion of this phase of the investigation, the Investigative Team will provide to the Complainant and the Respondent, in writing, a description of the alleged Policy violations that will be considered during the adjudication process. The Investigative Team will 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/or their respective advisors for their review, to be returned to the Office at the completion of the adjudication process. Media exhibits such as video recordings and/or photographs of individuals will be available for individual review in the Office, 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 resolution processes, if applicable, with each of the parties (See Resolutions). If the parties do not wish to engage in any of the available resolutions, each party will be asked if they would like to provide additional information or clarification to the factual summary.

The Pre-Determination Conference is each party’s opportunity to provide correction to typos in the factual summary, including correction of names and/or dates, or other minor factual errors; to argue that the factual summary is inaccurate; to identify additional witnesses to be interviewed; and to ensure that all relevant information is included. 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, at this point, each party will have a final opportunity to provide questions for the Investigative Team to ask of any other party involved, including witnesses. 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, need to be rephrased in proper form, or are unrelated to the case and, as such, may be denied. Following the conference, the Investigative Team will pose additional questions and document requests as appropriate.

The investigation will then be considered closed and options for resolution, if applicable, will again be reviewed with both parties.

D. Resolutions

During their initial meeting with a Case Manager and/or investigator and again at the conclusion of an investigation, relevant options for resolution will be discussed with each party. Examples of possible resolutions are: mediation; restorative justice; or a post-investigation hearing panel. Complaints of sexual assault can only be resolved by post-investigation hearing panel.

At any time after a report is filed and before a hearing is scheduled, either party in a matter not involving sexual assault may request any one of these forms of resolution. These resolutions can occur when the parties do not wish to proceed with an investigation and/or hearing panel and seek the Office's assistance to resolve the matters among themselves.⁶

Restorative Justice

A party may request to engage in restorative justice at any stage of the process. The purpose of restorative justice is for all affected parties to identify the harms that were caused by a student's actions and to collaboratively determine the best method for repairing those harms. Restorative justice will be used only with the consent of both the Complainant and the Respondent, and either has the right to terminate the process and resume the regular disciplinary process at any time. The University will not use restorative justice for cases involving allegations of sexual assault.

The restorative justice process will typically commence within ten (10) days after the Gender-Based Misconduct Office receives written consent from both the Complainant and the Respondent. It will continue

until concluded or terminated by the Complainant, the Respondent, or the Office. If the process leads to successful resolution, the disciplinary process will be concluded and the matter will be closed. If a resolution cannot be reached, the disciplinary process will resume.

Generally, to engage in restorative justice, the Complainant and the Respondent should be comfortable being in the same room with each other (each with an individual advisor, should they choose) and participating in a conversation guided by a specifically trained University administrator. To begin the process, the Complainant may provide a statement to the Respondent addressing the harm the Complainant experienced as a result of the Respondent's conduct. The Respondent may then provide a statement addressing their conduct and proposing solutions to best repair the harm caused by their behavior. The Complainant and the Respondent may then alternately propose and counter-propose solutions to create terms of a resolution, until a resolution is agreed upon or until it is determined that the parties are unable to agree.

If the Complainant and the Respondent are unable to agree to a resolution, the disciplinary process will resume. If the Complainant and the Respondent are able to agree upon a resolution, the Office will review the proposed resolution and will have final approval over its implementation. The Office will monitor the Respondent and the Complainant's adherence to the proposed solution and close the matter when compliance is satisfactory.

Mediation

A party may request mediation from the Gender-Based Misconduct Office at any stage of the process. The purpose of mediation is for Complainants and Respondents to identify the harms that were caused by a student's actions and meet, with the assistance of a trained facilitator, to determine the best method for repairing those harms. The Complainant and Respondent will be asked not to contact each other to discuss mediation. Mediation will be used only with the

⁶ Statements made by the Complainant and/or Respondent solely relating to the conduct alleged in the initial report will not be included in the disciplinary process should mediation or restorative justice processes be terminated and the disciplinary process resumed.

consent of both the Complainant and Respondent, and either has the right to terminate the mediation process and resume the regular disciplinary process at any time.

The mediation process will typically commence within ten (10) days after the Office receives consent to mediate from both the Complainant and the Respondent and will continue until concluded or terminated by either the Complainant or the Respondent or the Office. During mediation, the investigation and 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 disciplinary process will resume. The University will not use mediation for cases involving allegations of sexual assault.

During mediation, a facilitator will guide a discussion between the Complainant and the Respondent, with the goal of identifying the harm caused by the offense and how the harm can be repaired. Together the Complainant, the Respondent, and the facilitator will create an agreement that may include items such as apology letters, agreement to a no contact directive and/or restriction of access, and education related to the offense. The content of the agreement is created on a case-by-case basis, and students are supported in creating their own agreements. The Office will monitor the Respondent and the Complainant's adherence to the proposed solution and close the matter when compliance is satisfactory.

Hearing and Adjudication Process

The process described here will be used in all matters involving allegations of sexual assault and in all other matters where the parties do not achieve a resolution through another available process.

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

After the investigation is completed, a pre-hearing conference will be scheduled individually with each party and the Investigative Team. During the Pre-

Hearing Conference, the Investigative Team will discuss the analysis and recommendation of responsibility.

The Investigative Team will ask the Respondent to complete a disciplinary action agreement in which the Respondent responds in writing to the alleged violation in one of the following ways: Responsible; Not Responsible; No Contest; or No Response.

If the Respondent accepts responsibility or responds No Contest at this stage, the matter will be referred to the Sanctioning Officer without a hearing (see Sanctioning). The Respondent will sign a disciplinary action agreement constituting a waiver of the right to a hearing and any appeal of the finding(s). The Respondent retains the right to appeal on other grounds (see Appeal Process).

If the Respondent declines responsibility or chooses not to respond, the Investigative Team will write an assessment of individual credibility and a recommended finding regarding responsibility to be included with the factual summary, concluding the Investigative Report.

The Investigative Team will issue a recommendation that a Respondent be found "responsible" or "not responsible" for each policy violation that has been investigated. Once the recommendation has been issued, the Investigative Team will ask each party if they would like the matter referred to hearing panel. A party must respond in writing within three (3) days if they wish for a hearing panel to review the matter. Each party will be notified of the other party's request. Should neither party request a hearing, the matter will be considered resolved based on the Investigative Team's recommended finding(s), with each party retaining their right to appeal the recommendation (see Appeal Process).

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). It is by the preponderance of evidence standard that the panel determines whether there is a violation of policy.

If the hearing panel reviews the Investigative Report and determines that additional investigation needs to be conducted, it may request the Investigative Team to conduct additional interviews or reconcile 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.

The hearing panel will generally have three members drawn from specially trained administrators within the University's Student Conduct and Community Standards office and/or the Equal Opportunity and Affirmative Action office, excluding the Investigative Team and other administrators responsible for the report. All panelists will 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 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 previous pages).

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 why they agree or disagree with the Investigative Team's recommendation.

The written statement must be completed by the student and be no more than five (5) 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 less than two (2) days prior to the scheduled hearing. Statements discussing the impact of the alleged gender-based misconduct or the disciplinary process are not considered for the purpose of determining a finding of responsibility. Statements submitted for consideration that include information outside the scope of review by the hearing panel will be redacted, including statements of impact, which are submitted directly to the Sanctioning Officer, if applicable.

Hearing Procedures

The Office, whenever possible, will give the Complainant and the Respondent at least five (5) 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, 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 at least 24 hours prior to the time of the hearing.

Both the Complainant and the Respondent are afforded the opportunity to participate in the hearing. Witnesses will not be involved in the hearing process. Each party 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's respective advisor can also be present in the room when the advisor's party is present. During the hearing, questions may be posed to a party and/or the Investigative Team, through the hearing panel, to better clarify or understand and analyze the Investigative Report. In general, hearings will proceed as follows:

- Complainant's opening statement
- Questions by the panel to the Complainant (*if the Panel deems necessary*)
- Respondent's opening statement
- 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
- Respondent's closing statement

In cases where either the Complainant or Respondent opts not to participate in the hearing, the other party can 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.

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 and Respondent 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 should 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.
- Information Regarding Sexual History: Generally, the hearing panel will not consider the sexual history of either the Complainant or Respondent in cases involving allegations of gender-based misconduct. 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 sexual assault, nonconsensual sexual contact, domestic violence, dating violence, stalking, sexual harassment, gender-based harassment and sexual exploitation, prior findings of responsibility for allegations of the same will not be considered by the hearing panel. These prior findings may be admissible in the disciplinary stage that determines 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 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 (3) business 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.

E: Sanctions and Other Remedies

How Sanctions are Determined

In determining a sanction, the Sanctioning Officer of the Respondent’s school, after consultation with the Student Conduct and Community Standards Office, will impose sanctions that are:

- Fair and appropriate, given the facts of the particular case;
- 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, 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, intentional incapacitation, etc.); the Respondent’s state of mind (intentional, knowing, bias-motivated, reckless, negligent, etc.); 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 completed by the student and be no more than five (5) single-spaced typed pages, using size 12-point Times New Roman font and 1-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 alleged violations.

The Sanctioning Officer from the Respondent’s school, in consultation with the Student Conduct and Community Standards Office, will render a sanctioning decision within three (3) business days following the receipt of the hearing panel’s determination. The sanctioning decision will be communicated in writing to the Complainant and the Respondent, with a rationale for the sanction.

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
- No Contact Directive requiring the Respondent to have no contact with the Complainant
- Change to the Respondent's academic schedule
- Disciplinary Probation
- Revocation of honors or awards
- Restricting access to University facilities or activities (student activities and campus organizations and buildings)
- Removal from leadership/supervisory positions within the University community (*including academic leadership positions, such as the roles of teaching assistant, course assistant, and grader*).
- Change to the Respondent's residence
- 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 of degree
- Revocation of degree
- Revocation of alumni privileges (if the Respondent graduates prior to the conclusion of the disciplinary process)

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 or 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, pending an investigation, a determination and/or appeal, an administrative hold may be placed on the Respondent's University transcript, diploma, registration, and/or student account until this 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 or expulsion. Notations on transcripts will be indicated as follows: disciplinary suspension; disciplinary expulsion; or withdrawn with disciplinary action pending.

Ongoing Accommodations for Complainants

Whatever the outcome of the investigation, hearing and/or appeal, a Complainant may request ongoing or additional accommodations, and the Office, in consultation with the designated administrator of the Complainant's school, will determine whether such measures are appropriate. These accommodations 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 accommodations include:

- 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
- Climate surveys regarding gender-based misconduct.

F. Appeal Process

Either the Respondent or the Complainant or both may appeal the determination of the hearing panel and/or the sanction(s). Appeals are decided by an appellate panel consisting of three (3) 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 (2) deans will be added from other schools. Should a party be a student 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 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 and the sensitive issues in reviewing gender-based misconduct cases. The three (3) grounds for appeal are:

- Procedural error: An appeal based on procedural error must identify with specificity each alleged error(s) within the investigative and/or hearing process and the ways in which the specified error(s) substantially affected the fairness of the process;
- 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 substantially alter the decision by the hearing panel; and/or
- Excessiveness or insufficiency of the sanction: An appeal based on the imposed sanction must explain why this sanction is inappropriate based on the weight of the information provided during the investigation, hearing and/or sanction.

Disagreement with the finding or sanction is not, by itself, a ground for appeal. Moreover, the purpose of an appeal is not to initiate a review of substantive issues of fact.

Both the Complainant and/or the Respondent may appeal the determination and/or sanction within seven (7) days after receipt of the finding and sanctioning notice (if applicable), by filing the appeal in writing to the Gender-Based Misconduct Office. Attached to their appeal, the student may provide a written submission for the appellate panel to review, no longer than, including attachments, five (5) single-spaced typed pages, using 12-point Times New Roman font and 1-inch margins.

If either the Complainant or the Respondent submits an appeal, the Office will notify the other party within three (3) days after receipt. The Office will provide the non-appealing party an opportunity to review the submission and submit a written response. This response must be written by the student, no more than five (5) single-spaced typed pages, using 12-point Times New Roman font and 1-inch margins, and submitted within five (5) days after a notice of appeal is issued. If both the Complainant and the Respondent appeal, the appeals will be considered concurrently and

both parties will have the opportunity to review and respond to the other party's appeal. In making a determination, the appellate panel will have access to and the ability to review the complete file, including all exhibits, prior student submissions and a recording of the hearing (if applicable).

If the appellate panel concludes that a change in the hearing panel's determination and/or the sanction is warranted, the appellate panel may enter a revised determination, reconvene the hearing panel to reconsider the determination, or return the matter for additional investigation. The appellate panel can also change the sanction.

The appellate panel will notify the Complainant and the Respondent of the final decision in writing. Appeal decisions will be rendered within fifteen (15) days after the receipt of the written appeal. All appeal decisions are final.

G. University Records

File Retention

The disciplinary file compiled as part of an investigation into allegations of gender-based misconduct is part of a student's educational record and is maintained by Student Conduct and Community Standards. This file generally contains a description of the alleged violation, supporting documentation, written submissions, the Investigative Report with exhibits, and official case-related correspondence. The University will maintain and report disciplinary files for a minimum of seven years from the date of incident or for four years after a student's graduation or separation, whichever extends the longest. After the maximum file retention period, the files will no longer be reportable except in cases resulting in suspension or expulsion which are retained indefinitely.

Records Disclosure

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 in the course of an investigation 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 a record associated with an outcome where a student was deemed not in good disciplinary standing. This record 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:

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

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”)⁷ 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.

V: 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 as it deems appropriate to further the educational mission or to protect the safety and security of the University community.

VI: APPENDICES

A. New York State Students’ Bill of Rights

B. Resource Guide for Students Involved in Gender-Based Misconduct

⁷ For purposes of the Clery Act, Columbia University, Barnard College, and Teachers College separately report Clery data.

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
- **CUMC:** 60 Haven Ave, Bard Hall, Suite 206
- **Barnard:** 105 Hewitt Hall | 9am-5pm (*Available during the academic year*)
- **Helpline*:** 212-854-HELP (4357) (*Available 24 hours a day year-round*)

Ombuds Office

- **Morningside:** 660 Schermerhorn Ext. | 212-854-1234
- **CUMC:** 154 Haven Ave, Room 412 | 212-304-7026
- **Teachers College*:** 212-678-4169 | 212-678-4016

Medical Services

- **Morningside*:** John Jay | 212-854-7426 | 9am-4:30pm
- **CUMC:** 60 Haven Ave, Suite B234 | 212-305-3400
- **Barnard:** Lower Level Brooks Hall | 212-854-2091 | 9am-4pm

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, Suite 800 | 212-854-2878
- **CUMC:** 60 Haven Ave, Bard Hall | 212-305-3400 *by appointment only*
- **Barnard:** Furman Counseling Center | 212-854-2092 After hours 855-622-1903

University Pastoral Counseling

- **Office of the University Chaplain:** (*Ordained Clergy*) 710 Alfred Lerner Hall | 212-854-1493

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

- **Morningside:** Wien Hall, Suite 108A | 212-854-2388
- **CUMC:** 105 Bard Hall, 50 Haven Ave | 212-304-7029
<http://www.health.columbia.edu/disability-services>

Students seeking accommodations for a disability in connection with the process of reporting or responding to an incident of gender-based misconduct may contact the Office or the office responsible for disability services at their institution, as listed above.

* indicates that facility supports Teachers College.

☀ indicates facilities that are not available 24 hours a day.

ADDITIONAL RESOURCES (NON CONFIDENTIAL)

Gender-Based Misconduct Office within the Student Conduct and Community Standards Office ("the Office")

- **Jeri Henry, Associate Vice President**
jerihenry@columbia.edu | 212-854-1389
- **Case Management and Community Engagement**
conductcm@columbia.edu | 212-854-1717

University Title IX Coordinators

- **Columbia University:** Marjory Fisher, Associate Vice President | 208 Philosophy Hall | mdf2166@columbia.edu | 212-854-1276
- **Barnard:** Amy Zavadil, Associate Dean for Equity | 105 Milbank Hall | 212-854-0037
azavadil@barnard.edu | 105 Milbank Hall
- **Teachers College:** Janice Robinson, Vice President for Diversity and Community Affairs | 128 Zankel Building
jrobinson@tc.edu | 212-678-3391

University Public Safety

- **Morningside:** 212-854-5555
- **CUMC:** 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:** 163 Thorndike Hall
<http://www.tc.columbia.edu/oasid> | 212-678-3689
- **Barnard Office of Disability Services:** 008 Milbank 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/CUMC 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 Broadway 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/CUMC 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/>
- **Together Against Sexual Violence** ☼
<http://www.notalone.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 10005 646-428-3800
OCR.NewYork@ed.gov
- **U.S. Department of Justice, Office on Violence Against Women** ☼
<http://www.ovw.usdoj.gov>
145 N St, NE, Suite 10W.121 Washington, D.C. 20530
202-307-6026
- **National Domestic Violence Hotline**
800-799-SAFE
- **National Crime Victim Center** ☼
<http://www.ncvc.org>
1800-FYI-CALL (8:30am – 8:30pm)

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) If there is reasonable cause to suspect that a minor has been sexually abused, this resource will notify University leadership. (NY Social Services Law)
	University Ombuds Offices	
ADDITIONAL RESOURCES (NON CONFIDENTIAL)	Gender-Based Misconduct Office (<i>within Student Conduct and Community Standards – "the Office"</i>)	<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) This resource will share information with University personnel who need to know it in order to carry out University policies and procedures
	Title IX Coordinators	
	Public Safety Personnel	<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
	Other University 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) 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>	

Gender-Based Misconduct Office
Student Conduct and Community Standards
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