



2023 ANNUAL CAMPUS SECURITY

&

FIRE SAFETY REPORT

(For the 2023-2024 academic year, containing crime statistics for calendar years 2020, 2021, & 2022)

**Prepared By:
The Office of Public Safety for
Teachers College,
Columbia University
525 West 120th Street
New York, New York**

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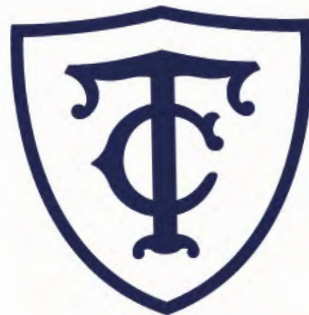
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A Message from the Assistant Vice President of Public Safety & EHS

On behalf of Teachers College, Columbia University Office of Public Safety and Environmental Health & Safety (EHS), I'm pleased to present Teachers College's 2023 Annual Security and Fire Safety Report (ASR), prepared by the Department of Public Safety, and distributed to our community in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

At Teachers College, the Public Safety & EHS team's highest priority is to ensure the safety and well-being of the College's community enabling the pursuit of academic excellence and professional goals. The members of our department are highly trained Public Safety and EHS professionals responsible for ensuring the best practices in campus security, fire safety, environmental health, and emergency preparedness. Furthermore, our team members are committed to fulfilling Teachers College's strategic priority to Institutionalize Diversity, Equity, & Inclusion by fostering a welcoming campus environment for all community members and visitors.

This publication contains information about Teachers College, Columbia University's campus safety operations, crime prevention & safety awareness programs, three years of crime statistics on and around our campus, as well as fire safety data. It is also intended to inform current community members and assist prospective students and employees by describing how we keep our community safe. I hope you will take some time to read this informative document as it provides a comprehensive overview of campus safety at Teachers College, Columbia University.

Dennis F. Mazone, M.A., CEM, CBCP
Assistant Vice President
Public Safety and Environmental Health & Safety

Teachers College

COLUMBIA UNIVERSITY

About This Report

This report contains important information for the TC community and is prepared in accordance with the Campus Security Act (Clery Act), as amended by the Violence Against Women Act (VAWA), and New York State Education Law Articles 129A and 129B. The current version may be found at: www.tc.columbia.edu/policylibrary/public-safety/campus-security-report/.

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

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

The Campus Security Act (Clery Act)

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

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

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

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

Teachers College Office of Public Safety

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

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

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

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

The Public Safety Booth at the 528 Building driveway is generally staffed Monday through Thursday from 6:30 A.M. to 9:30 P.M. and Friday from 6:30 A.M. to 6:00 P.M.

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

The Office of Public Safety is staffed by approximately 40 in-house members. It is led by an Assistant Vice President of Public Safety and Environmental Health and Safety. The management team includes a Director of Public Safety Administration, a Director of Public Safety Operations, and a Director of Environmental Health & Safety. Uniformed Public Safety Officers are licensed by New York State, and most are certified as New York City Fire Life & Safety Directors. They are also certified in CPR and the operation of Automatic External Defibrillators (AED). Public Safety Officers are unsworn, do not carry firearms, and do not have police arrest powers.

Environmental Health and Safety

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

Interagency Cooperation with Law Enforcement

New York Police Department

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

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

Federal Law Enforcement

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

Publication of Crime and Fire Statistics

The Clery Act requires the publication of certain crime statistics for the three most recent calendar years. The statistical information on crimes is found on page 23. Fire statistics may be found in Appendix A. Other important policies are found in the additional appendices included at the back of this report. (See Appendices A–L).

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

Columbia University's current Annual Campus Security Report can be found at: publicsafety.columbia.edu.

Teachers College wishes to thank Columbia University's Department of Public Safety for generously sharing portions of Columbia University's Report with Teachers College.

Daily Crime Log

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

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



Reporting Procedures

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

Teachers College and the Office of Public Safety encourage the accurate and prompt reporting of crimes to the Office of Public Safety and to local law enforcement, including when the victim elects to or is unable to make such a report.

This can be done either by calling 911 or going to the 26th Precinct in person. The 26th Precinct, 520 West 126th Street (West of Amsterdam Ave.), is within walking distance of campus.

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

The Office of Public Safety recommends that College community members dial **3333** in any emergency so that the Office of Public Safety can facilitate a direct response by both on-campus and off-campus emergency services. On-campus emergency phones are strategically located in the residence hall's laundry rooms, outside of residence halls, and in key locations in the academic areas.

For purposes of including them in the annual statistical disclosure and assessing them for issuing Timely Warning Notices when deemed necessary, members of the community are encouraged to and are helpful when they immediately report crimes or emergencies to the Office of Public Safety and/or to:

- Title IX Coordinator and VP for Diversity and Community Affairs 212-678-3391
- Vice Provost for Student Affairs 212-678-3083
- Executive Director, Graduate Student Life and Development 212-678-3690
- Executive Director, Residential Services 212-678-3235



Confidential and Anonymous Reporting of Crimes

Teachers College encourages all victims of crimes to alert the Office of Public Safety and the New York City Police Department. If you are the victim of a crime and do not want to pursue action within the Teachers College system or the criminal justice system, you may still want to consider making a confidential report. With your permission, an OPS officer can file a report on the details of the incident without revealing your identity (except to the Title IX Coordinator in the event of a reported sex offense or sexual harassment). The purpose of a confidential report is to comply with your wish to keep the matter confidential while taking steps to enhance the future safety of yourself and others. With such information, TC can keep an accurate record of the number of incidents involving students, employees, and visitors; determine where there is a pattern of crime regarding a particular location, method, or assailant; and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the institution.

If you are the victim of a crime and do not want to pursue action within the College system or the criminal justice system, you may choose to make an anonymous report. If you become aware of a crime through observation or information, you may report that crime without identifying your sources or yourself. Call Crime Stoppers at 1-800-577-TIPS or report at crimestoppers.nypdonline.org.

Confidential and/or anonymous reports of crimes may be included in the College's annual crime statistics.

You may leave an anonymous voicemail to the Office of Public Safety at 212.678.3111 during non-business hours, or you may send an anonymous email to publicsafety@tc.columbia.edu.

Anonymous reports may also be filed through Ethics Point, 888-329-6420, or secure.ethicspoint.com/domain/media/en/gui/22716/index.html.

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

Response to a Report

A Public Safety Officer is available 24 hours a day to answer your calls at 212-678-3333. In response to a call, OPS will take the required action, either dispatching an officer or asking the victim to report to OPS to file an incident report. All reported crimes will be investigated by the College and may become a matter of public record. All OPS incident reports are forwarded to the Vice Provost for Student Affairs for review and referral to the Committee on Student Conduct for potential action, as appropriate. OPS Investigators will investigate a report when it is deemed appropriate. Additional information obtained via the investigation will also be forwarded to the Vice Provost of Student Affairs. If assistance is required from the NYPD or the FDNY, OPS will contact the appropriate unit. If a sexual assault or rape should occur, staff on the scene, including OPS, will offer the victim a wide variety of services.

Investigations of Criminal Incidents

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

Timely Warnings

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

The Assistant Vice President of Public Safety (AVPPS) or designee reviews all crime and incident reports to determine if there is a serious or ongoing threat to the community and if the distribution of a Timely Warning is warranted. In the event a crime is reported within the TC Clery Geography (On Campus, Public Property, and Non-campus property) that, in the judgment of the AVPPS or designee, constitutes a serious or continuing threat, a campus-wide “timely warning” notice will be issued.

Timely Warning Notices may be disseminated for any Clery-reportable crime classifications as deemed necessary. Timely Warnings are typically issued for the following Uniform Crime Reporting Program (UCR)/National Incident-Based Reporting System (NIBRS) crime classifications:

- Murder/Non-Negligent Manslaughter
- A string of Burglaries or Motor Vehicle Thefts that occur in reasonably close proximity to one another.
- Aggravated Assault (cases involving assaults among known parties, such as two roommates fighting, which results in an aggravated injury, will be evaluated on a case-by-case basis to determine if the individual is believed to be an ongoing threat to the larger TC community)
- Robbery involving force or violence (cases including pickpocketing and purse snatching will typically not result in the issuance of a Timely Warning Notice but will be assessed on a case-by-case basis)
- Sexual Assault (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount of information known by the AVP of OPS, or designee). In cases involving sexual assault, they are often reported long after the incident occurred. Thus, there is no ability to distribute a “timely” warning notice to the community. All cases of sexual assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a Timely Warning Notice.
- Major incidents of Arson
- Other Clery crimes as determined necessary by the AVPPS or their designee in their absence.

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

Timely Warning Notices will be distributed as soon as pertinent information is available, in a manner that withholds the names of victims as confidential and with the goal of aiding in the prevention of similar occurrences.

The institution is not required to issue a Timely Warning for crimes reported to a pastoral or professional counselor.

Emergency Notifications

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

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

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

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

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

Emergency Text Messaging–TC Alert

Emergency notifications may be made to the community via TCAAlert, a mass notification system that enables fast and efficient dissemination of critical information to members of the College community. TCAAlert allows the College to send simultaneous emergency text, email, and voice message alerts. TC Alert may not be used for general announcements.

Emergency text messaging (TCAAlert) may be used in conjunction with other communication methods, such as College-wide broadcast emails, online updates via the Teachers College homepage, coordinated use of public media outlets, and public address systems within most college buildings. Face-to-face communication may be used in the event of an emergency. The TC Alert system is tested twice each year.

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

To sign up for TCAAlert, follow the steps below:

1. Go to the Teachers College [myTC](#) Portal.
2. Log into the system using your UNI ID and password.
3. Select “Student or Employee Resources” from the menu at the top of the page.
4. Select “TC Alert Signup” in the “Personal information” channel.
5. Enter the phone number to which you want to receive text and/or voice messages. Alternatively, you may opt out of the system via option 3.
6. Press SUBMIT.

Non-Emergency Communications

Non-emergency communications are generally provided via college-wide broadcast emails.

The Teachers College Campus

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

There are seven academic buildings on campus:

- 1) the Zankel Building, 2) Thompson Hall, 3) Horace Mann Hall, 4) 528 Building, 5) Macy Hall, 6) Grace Dodge Hall, and 7) Russell Hall.

There are five residential halls on campus:

- 1) Grant, 2) Sarasota, 3) Bancroft, 4) New Residence, and 5) Whittier.

The College also maintains two faculty residences:

- 1) Lowell Hall on-campus and 2) Seth Low, just off-campus at Morningside Drive and West 121st Street.

Access to Campus

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

The Gottesman Libraries are open to students, faculty, and staff of Teachers College and affiliated institutions, namely Columbia University, Barnard College, Union Theological, and Jewish Theological seminaries. Non-affiliated researchers and scholars may arrange library visitor access by contacting Libraries Administration at (212) 678-3494. The Gottesman Libraries are open from 8:00 A.M. to 11:00 P.M. Monday through Thursday; 8:00 A.M. to 7:00 P.M. on Fridays; 12:00 noon to 7:00 P.M. on Saturdays, and 12:00 noon to 11:00 P.M. on Sunday. The libraries have extended hours during midterm and final exam periods. For more information, please go to <https://library.tc.columbia.edu/about/>

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

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

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

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

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

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

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

All students, faculty, and staff are encouraged to carry their Teachers College or affiliate institution ID card on their person and consider wearing it on outermost garment while on campus. Visitors are required to wear their Public Safety-issued visitor pass on their outermost garments while in campus buildings and residence halls at all times.

Security of the Campus

The Campus Access rules are monitored and enforced by the Office of Public Safety.

The main entrance at the Zankel building is staffed with a Public Safety Officer whenever the academic campus is open. The secondary entrance to the academic campus in Whittier is staffed by a Public Safety Officer 24 hours, 7 days a week. The 528 Building Driveway entrance is staffed whenever the Thompson, Chapel, or 528 doors are open. Public Safety Officers at these entrances ensure that all those who enter campus comply with the campus access requirements and are properly identified.

The New Residence student housing facility is staffed 24 hours, seven days a week by a Public Safety Officer to ensure that all those who enter campus comply with the campus access requirements and are properly identified.

The student housing facilities of Bancroft, Sarasota, and Grant Halls are generally unstaffed. They are secured electronically, including restricted access by card swipe only and a closed-circuit video monitoring system.

Public Safety Officers patrol all campus buildings to evaluate and monitor security-related matters.

Security Considerations in the Maintenance of Campus Facilities

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

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

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

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

Clery Geographical Reporting Area for TC



RED HATCHING = ON-CAMPUS PROPERTY

YELLOW HATCHING = PUBLIC PROPERTY ADJACENT TO CAMPUS

BLUE DOT= ON-CAMPUS RESIDENTIAL HOUSING BUILDINGS

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

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

Clery Geography Definitions

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

by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or retail vendor).

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

Non-Campus Building or Property—Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of or in relation to the institution’s educational purposes, is frequently used by students and is not within the same reasonably contiguous geographic area of the institution.

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

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

Definitions of Criminal Offenses

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

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

State Law has varying definitions of many sex and gender-related crimes and bias crimes. In accordance with New York State Education Law Article 129-A and VAWA, these definitions are available at: <https://www.tc.columbia.edu/media/administration/title-ix/Laws.pdf>

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

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

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

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

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

For Clery purposes, hate crimes are those in which the victim is intentionally selected because of actual or perceived race, gender, religion, national origin, sexual orientation, gender identity, ethnicity, or disability. Reportable hate crimes include bias-motivated homicide, sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, arson (as

previously defined), Larceny, Simple Assault, Intimidation, and Destruction / Damage / Vandalism. For more information, refer to the policy on Hate or Bias Crime Reporting at <https://www.tc.columbia.edu/policylibrary/policies/hate-or-bias-crime-reporting-1242137/> or the appendix.

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

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

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

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

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

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

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

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

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

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



Sexual Assault Definitions

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

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

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

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

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

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

State Law has varying definitions of many sex- and gender-related crimes and bias crimes. In accordance with New York State Education Law Article 129-A and VAWA, these definitions are available as “New York Sex Crimes and Bias Crimes” at <https://www.tc.columbia.edu/media/administration/title-ix/Laws.pdf>

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

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

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

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

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

Stalking—Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

Fear for a person’s safety or the safety of others; or suffer substantial emotional distress.

For the purposes of the definition of “stalking”:

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

Arrests, Referrals, and Disciplinary Actions

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

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

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

For Drug and Alcohol abuse education programs see: <https://www.tc.columbia.edu/policylibrary/policies/drug-free-campus-1222584/>

Weapons Law Violation—The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature.

Missing Persons

If a member of the community has reason to believe that a student who resides in on-campus housing has been missing, they should immediately notify Teachers College Office of Public Safety (OPS) at (212) 678-3333. In an emergency, call 911.

If members of the TC community believe that a student has been missing for 24 hours, it is critical that they report that information to OPS by calling (212) 678-3333. OPS will generate a report and will attempt to locate the student or determine why the student is presumed missing. This investigation is accomplished using both on-campus and off-campus resources. The Office of Public Safety will coordinate with the Office of Residential Services, the Chief Student Affairs Officer, and any other appropriate offices. If the resident student cannot be located within 24 hours, or if the circumstances warrant earlier intervention and investigation by law enforcement, the Office of Public Safety will contact the local NYPD precinct and will assist them as requested. OPS will contact the student's designated confidential missing person contact as soon as practicable and no later than 24 hours after the student is determined to be missing. If the missing student is under the age of 18 and un-emancipated, TC will also notify the student's parent or legal guardian as soon as practicable but no later than 24 hours after the student is determined to be missing, and any other designated contact person within 24 hours. Regardless of whether the student has identified a contact person, is above the age of 18 or is an emancipated minor, TC will inform the Local PD (or the local law enforcement with jurisdiction) that the student is missing within 24 hours.

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

Students are advised that in the event a student is under 18 years of age and not emancipated, TC must notify a custodial parent or guardian within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person designated by the student. Students are advised that, for all missing students, TC will notify the local law enforcement agency within 24 hours of the determination that the student is missing unless the local law enforcement agency was the entity that made the determination that the student is missing.

Campus Crime Statistics for 2020, 2021, and 2022

This table includes all reports of Clery crimes made to Public Safety, other TC CSAs, or local Police Authorities. A report is counted during the year made (rather than when the incident occurred) and regardless of the outcome of any investigation or prosecution.

Crime/Offense	On Campus			Non-Campus			Public Property			Residence Halls			Total		
	2020	2021	2022	2020	2021	2022	2020	2021	2022	2020	2021	2022	2020	2021	2022
Murder Non- negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	1	1	0	0	0	0	0	0	0	1	1	0	1	1
Fondling	0	0	1	0	0	0	0	0	0	0	0	1	0	0	1
Incest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	1	0	0	0	0	0	0	1	1	0	0	0	1	1	1
Aggravated Assault	2	0	0	0	0	0	0	0	1	0	0	0	2	0	1
Burglary	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1
Motor Vehicle Theft	0	0	0	0	0	0	0	1	2	0	0	0	0	1	2
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
VAWA Offenses															
Domestic Violence	1	1	1	0	0	0	1	0	2	0	0	0	2	1	3
Dating Violence	0	1	3	0	0	0	0	0	0	0	1	2	0	1	3
Stalking	2	2	6	0	0	0	0	2	2	0	2	1	2	4	8
Arrests															
Weapons Violations	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0	0	1	0	0	0	0	0	1	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Referrals															
Weapons Violations	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Violation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Hate Crimes															
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Unfounded Crimes															
0	0	1	0	0	0	0	0	0	0	0	0	1	0	0	1

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

Teachers College (“College”) is committed to fostering an environment free from gender-based discrimination and harassment, including sexual assault and all other forms of gender-based misconduct. Through the implementation of policies and procedures as well as education and prevention programs, the College seeks to increase awareness of such misconduct, prevent its occurrence, investigate reports of misconduct, support those who experienced gender-based misconduct, deal fairly with those accused of violating College policy, and sanction those found to have violated College policy. Teachers College prohibits the offenses of domestic violence, dating violence, sexual assault, and stalking (as defined by the Clery Act) and reaffirms its commitment to maintaining a campus environment that emphasizes the dignity and worth of all members of the College community. Toward that end, Teachers College issues this statement of policy to inform the campus community of our programs to address domestic violence, dating violence, sexual assault, and stalking as well as the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, which will be followed regardless of whether the incident occurs on or off campus when it is reported to a College official. This policy is a part of this document, delineated in Appendix F: Gender Based Misconduct Policy for Students.

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

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

Federal Clery Act Definitions of Domestic Violence, Dating Violence, Sexual Assault and Stalking

The Clery Act defines the crimes of domestic violence, dating violence, sexual assault, and stalking as follows:

Domestic Violence:

A felony or misdemeanor crime of violence committed—

1. By a current or former spouse or intimate partner of the victim;
2. By a person with whom the victim shares a child in common;
3. By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
4. By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
5. By any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
6. For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Teachers College prohibits the crimes of domestic violence, as defined by the Clery Act.

Dating Violence:

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

For the purposes of this definition—

- Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.
- For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Teachers College prohibits the crimes of dating violence, as defined by the Clery Act.

Sexual Assault:

An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent."

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

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

Incest is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape is defined as sexual intercourse with a person who is under the statutory age of consent.

Teachers College prohibits the crimes of sexual assault, as defined by the Clery Act.

Stalking:

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

- Fear for the person's safety or the safety of others; or
- Suffer substantial emotional distress.

For the purposes of this definition, a course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.

A reasonable person means a reasonable person under similar circumstances and with similar identities to the victim. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Teachers College prohibits the crimes of stalking, as defined by the Clery Act.

Jurisdictional Definitions of Domestic Violence, Dating Violence, Sexual Assault and Stalking

Domestic Violence: The state of New York defines domestic violence in the Domestic Violence Prevention Act as follows:
SECTION 459-A

Definitions

Social Services (SOS) CHAPTER 55, ARTICLE 6-A

§ 459-a. Definitions. As used in this article: 1. "Victim of domestic violence" means any person over the age of sixteen, any married person or any parent accompanied by his or her minor child or children in situations in which such person or such person's child is a victim of an act which would constitute a violation of the penal law, including, but not limited to acts constituting disorderly conduct, harassment, aggravated harassment, sexual misconduct, forcible touching, sexual abuse, stalking, criminal mischief, menacing, reckless endangerment, kidnapping, assault, attempted assault, attempted murder, criminal obstruction of breathing or blood circulation, strangulation, identity theft, grand larceny or coercion; and

(i) such act or acts have resulted in actual physical or emotional injury or have created a substantial risk of physical or emotional harm to such person or such person's child; and

(ii) such act or acts are or are alleged to have been committed by a family or household member.

(iii)

2. "Family or household members" mean the following individuals:

(a) persons related by consanguinity or affinity;

(b) persons legally married to one another;

(c) persons formerly married to one another regardless of whether they still reside in the same household;

(d) persons who have a child in common regardless of whether such persons are married or have lived together at any time;

(e) unrelated persons who are continually or at regular intervals living in the same household or who have in the past continually or at regular intervals lived in the same household;

(f) persons who are not related by consanguinity or affinity and who are or have been in an intimate relationship regardless of whether such persons have lived together at any time. Factors that may be considered in determining whether a relationship is an "intimate relationship" include, but are not limited to: the nature or type of relationship, regardless of whether the relationship is sexual in nature; the frequency of interaction between the persons; and the duration of the relationship. Neither a casual acquaintance nor ordinary fraternization between two individuals in business or social

contexts shall be deemed to constitute an “intimate relationship”; or

(g) any other category of individuals deemed to be a victim of domestic violence as defined by the office of children and family services in regulation.

3. “Parent” means a natural or adoptive parent or any individual lawfully charged with a minor child’s care or custody.

4. “Residential program for victims of domestic violence” means any residential care program certified by the department and operated by a not-for-profit organization in accordance with the regulations of the department for the purpose of providing emergency shelter, services and care to victims of domestic violence. Residential programs for victims of domestic violence shall include, but shall not be limited to:

(a) “Domestic violence shelters”, which shall include any residential care facility organized for the exclusive purpose of providing emergency shelter, services and care to victims of domestic violence and their minor children, if any;

(b) “Domestic violence programs” which shall include any facility which otherwise meets or would meet the requirements of paragraph (a) of this subdivision, except that victims of domestic violence and their minor children, if any, constitute at least seventy percent of the clientele of such program; and

(c) “Safe home networks” which shall include any organized network of private homes offering emergency shelter and services to victims of domestic violence and their minor children, if any. Such network shall be coordinated by a not-for-profit organization.

5. “Non-residential program for victims of domestic violence” means any program operated by a not-for-profit organization, for the purpose of providing non-residential services to victims of domestic violence, including, but not limited to, information and referral services, advocacy, counseling, and community education and outreach activities and providing or arranging for hotline services. Victims of domestic violence and their children, if any, shall constitute at least seventy percent of the clientele of such programs.

Dating Violence: The state of New York does not have a separate definition of dating violence, but includes a definition that would encompass dating violence under the domestic violence statute 459-A, sub 2f, restated here:

(f) persons who are not related by consanguinity or affinity and who are or have been in an intimate relationship regardless of whether such persons have lived together at any time. Factors that may be considered in determining whether a relationship is an “intimate relationship” include, but are not limited to: the nature or type of relationship, regardless of whether the relationship is sexual in nature; the frequency of interaction between the persons; and the duration of the relationship. Neither a casual acquaintance nor ordinary fraternization between two individuals in business or social contexts shall be deemed to constitute an “intimate relationship”;

Sexual Assault:

The state of New York defines sexual assault as follows:

S 130.20 Sexual misconduct.

A person is guilty of sexual misconduct when:

1. He or she engages in sexual intercourse with another person without such person's consent; or
2. He or she engages in oral sexual conduct or anal sexual conduct with another person without such person's consent; or
3. He or she engages in sexual conduct with an animal or a dead human body.

Sexual misconduct is a class A misdemeanor.

S 130.25 Rape in the third degree.

A person is guilty of rape in the third degree when:

1. He or she engages in sexual intercourse with another person who is incapable of consent by reason of some factor other than being less than seventeen years old;
2. Being twenty-one years old or more, he or she engages in sexual intercourse with another person less than seventeen years old; or
3. He or she engages in sexual intercourse with another person without such person's consent where such lack of consent is by reason of some factor other than incapacity to consent.

Rape in the third degree is a class E felony.

S 130.30 Rape in the second degree.

A person is guilty of rape in the second degree when:

1. being eighteen years old or more, he or she engages in sexual intercourse with another person less than fifteen years old; or
2. he or she engages in sexual intercourse with another person who is incapable of consent by reason of being mentally disabled or mentally incapacitated.

It shall be an affirmative defense to the crime of rape in the second degree as defined in subdivision one of this section that the defendant was less than four years older than the victim at the time of the act.

Rape in the second degree is a class D felony.

S 130.35 Rape in the first degree.

A person is guilty of rape in the first degree when he or she engages in sexual intercourse with another person:

1. By forcible compulsion; or
2. Who is incapable of consent by reason of being physically helpless;

or

3. Who is less than eleven years old; or
4. Who is less than thirteen years old and the actor is eighteen years old or more.

Rape in the first degree is a class B felony.

S 130.40 Criminal sexual act in the third degree.

A person is guilty of criminal sexual act in the third degree when:

1. He or she engages in oral sexual conduct or anal sexual conduct with a person who is incapable of consent by reason of some factor other than being less than seventeen years old;
2. Being twenty-one years old or more, he or she engages in oral sexual conduct or anal sexual conduct with a person less than seventeen years old; or
3. He or she engages in oral sexual conduct or anal sexual conduct with another person without such person's consent where such lack of consent is by reason of some factor other than incapacity to consent. Criminal sexual act in the third degree is a class E felony.

S 130.45 Criminal sexual act in the second degree.

A person is guilty of criminal sexual act in the second degree when:

1. being eighteen years old or more, he or she engages in oral sexual conduct or anal sexual conduct with another person less than fifteen years old; or
2. he or she engages in oral sexual conduct or anal sexual conduct with another person who is incapable of consent by reason of being mentally disabled or mentally incapacitated.

It shall be an affirmative defense to the crime of criminal sexual act in the second degree as defined in subdivision one of this section that the defendant was less than four years older than the victim at the time of the act.

Criminal sexual act in the second degree is a class D felony.

S 130.50 Criminal sexual act in the first degree.

A person is guilty of criminal sexual act in the first degree when he or she engages in oral sexual conduct or anal sexual conduct with another person:

1. By forcible compulsion; or
2. Who is incapable of consent by reason of being physically helpless;
or
3. Who is less than eleven years old; or

4. Who is less than thirteen years old and the actor is eighteen years old or more.

Criminal sexual act in the first degree is a class B felony.

S 130.52 Forcible touching.

A person is guilty of forcible touching when such person intentionally, and for no legitimate purpose, forcibly touches the sexual or other intimate parts of another person for the purpose of degrading or abusing such person; or for the purpose of gratifying the actor's sexual desire.

For the purposes of this section, forcible touching includes squeezing, grabbing or pinching.

Forcible touching is a class A misdemeanor.

S 130.53 Persistent sexual abuse.

A person is guilty of persistent sexual abuse when he or she commits the crime of forcible touching, as defined in section 130.52 of this article, sexual abuse in the third degree, as defined in section 130.55 of this article, or sexual abuse in the second degree, as defined in section 130.60 of this article, and, within the previous ten year period, excluding any time during which such person was incarcerated for any reason, has been convicted two or more times, in separate criminal transactions for which sentence was imposed on separate occasions, of forcible touching, as defined in section 130.52 of this article, sexual abuse in the third degree as defined in section 130.55 of this article, sexual abuse in the second degree, as defined in section 130.60 of this article, or any offense defined in this article, of which the commission or attempted commission thereof is a felony.

Persistent sexual abuse is a class E felony.

S 130.55 Sexual abuse in the third degree.

A person is guilty of sexual abuse in the third degree when he or she subjects another person to sexual contact without the latter's consent; except that in any prosecution under this section, it is an affirmative defense that (a) such other person's lack of consent was due solely to incapacity to consent by reason of being less than seventeen years old, and (b) such other person was more than fourteen years old, and (c) the defendant was less than five years older than such other person.

Sexual abuse in the third degree is a class B misdemeanor.

S 130.60 Sexual abuse in the second degree.

A person is guilty of sexual abuse in the second degree when he or

she subjects another person to sexual contact and when such other person is:

1. Incapable of consent by reason of some factor other than being less than seventeen years old; or
2. Less than fourteen years old.

Sexual abuse in the second degree is a class A misdemeanor.

S 130.65 Sexual abuse in the first degree.

A person is guilty of sexual abuse in the first degree when he or she subjects another person to sexual contact:

1. By forcible compulsion; or
2. When the other person is incapable of consent by reason of being physically helpless; or
3. When the other person is less than eleven years old; or
4. When the other person is less than thirteen years old and the actor is twenty-one years old or older.

Sexual abuse in the first degree is a class D felony.

S 130.65-a Aggravated sexual abuse in the fourth degree.

1. A person is guilty of aggravated sexual abuse in the fourth degree when:

(a) He or she inserts a foreign object in the vagina, urethra, penis, rectum or anus of another person and the other person is incapable of consent by reason of some factor other than being less than seventeen years old; or

(b) He or she inserts a finger in the vagina, urethra, penis, rectum or anus of another person causing physical injury to such person and such person is incapable of consent by reason of some factor other than being less than seventeen years old.

2. Conduct performed for a valid medical purpose does not violate the provisions of this section.

Aggravated sexual abuse in the fourth degree is a class E felony.

S 130.66 Aggravated sexual abuse in the third degree.

1. A person is guilty of aggravated sexual abuse in the third degree when he or she inserts a foreign object in the vagina, urethra, penis, rectum or anus of another person:

(a) By forcible compulsion; or

(b) When the other person is incapable of consent by reason of being physically helpless; or

(c) When the other person is less than eleven years old.

2. A person is guilty of aggravated sexual abuse in the third degree when he or she inserts a foreign object in the vagina, urethra, penis, rectum or anus of another person causing physical injury to such person and such person is incapable of consent by reason of being mentally disabled or mentally incapacitated.

3. Conduct performed for a valid medical purpose does not violate the provisions of this section.

Aggravated sexual abuse in the third degree is a class D felony.

S 130.67 Aggravated sexual abuse in the second degree.

1. A person is guilty of aggravated sexual abuse in the second degree when he or she inserts a finger in the vagina, urethra, penis, rectum or anus of another person causing physical injury to such person:

(a) By forcible compulsion; or

(b) When the other person is incapable of consent by reason of being physically helpless; or

(c) When the other person is less than eleven years old.

2. Conduct performed for a valid medical purpose does not violate the provisions of this section.

Aggravated sexual abuse in the second degree is a class C felony.

S 130.70 Aggravated sexual abuse in the first degree.

1. A person is guilty of aggravated sexual abuse in the first degree when he or she inserts a foreign object in the vagina, urethra, penis, rectum or anus of another person causing physical injury to such person:

(a) By forcible compulsion; or

(b) When the other person is incapable of consent by reason of being physically helpless; or

(c) When the other person is less than eleven years old.

2. Conduct performed for a valid medical purpose does not violate the provisions of this section.

Aggravated sexual abuse in the first degree is a class B felony.

S 130.75 Course of sexual conduct against a child in the first degree.

1. A person is guilty of course of sexual conduct against a child in the first degree when, over a period of time not less than three months in duration:

(a) he or she engages in two or more acts of sexual conduct, which

includes at least one act of sexual intercourse, oral sexual conduct, anal sexual conduct or aggravated sexual contact, with a child less than eleven years old; or

(b) he or she, being eighteen years old or more, engages in two or more acts of sexual conduct, which include at least one act of sexual intercourse, oral sexual conduct, anal sexual conduct or aggravated sexual contact, with a child less than thirteen years old.

2. A person may not be subsequently prosecuted for any other sexual offense involving the same victim unless the other charged offense occurred outside the time period charged under this section.

Course of sexual conduct against a child in the first degree is a class B felony.

S 130.80 Course of sexual conduct against a child in the second degree.

1. A person is guilty of course of sexual conduct against a child in the second degree when, over a period of time not less than three months in duration:

(a) he or she engages in two or more acts of sexual conduct with a child less than eleven years old; or

(b) he or she, being eighteen years old or more, engages in two or more acts of sexual conduct with a child less than thirteen years old.

2. A person may not be subsequently prosecuted for any other sexual offense involving the same victim unless the other charged offense occurred outside the time period charged under this section.

Course of sexual conduct against a child in the second degree is a class D felony.

S 130.85 Female genital mutilation.

1. A person is guilty of female genital mutilation when:

(a) a person knowingly circumcises, excises, or infibulates the whole or any part of the labia majora or labia minora or clitoris of another person who has not reached eighteen years of age; or

(b) being a parent, guardian or other person legally responsible and charged with the care or custody of a child less than eighteen years old, he or she knowingly consents to the circumcision, excision or infibulation of whole or part of such child's labia majora or labia minora or clitoris.

2. Such circumcision, excision, or infibulation is not a violation of this section if such act is:

(a) necessary to the health of the person on whom it is performed, and is performed by a person licensed in the place of its performance as a medical practitioner; or

(b) performed on a person in labor or who has just given birth and is performed for medical purposes connected with that labor or birth by a person licensed in the place it is performed as a medical practitioner, midwife, or person in training to become such a practitioner or midwife.

3. For the purposes of paragraph (a) of subdivision two of this section, no account shall be taken of the effect on the person on whom such procedure is to be performed of any belief on the part of that or any other person that such procedure is required as a matter of custom or ritual.

Female genital mutilation is a class E felony.

S 130.90 Facilitating a sex offense with a controlled substance.

A person is guilty of facilitating a sex offense with a controlled substance when he or she:

1. knowingly and unlawfully possesses a controlled substance or any preparation, compound, mixture or substance that requires a prescription to obtain and administers such substance or preparation, compound, mixture or substance that requires a prescription to obtain to another person without such person's consent and with intent to commit against such person conduct constituting a felony defined in this article; and

2. commits or attempts to commit such conduct constituting a felony defined in this article.

Facilitating a sex offense with a controlled substance is a class D felony.

S 130.91 Sexually motivated felony.

1. A person commits a sexually motivated felony when he or she commits a specified offense for the purpose, in whole or substantial part, of

his or her own direct sexual gratification.

2. A "specified offense" is a felony offense defined by any of the following provisions of this chapter: assault in the second degree as defined in section 120.05, assault in the first degree as defined in section 120.10, gang assault in the second degree as defined in section 120.06, gang assault in the first degree as defined in section 120.07, stalking in the first degree as defined in section 120.60, strangulation in the second degree as defined in section 121.12, strangulation in the first degree as defined in section 121.13, manslaughter in the second degree as defined in subdivision one of section 125.15, manslaughter in the first degree as defined in section 125.20, murder in the second degree as defined in section 125.25, aggravated murder as defined in section 125.26, murder in the first degree as defined in section 125.27, kidnapping in the second degree

as defined in section 135.20, kidnapping in the first degree as defined in section 135.25, burglary in the third degree as defined in section 140.20, burglary in the second degree as defined in section 140.25, burglary in the first degree as defined in section 140.30, arson in the second degree as defined in section 150.15, arson in the first degree as defined in section 150.20, robbery in the third degree as defined in section 160.05, robbery in the second degree as defined in section 160.10, robbery in the first degree as defined in section 160.15, promoting prostitution in the second degree as defined in section 230.30, promoting prostitution in the first degree as defined in section 230.32, compelling prostitution as defined in section 230.33, disseminating indecent material to minors in the first degree as defined in section 235.22, use of a child in a sexual performance as defined in section 263.05, promoting an obscene sexual performance by a child as defined in section 263.10, promoting a sexual performance by a child as defined in section 263.15, or any felony attempt or conspiracy to commit any of the foregoing offenses.

S 130.92 Sentencing.

1. When a person is convicted of a sexually motivated felony pursuant to this article, and the specified felony is a violent felony offense, as defined in section 70.02 of this chapter, the sexually motivated felony shall be deemed a violent felony offense.
2. When a person is convicted of a sexually motivated felony pursuant to this article, the sexually motivated felony shall be deemed to be the same offense level as the specified offense the defendant committed.
3. Persons convicted of a sexually motivated felony as defined in section 130.91 of this article, must be sentenced in accordance with the provisions of section 70.80 of this chapter.

S 130.95 Predatory sexual assault.

A person is guilty of predatory sexual assault when he or she commits the crime of rape in the first degree, criminal sexual act in the first degree, aggravated sexual abuse in the first degree, or course of sexual conduct against a child in the first degree, as defined in this article,

and when:

1. In the course of the commission of the crime or the immediate flight therefrom, he or she:
 - (a) Causes serious physical injury to the victim of such crime; or
 - (b) Uses or threatens the immediate use of a dangerous instrument;or
2. He or she has engaged in conduct constituting the crime of rape in the first degree, criminal sexual act in the first degree, aggravated

sexual abuse in the first degree, or course of sexual conduct against a child in the first degree, as defined in this article, against one or more additional persons; or

3. He or she has previously been subjected to a conviction for a felony defined in this article, incest as defined in section 255.25 of this chapter or use of a child in a sexual performance as defined in section 263.05 of this chapter.

Predatory sexual assault is a class A-II felony.

S 130.96 Predatory sexual assault against a child.

A person is guilty of predatory sexual assault against a child when, being eighteen years old or more, he or she commits the crime of rape in the first degree, criminal sexual act in the first degree, aggravated sexual abuse in the first degree, or course of sexual conduct against a child in the first degree, as defined in this article, and the victim is less than thirteen years old.

Predatory sexual assault against a child is a class A-II felony.

Stalking:

The state of New York defines stalking as follows:

§ 120.45 Stalking in the fourth degree.

A person is guilty of stalking in the fourth degree when he or she intentionally, and for no legitimate purpose, engages in a course of conduct directed at a specific person, and knows or reasonably should know that such conduct:

1. is likely to cause reasonable fear of material harm to the physical health, safety or property of such person, a member of such person's immediate family or a third party with whom such person is acquainted;

or

2. causes material harm to the mental or emotional health of such person, where such conduct consists of following, telephoning or initiating communication or contact with such person, a member of such person's immediate family or a third party with whom such person is acquainted, and the actor was previously clearly informed to cease that conduct; or

3. is likely to cause such person to reasonably fear that his or her employment, business or career is threatened, where such conduct consists of appearing, telephoning or initiating communication or contact at such person's place of employment or business, and the actor was previously clearly informed to cease that conduct.

For the purposes of subdivision two of this section, "following" shall include the unauthorized tracking of such person's movements or

location through the use of a global positioning system or other device.

Stalking in the fourth degree is a class B misdemeanor.

§ 120.50 Stalking in the third degree.

A person is guilty of stalking in the third degree when he or she:

1. Commits the crime of stalking in the fourth degree in violation of section 120.45 of this article against three or more persons, in three or more separate transactions, for which the actor has not been previously convicted; or
2. Commits the crime of stalking in the fourth degree in violation of section 120.45 of this article against any person, and has previously been convicted, within the preceding ten years of a specified predicate crime, as defined in subdivision five of section 120.40 of this article, and the victim of such specified predicate crime is the victim, or an immediate family member of the victim, of the present offense; or
3. With intent to harass, annoy or alarm a specific person, intentionally engages in a course of conduct directed at such person which is likely to cause such person to reasonably fear physical injury or serious physical injury, the commission of a sex offense against, or the kidnapping, unlawful imprisonment or death of such person or a member of such person's immediate family; or
4. Commits the crime of stalking in the fourth degree and has previously been convicted within the preceding ten years of stalking in the fourth degree.

Stalking in the third degree is a class A misdemeanor.

§ 120.55 Stalking in the second degree.

A person is guilty of stalking in the second degree when he or she:

1. Commits the crime of stalking in the third degree as defined in subdivision three of section 120.50 of this article and in the course of and in furtherance of the commission of such offense: (i) displays, or possesses and threatens the use of, a firearm, pistol, revolver, rifle, shotgun, machine gun, electronic dart gun, electronic stun gun, cane sword, billy, blackjack, bludgeon, plastic knuckles, metal knuckles, chuka stick, sand bag, sandclub, slingshot, slungshot, shirken, "Kung Fu Star", dagger, dangerous knife, dirk, razor, stiletto, imitation pistol, dangerous instrument, deadly instrument or deadly weapon; or (ii) displays what appears to be a pistol, revolver, rifle, shotgun, machine gun or other firearm; or
2. Commits the crime of stalking in the third degree in violation of subdivision three of section 120.50 of this article against any person, and has previously been convicted, within the preceding five years of a specified predicate crime as defined in subdivision five of section

120.40 of this article and the victim of such specified predicate crime is the victim, or an immediate family member of the victim, of the present offense; or

3. Commits the crime of stalking in the fourth degree and has previously been convicted of stalking in the third degree as defined in subdivision four of section 120.50 of this article against any person; or

4. Being twenty-one years of age or older, repeatedly follows a person under the age of fourteen or engages in a course of conduct or repeatedly commits acts over a period of time intentionally placing or attempting to place such person who is under the age of fourteen in reasonable fear of physical injury, serious physical injury or death; or

5. Commits the crime of stalking in the third degree, as defined in subdivision three of section 120.50 of this article, against ten or more persons, in ten or more separate transactions, for which the actor has not been previously convicted.

Stalking in the second degree is a class E felony.

§ 120.60 Stalking in the first degree.

A person is guilty of stalking in the first degree when he or she commits the crime of stalking in the third degree as defined in subdivision three of section 120.50 or stalking in the second degree as defined in section 120.55 of this article and, in the course and furtherance thereof, he or she:

1. intentionally or recklessly causes physical injury to the victim of such crime; or

2. commits a class A misdemeanor defined in article one hundred thirty of this chapter, or a class E felony defined in section 130.25, 130.40

or 130.85 of this chapter, or a class D felony defined in section 130.30

or 130.45 of this chapter.

Stalking in the first degree is a class D felony.

Consent:

The state of New York defines consent, in relation to sexual activity, as follows:

NYS Penal Law S 130.05 Sex offenses; lack of consent.

1. Whether or not specifically stated, it is an element of every offense defined in this article that the sexual act was committed without consent of the victim.

2. Lack of consent results from:

(a) Forcible compulsion; or

(b) Incapacity to consent; or

(c) Where the offense charged is sexual abuse or forcible touching, any circumstances, in addition to forcible compulsion or incapacity to

consent, in which the victim does not expressly or impliedly acquiesce in the actor's conduct; or

(d) Where the offense charged is rape in the third degree as defined in subdivision three of section 130.25, or criminal sexual act in the third degree as defined in subdivision three of section 130.40, in addition to forcible compulsion, circumstances under which, at the time of the act of intercourse, oral sexual conduct or anal sexual conduct, the victim clearly expressed that he or she did not consent to engage in such act, and a reasonable person in the actor's situation would have understood such person's words and acts as an expression of lack of consent to such act under all the circumstances.

3. A person is deemed incapable of consent when he or she is:

(a) less than seventeen years old; or

(b) mentally disabled; or

(c) mentally incapacitated; or

(d) physically helpless; or

(e) committed to the care and custody or supervision of the state department of corrections and community supervision or a hospital, as such term is defined in subdivision two of section four hundred of the correction law, and the actor is an employee who knows or reasonably should know that such person is committed to the care and custody or supervision of such department or hospital. For purposes of this paragraph, "employee" means (i) an employee of the state department of corrections and community supervision who, as part of his or her employment, performs duties: (A) in a state correctional facility in which the victim is confined at the time of the offense consisting of providing custody, medical or mental health services, counseling services, educational programs, vocational training, institutional parole services or direct supervision to inmates; or

(B) of supervising persons released on community supervision and supervises the victim at the time of the offense or has supervised the victim and the victim is still under community supervision at the time of the offense; or

(ii) an employee of the office of mental health who, as part of his or her employment, performs duties in a state correctional facility or hospital, as such term is defined in subdivision two of section four hundred of the correction law in which the inmate is confined at the time of the offense, consisting of providing custody, medical or mental health services, or direct supervision to such inmates; or

(iii) a person, including a volunteer, providing direct services to inmates in a state correctional facility in which the victim is confined at the time of the offense pursuant to a contractual arrangement with the state department of corrections and community supervision or, in the case of a volunteer, a written agreement with such department, provided that the person received written notice concerning the

provisions of this paragraph; or

(f) committed to the care and custody of a local correctional facility, as such term is defined in subdivision two of section forty of the correction law, and the actor is an employee, not married to such person, who knows or reasonably should know that such person is committed to the care and custody of such facility. For purposes of this paragraph, "employee" means an employee of the local correctional facility where the person is committed who performs professional duties consisting of providing custody, medical or mental health services, counseling services, educational services, or vocational training for inmates. For purposes of this paragraph, "employee" shall also mean a person, including a volunteer or a government employee of the state department of corrections and community supervision or a local health, education or probation agency, providing direct services to inmates in the local correctional facility in which the victim is confined at the time of the offense pursuant to a contractual arrangement with the local correctional department or, in the case of such a volunteer or government employee, a written agreement with such department, provided that such person received written notice concerning the provisions of this paragraph; or

(g) committed to or placed with the office of children and family services and in residential care, and the actor is an employee, not married to such person, who knows or reasonably should know that such person is committed to or placed with such office of children and family services and in residential care. For purposes of this paragraph, "employee" means an employee of the office of children and family services or of a residential facility in which such person is committed to or placed at the time of the offense who, as part of his or her employment, performs duties consisting of providing custody, medical or mental health services, counseling services, educational services, vocational training, or direct supervision to persons committed to or placed in a residential facility operated by the office of children and family services; or

(h) a client or patient and the actor is a health care provider or mental health care provider charged with rape in the third degree as defined in section 130.25, criminal sexual act in the third degree as defined in section 130.40, aggravated sexual abuse in the fourth degree as defined in section 130.65-a, or sexual abuse in the third degree as defined in section 130.55, and the act of sexual conduct occurs during a treatment session, consultation, interview, or examination; or

(i) a resident or inpatient of a residential facility operated, licensed or certified by (i) the office of mental health; (ii) the office for people with developmental disabilities; or (iii) the office of alcoholism and substance abuse services, and the actor is an employee of the facility not married to such resident or inpatient. For purposes of this paragraph, "employee" means either: an employee of the agency operating the residential facility, who knows or reasonably should know that such person is a resident or inpatient of such facility and

who provides direct care services, case management services, medical or other clinical services, habilitative services or direct supervision of the residents in the facility in which the resident resides; or an officer or other employee, consultant, contractor or volunteer of the residential facility, who knows or reasonably should know that the person is a resident of such facility and who is in direct contact with residents or inpatients; provided, however, that the provisions of this paragraph shall only apply to a consultant, contractor or volunteer providing services pursuant to a contractual arrangement with the agency operating the residential facility or, in the case of a volunteer, a written agreement with such facility, provided that the person received written notice concerning the provisions of this paragraph; provided further, however, "employee" shall not include a person with a developmental disability who is or was receiving services and is also an employee of a service provider and who has sexual contact with another service recipient who is a consenting adult who has consented to such contact.

S 130.10 Sex offenses; limitation; defenses.

1. In any prosecution under this article in which the victim's lack of consent is based solely upon his or her incapacity to consent because he or she was mentally disabled, mentally incapacitated or physically helpless, it is an affirmative defense that the defendant, at the time he or she engaged in the conduct constituting the offense, did not know of the facts or conditions responsible for such incapacity to consent.
2. Conduct performed for a valid medical or mental health care purpose shall not constitute a violation of any section of this article in which incapacity to consent is based on the circumstances set forth in paragraph (h) of subdivision three of section 130.05 of this article.
3. In any prosecution for the crime of rape in the third degree as defined in section 130.25, criminal sexual act in the third degree as defined in section 130.40, aggravated sexual abuse in the fourth degree as defined in section 130.65-a, or sexual abuse in the third degree as defined in section 130.55 in which incapacity to consent is based on the circumstances set forth in paragraph (h) of subdivision three of section 130.05 of this article it shall be an affirmative defense that the client or patient consented to such conduct charged after having been expressly advised by the health care or mental health care provider that such conduct was not performed for a valid medical purpose.
4. In any prosecution under this article in which the victim's lack of consent is based solely on his or her incapacity to consent because he or she was less than seventeen years old, mentally disabled, a client or patient and the actor is a health care provider, or committed to the care and custody or supervision of the state department of corrections and community supervision or a hospital and the actor is an employee, it shall be a defense that the defendant was married to the victim as defined in subdivision 4 of section 130.00 of this article.

Consent: The Institution's Definition of Consent Within Its Title IX Policy and Procedures Is as Follows:

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

- Consent can be given by words or actions, as long as those words or actions clearly communicate willingness to engage in the sexual activity. It is important not to make assumptions about consent. If there is confusion or ambiguity, participants need to stop sexual activity and communicate about each person's willingness to continue.
- Consent cannot be procured by the use of physical force, compulsion, threats, intimidating behavior, or coercion.
- Consent cannot be obtained from, or given by, a person who is incapacitated. 4
- Consent to one form of sexual activity does not imply consent to other forms of sexual activity.
- Consent to engage in sexual conduct with one person does not imply consent to engage in sexual conduct with another person.
- Silence or the lack of resistance, in and of itself, does not demonstrate consent. Again, it is important not to make assumptions; if confusion or ambiguity arises during a sexual interaction, it is essential that each participant stops and clarifies the other's willingness to continue engaging in the sexual conduct.
- Consent can be withdrawn at any time, including after it is initially given. When consent is withdrawn or can no longer be given, sexual activity must stop.
- Previous relationships or previous consent for sexual activity is not consent to sexual activity at another time. However, established patterns of consent in a specific relationship may be considered when evaluating whether affirmative consent was given on a particular occasion.
- Accepting a meal, a gift, or an invitation to socialize, including on dating apps, does not imply or constitute consent to sexual activity.
- The definition of consent does not vary based on a participant's sex, sexual orientation, gender identity, gender expression or relationship status.

How to Be an Active Bystander

If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt. Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.

Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.

Speak up when someone discusses plans to take sexual advantage of another person. Believe someone who discloses sexual assault, abusive behavior, or experience with stalking. Refer people to on or off-campus resources listed in this document for support in health, counseling, or with legal assistance.

The Office of Public Safety encourages the *Step UP! Bystander Intervention Model* as a guide:

What Is a Bystander?

All of us are bystanders when we observe actions or situations that jeopardize someone's safety or well-being. One way to create a safe and healthy community is to be a *prosocial bystander* by taking action to help others. Being a prosocial bystander means being aware of what's happening around you and learning how to step in safely or seek help from others.

How Can I Intervene?

Stepping in can look like a lot of different things:

- telling a friend that you find their language offensive
- leaving a party early with a friend who is intoxicated to make sure they arrive home safely
- asking someone to go to the bathroom together so you can check in

Step UP! Bystander Intervention teaches five basic steps:

1. Notice the event
2. Interpret the situation as a problem
3. Assume personal responsibility
4. Know how to help
5. Step up!

Tips for Intervening Safely

- Consider which intervention style is best:
 - **Direct**—directly interacting with the people involved
 - **Indirect**—asking others to intervene on your behalf, such as calling 911
 - **Distract**—creating a diversion to diffuse the situation
- Be aware of safety; never put yourself in harm's way.
- Intervene early, if you can, before the problem becomes a crisis.
- Remain calm while gathering information and providing the support you can.

ADDITIONAL RESOURCES

[Columbia University: Sexual Respect](#)

[Step UP! Bystander Intervention](#)

Risk Reduction

With no intent to victim blame and recognizing that only abusers are responsible for their abuse, the following are some strategies to reduce one's risk of sexual assault or harassment (taken from Rape, Abuse, & Incest National Network, www.rainn.org/)

- Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- Try to avoid isolated areas. It is more difficult to get help if no one is around.
- Walk with purpose. Even if you don't know where you are going, act like you do.
- Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
- Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
- Make sure your cell phone is with you and charged and that you have cash money.
- Don't allow yourself to be isolated with someone you don't trust or someone you don't know.
- Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
- When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
- Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
- Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
- Don't accept drinks from people you don't know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
- Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
- If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.). Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
- If you need to get out of an uncomfortable or scary situation here are some things that you can try:
- Remember that being in this situation is not your fault. You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
- Be true to yourself. Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
- Have a code word with your friends or family so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
- Lie. If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
- Try to think of an escape route. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?

- If you and/or the other person have been drinking, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.



Gender-Based Misconduct

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

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

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

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

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

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

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

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

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

- to make a report to campus security, local law enforcement, and/or state police or choose not to report.
- to report the incident to the College.
- to be protected by the College from retaliation for reporting an incident; and
- to receive assistance and resources from the College

New York State has established a more detailed bill of rights for student victims and survivors, available at www.tc.columbia.edu/policylibrary/policies/student-bill-of-rights-for-victims-survivors-of-gender-based-violence-2400099/.

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

- Confidential Advocacy, Counseling, and Healthcare Services
- Assistance with reporting gender-based misconduct to the New York City Police Department, the District Attorney’s Office, or other appropriate law enforcement authorities.
- College and University procedures for reporting, investigating, resolving, and remedying gender-based misconduct.
- Procedures the College Will Follow When a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking is Reported

The College has procedures in place that serve to be sensitive to victims who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services on and/or off campus as well as additional remedies to prevent contact between a complainant and an accused

party, such as changes to housing, academic, protective orders, transportation, and working situations, if reasonably available. The College will make such accommodations or protective measures if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to the Office of Public Safety or local law enforcement. Students and employees should contact:

Teachers College, Columbia University, Title IX Coordinator
Janice Robinson, Esq.

Vice President for Diversity and Community Affairs

128 Zankel

(212) 678-3732

jrobinson@tc.columbia.edu



If a report of domestic violence, dating violence, sexual assault or stalking is reported to the College, below is a summary of the procedures that the College will follow:

Incident Being Reported	Procedure Institution will follow
Sexual Assault	<ol style="list-style-type: none"> 1. Depending on when reported (immediate vs delayed report), institution will provide complainant with access to medical care 2. Institution will assess immediate safety needs of complainant 3. Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department 4. Institution will provide complainant with referrals to on and off campus mental health providers 5. Institution will assess need to implement interim or long-term protective measures, if appropriate. 6. Institution will provide the victim with a written explanation of the victim’s rights and options 7. Institution will provide a “No trespass” (PNG) directive to accused party if deemed appropriate 8. Institution will provide written instructions on how to apply for Protective Order 9. Institution will provide a copy of the policy applicable to Sexual Assault to the complainant and inform the complainant regarding timeframes for inquiry, investigation, and resolution 10. Institution will inform the complainant of the outcome of the investigation, whether or not the accused will be administratively charged and what the outcome of the hearing is <p>Institution will enforce the anti- retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation</p>

Stalking	<ol style="list-style-type: none"> 1. Institution will assess immediate safety needs of complainant 2. Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department 3. Institution will provide written instructions on how to apply for Protective Order 4. Institution will provide written information to complainant on how to preserve evidence 5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate 6. Institution will provide the victim with a written explanation of the victim's rights and options 7. Institution will provide a "No trespass" (PNG) directive to accused party if deemed appropriate
Dating Violence	<ol style="list-style-type: none"> 1. Institution will assess immediate safety needs of complainant 2. Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department 3. Institution will provide written instructions on how to apply for Protective Order 4. Institution will provide written information to complainant on how to preserve evidence 5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate 6. Institution will provide the victim with a written explanation of the victim's rights and options 7. Institution will provide a "No trespass" (PNG) directive to accused party if deemed appropriate
Domestic Violence	<ol style="list-style-type: none"> 1. Institution will assess immediate safety needs of complainant 2. Institution will assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department 3. Institution will provide written instructions on how to apply for Protective Order 4. Institution will provide written information to complainant on how to preserve evidence 5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate 6. Institution will provide the victim with a written explanation of the victim's rights and options 7. Institution will provide a "No trespass" (PNG) directive to accused party if deemed appropriate

Assistance for Victims: Rights & Options

Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, the College will assist victims of sexual assault, domestic violence, dating violence, and stalking and will provide each victim with a written explanation of their rights and options. Such written information will include:

- the procedures victims should follow if a crime of dating violence, domestic violence, sexual assault, or stalking has occurred;
- information about how the institution will protect the confidentiality of victims and other necessary parties;
- a statement that the institution will provide written notification to students and employees about victim services within the institution and in the community;
- a statement regarding the institution's provisions about options for, available assistance in, and how to request accommodations and protective measures; and
- an explanation of the procedures for institutional disciplinary action

Accommodations and Interim Measures

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

The College may also take action through interim measures while an investigation or disciplinary process is pending. Interim measures, such as "no contact" directives, restrictions on a respondent's access to particular campus locations or activities, and temporary suspensions, may also be taken to ensure the safety of all involved and to protect the integrity of a pending investigation or disciplinary process.

Accommodations and Interim Measures for Others

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

The College provides written notification to individuals affected by gender-based misconduct about available assistance and how to request accommodations and interim measures, including academic, living, transportation, protective orders, and working situations. The written notification will include information regarding the accommodation options, available assistance in requesting accommodations, and how to request accommodations and protective measures (i.e., the notification will include the name and contact information for the individual or office that should be contacted to request the accommodations).

At the victim's request and to the extent of the victim's cooperation and consent, College offices will work cooperatively to assist the victim in obtaining accommodations. If reasonably available, a victim may be offered changes to academic, living, working, protective measures, or transportation situations, regardless of whether the victim chooses to report the crime to campus police or local law enforcement. Examples of options for a potential change to the academic situation may be to transfer to a different section of a class, withdraw and take a class at another time if there is no option for moving to a different section, etc. Potential changes to living situations may include moving to a different room or residence hall. Possible

changes to work situations may include changing working hours. Possible changes in transportation may include having the student or employee park in a different location, assisting the student or employee with a safety escort, etc.

To request changes to academic, living, transportation and/or working situations or protective measures, a victim should contact:

TC Title IX Coordinator at jrobinson@tc.columbia.edu or (212) 678-3732,

Employees who are victims should contact:

Human Resources Office EEOC/AA Officer Lisa Seales at ls2007@tc.columbia.edu or (212) 678-3196, or

If the victim wishes to receive assistance in requesting these accommodations, they may contact the Office of Public Safety at 212-678-3220, or email publicsafety@tc.edu.

Individuals affected by gender-based misconduct are also informed about visa and immigration assistance, student financial aid, and other relevant services that may be available to them.

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

Privacy and Confidentiality

Teachers College and Columbia University value the privacy of students, employees, and other community members. Community members should be able to seek assistance without fear that the information they provide will be shared more broadly. Federal and state laws, however, impose reporting obligations on faculty and staff that, in some circumstances, require them to share information from a report of gender-based misconduct with others at the College or University or with government authorities. Even when there is a reporting obligation, College and University employees will protect and respect an individual's privacy to the greatest extent possible and share information only on a need-to-know basis. The information provided to a non-confidential resource will be relayed only as necessary to investigate, seek a resolution, and/or protect the College community.

The College's publicly available record keeping, including Clery annual reports, crime logs, alerts or warnings, do not include personally identifiable information about victims/survivors or witnesses. Furthermore, if a Timely Warning Notice is issued on the basis of a report of domestic violence, dating violence, sexual assault, or stalking, the name of the victim and other personally identifiable information about the victim will be withheld.

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

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

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

Requesting Confidentiality. An individual who reports gender-based misconduct to a non-confidential employee may ask the TC Title IX Coordinator (or, where applicable, the CU Gender-Based Misconduct Office) that the individual's identity not be disclosed to anyone else, including the person who allegedly committed the misconduct.

While such a request may limit the ability to investigate and respond to the reported misconduct, the Title IX Coordinator will consider the request in light of the College's commitment to providing a safe and non-discriminatory environment and will honor the request when possible.

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

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

By only sharing personally identifiable information with individuals on a need-to-know basis, the institution will maintain, as confidential, any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

Campus and Community Resources

Confidential Resources

Available to all students:

Sexual Violence Response and Rape Crisis/Anti-Violence Support Center (SVR)
2920 Broadway, Lerner Hall, 7th Floor
(212) 854-HELP (4357) CUMC

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

Available to students who pay the Columbia Health Fee:

CU Medical Services

Morningside Campus: 535 West 116th Street, 4th Floor John Jay Hall, (212) 854-7426 9 am—4:30 pm

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

CU Counseling & Psychological Services Morningside Campus: 2920 Broadway, Lerner Hall, 8th Floor. (212) 854-2878

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

CU Office of the University Chaplain (Pastoral Counseling) ouc.columbia.edu

2920 Broadway, 710 Lerner Hall

(212) 854-1493

Available to Teachers College employees:

TC Employee Assistance Program (EAP) mhn.advantageengagement.com (Code: TCEAP)

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

Available to all Teachers College community members:

TC College Ombuds www.tc.columbia.edu/ombuds Email: ombuds@tc.columbia.edu

Non-Confidential Resources

TC Public Safety

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

TC Title IX Coordinator Janice Robinson 128 Zankel, 212-678-3391

jrobinson@tc.columbia.edu

CU Gender-Based Misconduct Office

612 West 115th Street

800 Watson Hall

212-678-1717

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

TC Office of Access and Services for Individuals with Disabilities

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

Off Campus Resources

New York City Police Department

(24 hours a day/7 days a week)

Emergency 911

Sex Crimes Hotline 212-267-RAPE (7273)

Special Victims Unit 646-610-7272

Manhattan District Attorney's Office

Sex Crime Unit 212-335-9373

Domestic Violence Unit 212-335-4308

Safe Horizon

Rape, Sexual Assault & Incest Hotline 212-227-3000

Domestic Violence Hotline 1-800-621-HOPE (4673)

Mt. Sinai/St. Luke's

Emergency Room/SAFE Center:

1111 Amsterdam Avenue at 113th Street

Crime Victim's Treatment Center

212-523-4728 (by appointment only)

New York Presbyterian—Columbia (NYP)

Emergency Room: 622 West 168th Street

DOVE: Domestic & Other Violence Project

212-305-9060

NYC Gay & Lesbian Anti-Violence Project

212-714-1141

NYC Family Justice Center

<https://www.nyc.gov/site/ocdv/programs/family-justice-centers.page>

Rape Abuse & Incest National Network

800-656-HOPE www.rainn.org

NYS Office of Victim Services

800-247-8035 ovs.ny.gov



Notice of On and Off Campus Services for Victims:

Upon receipt of a report of domestic violence, dating violence, sexual assault or stalking, the College will provide written notification to students and employees about existing assistance with and/or information about obtaining resources and services including counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and assistance in notifying appropriate local law enforcement. These resources include the following:

Additional Gender Based Misconduct Resources for Students

STUDENT CONDUCT AND COMMUNITY STANDARDS

GENDER-BASED MISCONDUCT RESOURCES FOR STUDENTS

ON-CAMPUS RESOURCES

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

CONFIDENTIAL

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

- **Morningside:** Alfred Lerner Hall, Suite 700
- **CUIMC:** 60 Haven Ave, Bard Hall, Suite 206
- **Barnard:** 105 Hewitt Hall, 1st Floor
- **Helpline:** 212-854-HELP (4357) (*Available 24 hours a day year-round*)

Ombuds Office

- **Morningside:** 660 Schermerhorn Ext. | 212-854-1234
- **CUIMC:** 154 Haven Ave, Room 412 | 212-304-7026

Medical Services

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

University Counseling and Psychological Services

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

University Pastoral Counseling

- **Office of the University Chaplain:** (*Ordained Clergy*) W710 Lerner Hall | 212-854-1493
- **Columbia Religious Life:** (*Ordained Clergy*) 303 Earl Hall | 212-854-2184

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

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

☑ Indicates that facility supports Teachers College.

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.

ADDITIONAL RESOURCES (NON-CONFIDENTIAL)

Student Conduct and Community Standards (“SCCS”)

- Case Management and Community Engagement
conductcm@columbia.edu | 212-854-1717

Equal Opportunity and Affirmative Action (“EOAA”)

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

University Title IX Coordinators

- **Columbia University:** Marjory Fisher, Associate Vice President | 201A Kent Hall | mdf2166@columbia.edu | 212-853-1276
- **Barnard:** Dr. Elizabeth Scott-Francis, Director of Nondiscrimination and Title IX | Elliott Hall, 1st Floor | escottfr@barnard.edu | 212-854-0037
- **Teachers College:** Janice Robinson, Vice President for Diversity and Community Affairs | Zankel 128 | jsr167@tc.columbia.edu | 212-678-3391

University Public Safety

- **Morningside:** 212-854-2797
- **Manhattanville:** 212-853-3301
- **CUIMC:** 212-305-8100
- **Barnard:** 212-854-3362
- **Teachers College:** 212-678-3333

International Students and Scholars Office (“ISSO”)

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

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

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

CONFIDENTIALITY PROTECTIONS & REPORTING OBLIGATIONS

Confidential resources will not share information with some exceptions. Exceptions to confidentiality are listed below.

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)
	University Ombuds Offices	<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, 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)

CONFIDENTIALITY PROTECTIONS & REPORTING OBLIGATIONS

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
ADDITIONAL RESOURCES (NON-CONFIDENTIAL)	Student Conduct and Community Standards	<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	
	Equal Opportunity and Affirmative Action	
	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>		

Actions for Survivors of Sexual Assault and Gender-Based Violence

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

Survivors are urged to consider the following steps:

- 1. Get to a Safe Place.** After experiencing a traumatizing event such as a sexual assault, it can be important to find a place where you feel comfortable and safe from harm. This location could be a home, local hospital, friend's home, or police station.
- 2. Call for Assistance.** If you are concerned about your personal safety, call Teachers College Public Safety, 212-678-3333 (x3333 on-campus) or the NYC Police Department (NYPD) at 911 (off-campus) or go to a police station or hospital. Or call an Advocate from Sexual Violence Response and Rape Crisis/Anti-Violence Support Center (SVR), 212-854-HELP (4357), for confidential crisis intervention and to discuss options for reporting and medical help. An advocate can accompany students to resources such as emergency rooms.
- 3. Get Medical Attention and Preserve Evidence.** It is important that a person who has recently experienced violence receives prompt medical attention. Because physical injury is not always noticeable at first, it is important to get a medical examination and treatment as soon as possible. This may include screening and/or treatment for sexually transmitted infection and emergency contraception, if appropriate. A medical examination, particularly a free examination by a Sexual Assault Forensic Examiner (SAFE) can also preserve physical evidence. Survivors are encouraged to have physical evidence collected immediately, even if they are unsure about reporting to the police as they may later decide to do so. Evidence collection in NYC does not require you to file a police report. Survivors can decide whether to file charges later but can only preserve physical evidence now. Evidence is best collected as soon as possible and toxicology testing for date rape drugs is most effective within 72 hours of an assault. The evidence collection kit is turned over to the police only if a survivor chooses to report to the police during the period kept by the hospital. You can ask for a Sexual Assault Forensic Examiner (SAFE) at any emergency room. Mt. Sinai/ St. Luke's Hospital (near the Teachers College campus) has a SAFE available 24/7 at 1111 Amsterdam Ave at 113th Street. The medical exam and collection of forensic evidence are done simultaneously. If possible, avoid drinking, eating, showering, brushing teeth, combing hair or changing clothes before seeing a SAFE. But if you have done any of these things, evidence can still be collected, and it remains important to seek medical attention. Any clothing removed should be placed in a paper bag and brought with you. Evidence of violence, such as bruising or other visible injuries, should be documented including through the preservation of evidence. Evidence of stalking, including communication such as written notes, voice mail, or other electronic communications should be saved and not altered in any way. As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with Campus Public Safety or other law enforcement to preserve evidence in the event that the victim decides to report the incident to law enforcement or the College at a later date to assist in proving that the alleged criminal offense occurred or that may be helpful in obtaining a protection order.
- 4. Get Support or Counseling Services.** The safety and well-being of survivors are of paramount importance. The College strongly encourages survivors to contact trained professionals for emotional support, medical

services, and advocacy as soon as possible. Counseling is often helpful for survivors because it provides a safe place to talk about your experience and your feelings. Campus and off-campus support options, including confidential options, are listed on pages 20–22.

5. **File a Report with Local Law Enforcement.** The College urges survivors to consider reporting sexual assaults and other gender-based violence to local law enforcement authorities. New York City Police Department may also be reached directly by calling 911, in person at the 26th Precinct at 520 W 126th St, New York, NY 10027. The 26th Precinct Telephone number is (212) 678-1311. Additional information about the New York Police department may be found online at <https://www.nyc.gov/site/nypd/bureaus/patrol/precincts/26th-precinct.page>.
6. If you have been the victim of domestic violence, dating violence, sexual assault, or stalking, you should report the incident promptly to the Title IX Coordinator, Janice Robinson, office located at 128 Zankel, telephone (212) 678-3391, email jrobinson@tc.columbia.edu, by calling, writing or coming into the office to report in person and the Office of Public Safety (if the victim so desires.) Reports of all domestic violence, dating violence, sexual assault and stalking made to the Office of Public Safety will automatically be referred to the Title IX Coordinator for investigation regardless of if the complainant chooses to pursue criminal charges.
7. Sexual Violence Response (SVR), the Gender-Based Misconduct Office, Teachers College's Title IX Coordinator, Public Safety and/or Residential Services personnel can advise the survivor about the reporting process and may accompany the survivor or identify someone else who may accompany the survivor to local law enforcement.
8. Although the College strongly encourages filing a report with local law enforcement authorities, the choice is the survivors, and they have the right to decline to notify law enforcement.
9. **Consider Obtaining an Order of Protection.** Under New York law, victims/survivors of sexual assault, domestic violence, dating violence and stalking may seek a Family Court order of protection. You can file a petition in Family Court for an order of protection if you:
 - are related to the respondent (accused) by blood or marriage;
 - are or were legally married to the respondent (accused);
 - have a child with the respondent (accused); or
 - are or were in an intimate relationship with the respondent (accused).

Orders of Protection

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

The NYC Family Justice Center, with locations throughout New York City, can assist with obtaining an order of protection and other services. <https://www.nyc.gov/site/ocdv/programs/family-justice-centers.page>

The College complies with New York State law in recognizing orders of protection by notifying the New York City Police Department if an order is violated. Any person who obtains an order of protection from New York State or any reciprocal state should provide a copy to Office of Public Safety and the Office of the Title IX Coordinator. A complainant may then meet with the Office of Public Safety to develop a Safety Action Plan, which is a plan for campus public safety personnel and the victim to reduce risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to escorts, special parking arrangements, changing classroom location or allowing a student to complete assignments from home, etc.)

The College cannot apply for a legal order of protection, no contact order or restraining order on behalf of a victim from the applicable jurisdiction(s). The victim is required to apply directly for these services through the

NYS Courts. To learn more about applying for an Order of Protection, please visit <https://www.nycourts.gov/fag/orderOfProtection.shtml>.

Orders of protection are issued by a judge to protect you from another person who is abusing, harassing, threatening, and/or intimidating you, or has committed a crime against you. Orders of protection are commonly issued in cases involving domestic violence but may also be issued under other circumstances.

Types of Orders of Protection

1. **Family Court Order of Protection:** A Family Court Order of Protection is issued as part of a civil proceeding to stop violence that is occurring within the family or within an intimate relationship. You may begin the process of obtaining a Family Court order of protection by filling out the **Family Offense Petition**.

In order to obtain an order of protection in Family Court, your relationship to the other person involved must fall in at least one of the following categories:

- o Current or former spouse.
 - o Someone with whom you have a child in common.
 - o A family member to whom you are related by blood or marriage.
 - o Someone with whom you have, or have had, an 'intimate relationship.' (An intimate relationship does not necessarily mean a sexual relationship. Family Court will consider several factors such as, but not limited to: "how often you see each other or how long you have known each other.")
2. **Criminal Court Order of Protection:** An **Assistant District Attorney** may request a criminal court order of protection on your behalf. You do not need to have an intimate or personal relationship with the person charged with the offense. The judge decides whether to issue an order of protection, as well as the terms and conditions.
 3. **Supreme Court Order of Protection:** A Supreme Court order of protection can be issued as part of ongoing divorce or criminal proceeding. If you are involved in an ongoing divorce case and wish to request an order of protection, you must make a written request by Motion or Order to Show Cause, or an oral request at a court appearance. If an attorney is representing you in the case, the attorney can make the written or oral request on your behalf. The judge decides whether to issue an order of protection, as well as the terms and conditions.

Orders of Protection May Be Temporary or Final

- **Temporary Order of Protection:** Issued the same day that a complainant files for an order of protection and lasts only until the next court date, at which point it may be extended.
- **Final Order of Protection:** A final order of protection is issued when the case results in a conviction (whether by plea or after a trial) in criminal court or in family court after a judge finds that a family offense was committed.

Orders of Protection May Be Full or Limited.

- **Full Order of Protection:** A full order of protection means that the subject of the order of protection must stay completely away from you, your home, job and school, and must not abuse, harass, or threaten you.
- **Limited Order of Protection:** A limited order of protection allows the subject of the order of protection to maintain contact with you. However, the subject cannot abuse, harass, or threaten you.

Serving Family or Supreme Court Orders of Protection

For legal reasons, you may not serve your own order of protection. Orders of protection will be served in court by the judge if the defendant/respondent is present.

The **New York City Sheriff's Office** may serve your **Family or Supreme Court order of protection** Monday through Thursday, between the hours of 3:00 AM and 11:00 PM, and Friday, between the hours of 5:00 AM and 11:00 PM. This service is free of charge. Once the Sheriff's Office has served the respondent, they will provide you with a signed statement that says the service has been completed. If the Sheriff's office is unable to deliver the order of protection after several attempts, they must provide you with a signed statement that includes the dates and times of each attempt.

When the Sheriff's office is not in operation, the NYPD can assist you in serving your Order of Protection. You should go to the precinct where the respondent lives and make the request.

You may also arrange for any person, including a family member or friend, over 18 years old, to serve the order of protection, as long as this person is not a party to the case. The order of protection must be served as soon as possible, and the person who serves the papers must complete an "Affidavit of Service" have it notarized and filed with the court as soon as possible. You need to bring the Affidavit Service when you return to court; otherwise, the case may be delayed or dismissed. A temporary order of protection may not go into effect until it is served.

An order of protection does not guarantee your safety. It is important that you have a safety plan should the person violate the order of protection. View general **crime prevention tips** or detailed personalized safety planning.

Violating an Order of Protection

It is a crime to violate a temporary or final order of protection. If an individual violates the order of protection, you should report it to the police. In an emergency call 911 and the individual will be arrested. In a non-emergency, you may file a violation of the order of protection by going to a police precinct. If you have a Family Court order of protection, you may go to Family Court and file the violation, you may report the violation to the police or choose to do both. If you file a violation of the order of protection only in Family Court, the subject who violated the order might not be arrested. Learn more about an **order of protection**.

No Contact Orders. The College may issue an institutional no contact order if deemed appropriate or at the request of the victim or accused. If the College receives a report that such an institutional no contact order has been violated, the College will initiate disciplinary proceedings appropriate to the status of the accused (student, employee, etc.) and will impose sanctions if the accused is found responsible for violating the no contact order.

Types of Disciplinary Proceedings Utilized in Cases of Alleged Domestic Violence, Dating Violence, Sexual Assault and Stalking:

Please refer to the full Gender-Based Misconduct and Interim Title IX Policies and Procedures for Students in Appendix F of this document for a description of disciplinary proceedings utilized in cases of domestic violence, dating violence, sexual assault, and stalking.

Education and Prevention Programs

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

- are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome; and
- utilize an ecological approach to prevention, considering environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

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

1. Identify sexual assault, domestic violence, dating violence, and stalking as prohibited conduct;
2. Define these behaviors using definitions provided by College policy (informed by Department of Education guidance) as well as providing access to state law definitions regarding what behavior constitutes criminal acts of sexual assault, domestic violence, dating violence, and stalking;
3. Define what behavior and actions constitute affirmative consent to sexual activity as defined in College policy and the purposes for which that definition is used, as well as the appropriate rape consent definition from the statute in the State of New York;
4. Provide a description of safe and positive options for bystander intervention. Bystander intervention means safe and pro- social options that may be carried out by an individual or individuals to prevent harm or intervene when there is risk of sexual assault, dating violence, domestic violence, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional and community expectations to identify this behavior as problematic, seeing personal responsibility and overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene—either directly or indirectly.
5. Provide information on risk reduction. Risk reduction means options designed to decrease perpetration, and bystander inaction, to increase empowerment for complainants in order to promote safety, and to help individuals and communities be actively aware of safe conditions.
6. Provide an overview of rights and responsibilities including available options on and off campus for reporting to campus authorities and/or to law enforcement (as well as the right to decline to report to law enforcement); assistance (such as medical, mental health, and advocacy); and disciplinary procedures and related rights. This includes procedures victims should follow if a crime of domestic violence, dating violence, sexual assault, and stalking occurs (as described in “Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking Occurs” elsewhere in this document).

Also:

- how the institution will protect the confidentiality of victims and other necessary parties (as described in “Assistance for Victims: Rights and Options” elsewhere in this document);
- existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community (as described in “Assistance for Victims”);
- Rights and Options” elsewhere in this document);
- options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures (as described in “Assistance for Victims: Rights and Options” elsewhere in this document);
- procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking (as described in “Adjudication of Violations” elsewhere in this document);

Primary Prevention and Awareness Programs

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

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

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

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

Ongoing Prevention and Awareness Campaigns

The College offers ongoing awareness and prevention programs for students. In August and January, TC Community Assistants, (Residential Services and student staff) receive training on recognizing gender-based misconduct behaviors including sexual assault, dating violence, domestic violence, and stalking as well as information about how to refer students to confidential and non-confidential reporting options. Community Assistants also receive training on discrimination and harassment prevention, bystander intervention, and consent. Rape Crisis/Anti-Violence Support Center staff train Community Assistants about the Center’s resources. The Teachers College Student Senate and student organization leaders host the Title IX Coordinator for Gender-Based Misconduct training. Poster campaigns are available on campus throughout the year, particularly during relationship violence awareness month (October) sexual assault awareness month (April). Bystander Intervention trainings are provided by the Rape Crisis/Anti-Violence Support Center.

Teachers College’s on-going campaign includes “Got Consent–What to Do If You Have Been Sexually Assaulted” posters in all Teachers College bathrooms and in the residence halls. The posters include a photo of

the Teachers College Title IX Coordinator and stating confidential and non-confidential reporting options. Also, the Student Bill of Rights for Victims/Survivors of Gender Based Violence is posted in residence halls and student areas pursuant to the NYS 129-B Sexual Assault law.



Links to Important Policies Relating to Safety and Security

IMPORTANT POLICIES RELATING TO SAFETY AND SECURITY CAN BE FOUND AT THE LINKS BELOW OR IN THE APPENDICES IN THE REAR OF THIS BOOKLET.

Policy	Where to find it
Abuse and Harassment of Minors and Adults	www.tc.columbia.edu/policylibrary/policies/abuse-and-harassment-of-minors-and-adults-1232269/
Campus Sex Crimes Prevention	www.tc.columbia.edu/policylibrary/policies/campus-sex-crimes-prevention-1242133/
Drug-Free Campus Policy	www.tc.columbia.edu/policylibrary/policies/drug-free-campus-1222584/
Alcohol Policy	www.tc.columbia.edu/policylibrary/policies/alcohol-policy-1222578/
Gender- Based Misconduct Policy and Procedures for Students	https://www.tc.columbia.edu/policylibrary/policies/gender-based-misconduct-policy-for-students-1232278/
Hate or Bias Crime Reporting	www.tc.columbia.edu/policylibrary/policies/hate-or-bias-crime-reporting-1242137/%20
Missing Students	www.tc.columbia.edu/policylibrary/policies/missing-students-1242139/
Protection from Harassment	www.tc.columbia.edu/policylibrary/policies/discrimination-and-harassment-policy-and-procedures-1232283/
Smoke- Free Campus	www.tc.columbia.edu/policylibrary/policies/smoke-free-campus-1242143/
Violence- Free Workplace	www.tc.columbia.edu/policylibrary/policies/violence-free-workplace-1276114/
Drug-Free Workplace	www.tc.columbia.edu/policylibrary/policies/drug-free-workplace-1271254/

Facts About Sexual Assault

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

Campus Sex Crimes Prevention Act/Sex Offenders Registry

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

The New York State Sex Offender Registration Act requires anyone who must register as a sex offender to notify the state of enrollment, attendance, employment, or residence at any institution of higher education and

any changes to such enrollment, attendance, employment, or residence. More information about the Act may be found at www.criminaljustice.ny.gov/nsor, where there is also a database of registered offenders.

Resources: **New York State Registry** www.criminaljustice.ny.gov/SomsSUBDirectory/search_index.jsp

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

(HEOA) Notification to Victims of Crimes of Violence

The College will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as the result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

Crime Prevention and Education Awareness

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

Take Responsibility for Your Own Safety

1. Be aware of your surroundings and what is going on around you. Keep your head up and your eyes moving. Walk purposefully with a steady pace and self-assured stride. Confidence deters attackers.
2. When walking at night, walk in well-lit and well trafficked areas. Avoid walking through parks, parking lots, and isolated or deserted areas.
3. Use the buddy system. When traveling at night arrange with friends to walk or ride together.
4. Walk in the center of sidewalks away from doors and bushes.
5. If you suspect that you are being followed, indicate your suspicions by looking behind you. If you are on foot, cross the street, change direction, or vary your speed. Walk to a location where there are other people, to the nearest "open store", or to a Columbia University "SAFE HAVEN" location (Red Lion Decal on Window).
6. Stay away from isolated ATM locations. Plan ahead to avoid using ATM machines during off- hours.
7. Do not feel bullied by people who look you in the eyes; look them in the eyes. Eye contact makes everyone uneasy so use that to your advantage.
8. Be wary of strangers at night. It is better to be rude, ignore, and walk away than to have someone take advantage of your kindness.

9. Trust your instincts. Don't allow rationality to over-ride your "sixth sense"-it could protect you from danger.
10. Do not resist armed robbers. Property can be replaced; your life cannot.
11. Do not openly display maps on a public street because it indicates that you are a stranger to the community, unfamiliar with your surroundings, and a potential victim.
12. Do not unnecessarily display your tablets, smart phones, or laptops in public.

TC Safe: The Official Safety App for the Teachers College Community

TC Safe is the official safety app of Teachers College, Columbia University. It is the only app that integrates with Teachers College, Columbia University's safety and security systems. TC Public Safety has worked to develop this unique app that provides students, faculty, and staff with added safety on the Teachers College, Columbia University campus. The app will send you important safety alerts and provide instant access to campus safety resources.

TC Safe features include:

- **Emergency Contacts:** Contact the correct services for the Teachers College, Columbia University area in case of an emergency or a non-emergency concern.
- **Friend Walk:** Send your location to a friend through email or SMS on your device. Once the friend accepts the Friend Walk request, the user picks their destination, and their friend tracks their location in real-time; they can keep an eye on them to make sure they make it safely to their destination.
- **Safety Toolbox:** Enhance your safety with the set of tools provided in one convenient app.
- **Campus Maps:** Navigate around the Teachers College, Columbia University area.
- **Safety and Emergency Resources:** Campus emergency documentation that can prepare you for disasters or emergencies. This can be accessed even when users aren't connected to Wi-Fi or cellular data.
- **Support Resources:** Access support resources in one convenient app to enjoy a successful experience at Teachers College, Columbia University.
- **Safety Notifications:** Receive instant notifications and instructions from Teachers College, Columbia University safety when on-campus emergencies occur.

For more information please visit www.tc.columbia.edu/publicsafety/safety--emergency-resources/tc-safe-app/

Neighborhood Safe Havens

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



Columbia Safe Haven locations link: publicsafety.columbia.edu/content/safe-havens

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

Transportation and Campus Safety

Taking Public Transportation

1. Know your timetables to avoid long waits— especially if you are alone.
2. Avoid empty subway cars and ride at the conductor (middle) or motor-person’s position (first car).
3. Buses tend to be safer at night than subways. Sit close to the bus operator’s position when possible.
4. Always plan your route in advance. Avoid getting off a bus or subway in unfamiliar neighborhoods especially during nighttime.
5. Avoid isolated bus and subway stops.
6. While riding public transportation, keep your handbag, knapsacks, bookbags and personal property in front of you and close to your body.
7. Don’t open your purse or wallet when boarding a bus or waiting to buy a metro card in a subway station. Always have your fare ready and avoid exposing your wallet or purse unnecessarily.
8. Always be aware of the people around you!
9. You can receive text message alerts and Emails from the MTA:
<https://www.mymtaalerts.com/LoginC.aspx>
10. You can receive bus information: bustime.mta.info

Columbia University Shuttle Buses

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

CU provides a variety of shuttle bus services. Information about all of the CU shuttle bus routes can be found at: transportation.columbia.edu

Or download the iPhone and Android App with a QR code:

iOS



Android



Columbia University Walking Safety Escort

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

Avoid Theft of Personal Property

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

Student Residence

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

In Offices and Classrooms

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

In the Library

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

In Athletics Facilities at the Morningside Campus of Columbia University

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

If You Have a Car

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

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

Be Aware and Be Safe if You Are a Victim:

1. Report the crime to the Police by calling **911**.
2. Report the crime to the Office of Public Safety at **(212) 678-3333**.
3. Attempt to remain calm while waiting for the police to respond.

4. If you are injured, request medical attention.
5. Obtain hospital report numbers from the hospital and complaint numbers from the police.
6. If you sustained injuries and/or suffered financial loss, you may be eligible for *Crime Victim's Compensation*. Write or call:

Crime VICTIMS' Compensation Board (718) 923-4325

7. To replace important ID cards:
 - a. **TC ID** (212) 678-3098

Social Security/Medicare Card

(800)772-1213

MTA Reduced Fare & Disabled Card

(718) 330 1234

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

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

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

Crime Prevention Presentations

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

Property Identification Programs to Safeguard Property

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

Operation ID

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

Operation Blue Light

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

PC Phone-Home

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

Stop Theft Tags

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

Bicycle Registration

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

Auto VIN Etching

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

Antitheft Locking Devices

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

During the 2022-2023 academic year, TC offered approximately 4 crime prevention and security awareness programs. Topics such as personal safety, residence hall security, drug, and alcohol abuse awareness, and sexual assault prevention are some examples of programs offered during the prior academic year.

All crime prevention and security awareness programs encourage students and employees are encouraged to be responsible for their own security and the security of others. Participants in these programs are asked to be alert, security-conscious, and involved and advised to call the Office of Public Safety to report suspicious behavior. For additional questions regarding crime prevention, contact the department directly at 212-678-3111. STATEMENT ON MONITORING AND RECORDING OF CRIMINAL ACTIVITY BY STUDENTS AT NON-CAMPUS LOCATIONS OF RECOGNIZED STUDENT ORGANIZATIONS

TC does not have officially recognized student organizations that own or control housing facilities outside of the TC core campus. Therefore, local PD is not used to monitor and record criminal activity since there are no non-campus locations of student organizations.



Emergency Evacuation Procedures and Policies

The Office of Public Safety leads College planning efforts and response to natural and/or human-made disasters and other campus-wide emergencies.

Response protocols are illustrated in the TC Crisis Management Plan (CMP).

Crisis Management Plan (CMP)

Overview

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

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

Purpose of the Plan

The CMP is designed to provide general guidelines and protocols deemed necessary to successfully respond to a variety of potential campus emergencies. While the specific circumstances of any emergency and the detailed actions required for its mitigation cannot be predicted in advance, we can plan and prepare for a successful and comprehensive management of emergencies.

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

Scope of the Plan

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

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

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

The Plan and the response including the Police Department, the Fire Department, and the Office of Emergency Management (OEM). The College participates in a private college consortium that works closely with OEM and maintains a seat at OEM during City-wide crisis. The OEM seat serves as a direct communication link to the

College's own emergency command center which is staffed during City-wide or College emergencies. The Plan and the training associated with the Plan shall conform to protocols of the National

Incident Management System (NIMS) and the Incident Command System (ICS) and conform to New York City and New York State Emergency Operations Plans.

Individuals can report emergencies occurring at Teachers College by calling 212-678-3333.

In conjunction with other emergency agencies, the College conducts emergency response drills and exercises each year, such as tabletop exercises, field exercises, and tests of the emergency notification systems on campus. These tests, which may be announced or unannounced, are designed to assess and evaluate the emergency plans and capabilities of the institution.

Each test is documented and includes a description of the exercise, the date and time of the exercise, and whether it was announced or unannounced.

The campus publicizes a summary of the emergency response and evacuation procedures via email at least once each year in conjunction with a test (exercise and drill) that meets all of the requirements of the Higher Education Opportunity Act.

Evacuation Procedures

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

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

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

The emergency evacuation procedures are tested at least twice each year. Students and employees learn the locations of the emergency exits in the buildings and are provided guidance about the direction they should travel when exiting each facility for a short-term building evacuation. The OPS does not tell building occupants in advance about the designated locations for long-term evacuations because those decisions are affected by time of day, location of the building being evacuated, the availability of the various designated emergency gathering locations on campus, and other factors such as the location and nature of the threat. In both cases, OPS staff on the scene will communicate information to students regarding the developing situation or any evacuation status changes.

The purpose of evacuation drills is to prepare building occupants for an organized evacuation in case of a fire or other emergency. At TC evacuation drills are used as a way to educate and train occupants on fire safety issues specific to their building. During the drill, occupants 'practice' drill procedures and familiarize themselves with the location of exits and the sound of the fire alarm.

Shelter-in-Place Procedures

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

If an incident occurs and the buildings or areas around you become unstable, or if the air outdoors becomes dangerous due to toxic or irritating substances, it is usually safer to stay indoors, because leaving the area may expose you to that danger. Therefore, to “shelter-in-place” means to make a shelter of the building that you are in, and with a few adjustments this location can be made even safer and more comfortable until it is safe to go outside.

Basic “Shelter-in-Place” Guidance

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

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

How to “Shelter-in-Place”

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

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

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

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

Emergency Text Messaging

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

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

Teachers College will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders (including, but not limited to: OPS, Local PD, and/or the Local Fire and Emergency Medical Services), compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

Follow-up information will be distributed using some or all of the identified communication systems (except fire alarm).

The local news media may be utilized to disseminate emergency information to members of the larger community, including neighbors, parents, and other interested parties. The larger community can also access emergency information via the Teachers College home page and/or social media.

If there is an immediate threat to the health or safety of students or employees occurring on campus, an institution must follow its emergency notification procedures. An institution that follows its emergency notification procedures is not required to issue a timely warning based on the same circumstances; however, the institution must provide adequate follow-up information to the community as needed.

Fire Safety and Prevention

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

Description of Student Housing Fire Systems

Every Teachers College residence has:

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

5. Automatic wet sprinklers in all laundry rooms.

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

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

Continuous Evaluation and Enhancement of Campus Fire Safety

Teachers College is committed to continual assessment and enhancement of fire safety equipment and procedures to ensure continued compliance with New York City, State, and National Fire Safety Standards. The College does not have any planned improvements in fire safety at this time.

Daily Fire Logs

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

The Office of Environmental Health & Safety (EH&S) is located in the Zankel Building, ZB 31, 525 West 120th Street, New York City, N.Y. 10027-6696. Business hours are Monday through Friday 7:00 A.M. to 4:00 P.M.

Fire Statistics

For, 2020, 2021 and 2022 Fire Statistics, see Appendix A.

Fire Safety Education and Training

- 1. Fire Evacuation (FET) Training**—The College maintains a Fire Evacuation Team (FET) charged with the responsibility to assist the Office of Public Safety with emergency and fire evacuation of buildings on campus. The FET receives fire response and evacuation training annually at the beginning of each “fall” semester.
- 2. Public Safety Staff Training**—The College maintains a proprietary Public Safety Office with Public Safety staff on hand around the clock. The Public Safety staff provides the primary response to fire, medical, and criminal incidents on campus. Public Safety staff members receive training and certification as Fire Safety Directors. In addition, they receive semi-annual refresher training in fire safety, fire alarm response and emergency evacuations.
- 3. Community Assistant (CA) Training**—Community Assistants employed by the Office of Residential Services are tasked with the on-site management of campus residential facilities. Members of the CA staff receive entry level training in fire safety, fire alarm response, and emergency evacuation as part of their orientation training. This training is provided by the Office of Public Safety, and the Office of Environmental Health and Safety.
- 4. New Resident Student Fire Safety Orientation Training**—Resident students receive information about fire safety, fire alarm response, and emergency evacuation as part of the New Resident Student Orientation provided at the beginning of each semester by the Offices of Public Safety, and Environmental Health and Safety.

5. Faculty and General Staff Training—Fire Safety, fire alarm response, and emergency evacuation training is provided on request by the Office of Public Safety to both academic and non-academic offices and departments. Presentations are provided throughout the academic calendar year.

Reporting a Fire

1. Campus Public Safety-Emergency 212-678-3333
2. Police, Medical, Fire-Emergency 911 / x3333
3. All fires are to be reported to the Office of Public Safety, no matter how minor.
4. If a member of the TC community finds evidence of a fire that has been extinguished, and the person is not sure whether OPS has already responded, the community member should immediately notify OPS at 212-678-3333 to investigate and document the incident for disclosure in the College's annual fire statistics.

Fire Safety Precautions

1. Keep doorways, corridors, and stairwells clear and unobstructed. Keep fire doors closed.
2. Make sure that all electrical appliances and cords are in good condition and UL approved.
3. Do not overload electrical outlets. Use fuse protected multi-outlet power strips and extension cords when possible.
4. Never store flammable substances or combustible items (oily rags, paint, etc.) in your office or apartment.
5. The use of candles, incense, and other open flames is strictly prohibited in all college academic buildings and residential halls.
6. Never leave food cooking or running electrical appliances unattended, no matter the amount of time.
7. Be familiar with the locations of firefighting equipment that is closest to your office or apartment.
8. Be familiar with fire evacuation routes from your office or apartment.
9. When leaving for extended periods of time, i.e. vacations or leave of absence, unplug electrical appliances and shut off gas stoves. (Note: Consult the Office of Residential Services and Facilities with regards to turning off the gas stoves and/or the unplugging of electrical appliances).
10. Ensure that the smoke detectors are working properly by looking for the green light. Residential building occupants should test their smoke detectors regularly. The Office of Environmental Health and Safety regularly tests the smoke detectors in the academic buildings.
11. The following are prohibited items (e.g., sources of open flames, such as candles; non-surge protected extension cords; halogen lamps; portable cooking appliances in non-kitchen areas; etc.) or prohibited activities (e.g., smoking in the room; tampering with life safety equipment; possession of pets; etc.). Electric Scooters are prohibited campus wide.

Procedures for Students and Employees in the Event of a

Fire

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

For Persons with Disabilities

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

1. During an emergency evacuation due to fire the building elevators should not be used.
2. Evacuation may not always be necessary or advisable. If persons with disabilities cannot be transported from the building without using an elevator, assist persons with disabilities to the nearest fire stairway landing on each floor of the building. Immediately notify TC Public Safety staff, first responders, or other rescue workers on scene of the arrival of persons with disabilities to the rescue area.
3. Do remain in your room if you cannot get out of the building because of heat or smoke. **Call Public Safety immediately or 911.** Keep the door closed and wait for assistance from the Fire Department. If smoke is entering the room through the cracks of the door, stuff the crack under the door with towels, sheets, or blankets. If possible, open the window and signal to the Fire Department with a bright colored garment from that window; the Fire Department will be looking for this type of signaling or sign.

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

Student Housing Evacuation Procedures in Case of a Fire

1. If you hear the fire alarm, immediately evacuate the building using the nearest available exit. Do not attempt to fight a fire unless you have been trained to do so.
2. Awaken any sleeping roommate or suitemates. Prepare to evacuate by putting on shoes and a coat if necessary. Feel the doorknob and the door. If they are hot, do not open the door. If they are cool, open slowly, if heat or heavy smoke rushes in, close the door immediately and remain inside.
3. When leaving your room, be sure to take your key in case it is necessary to return to the room should conditions in the corridor deteriorate. Make sure to close the door tightly when evacuating.
4. Residential Services staff members who are present on their floors should facilitate the evacuation of their floor/section if possible. When the alarm sounds, shout and knock on doors as they make their way to the nearest exit and out of the building.
5. When exiting in smoky conditions keep your hand on the wall and crawl to the nearest exit. Always know more than one path out of your location and the number of doors between your room and the exit.
6. **DO NOT USE ELEVATORS.** Elevator shafts may fill with smoke, or the power may fail, leaving you trapped. Elevators have features that recall and deactivate the elevator during an alarm. Standing and waiting for an elevator wastes valuable time.
7. Each resident should report to their assigned assembly area. Residential Services staff should report to their assigned assembly area and make sure that students have cleared the building. Conduct a head count and do not allow re-entry into the building until directed to do so by emergency personnel.

Fire Response Dos and Don'ts

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

Campus Safety Advisory Committee

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

TEACHERS COLLEGE

COLUMBIA UNIVERSITY

A Graduate School of Education, Health & Psychology

APPENDICES

Appendix A: Campus Fire Statistics

For the 2023-2024 academic year, containing fire statistics for calendar years 2022, 2021, & 2020

Location	Total Fires	Fire Number	Date	Time	Cause	Value of Property Damaged
<i>Calendar Year 2022</i>						
New Residence (517 W121)	0	0	N/A	N/A	N/A	N/A
Bancroft (509 W121)	0	0	N/A	N/A	N/A	N/A
Sarasota (512 W122)	0	0	N/A	N/A	N/A	N/A
Grant (514 W122)	0	0	N/A	N/A	N/A	N/A
Whittier (1230 Amsterdam Ave)	0	0	N/A	N/A	N/A	N/A
<i>Calendar Year 2021</i>						
New Residence (517 W121)	0	0	N/A	N/A	N/A	N/A
Bancroft (509 W121)	1	1	3/14/21	9:06 a.m.	Cooking Fire	N/A
Sarasota (512 W122)	0	0	N/A	N/A	N/A	N/A
Grant (514 W122)	0	0	N/A	N/A	N/A	N/A
Whittier (1230 Amsterdam Ave)	0	0	N/A	N/A	N/A	N/A
<i>Calendar Year 2020</i>						
New Residence (517 W121)	0	0	N/A	N/A	N/A	N/A
Bancroft (509 W121)	0	0	N/A	N/A	N/A	N/A
Sarasota (512 W122)	0	0	N/A	N/A	N/A	N/A
Grant (514 W122)	0	0	N/A	N/A	N/A	N/A
Whittier (1230 Amsterdam Ave)	0	0	N/A	N/A	N/A	N/A

Data for Calendar Years 2020-2022

Location	Medical Facility Treatment		Fire related Deaths	Property Damage	Malicious False Alarms	Incident #
New Residence	0		0	0	0	N/A
Bancroft	0		0	0	0	N/A
Sarasota	0		0	0	0	N/A
Grant	0		0	0	0	N/A
Whittier	0		0	0	0	N/A

Location	Fire Alarms Monitored	Sprinkler System	Fire Alarm System & Smoke Detectors	Evacuation Plans Posted & Fire Safety Training	Evacuation Drills Each Academic Year
New Residence	Yes	Yes	Yes	Yes	12
Bancroft	Yes	Yes	Yes	Yes	4
Sarasota	Yes	Partial	Yes	Yes	4
Grant	Yes	Partial	Yes	Yes	4
Whittier	Yes	Partial	Yes	Yes	4

Appendix B: Abuse and Harassment of Minors and Adults

Retrieved July 10, 2023 from: www.tc.columbia.edu/policylibrary/policies/abuse-and-harassment-of-minors-and-adults-1232269/

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

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

1. All allegations of gender-based misconduct (including sexual assault, domestic and dating violence, stalking, sexual harassment, gender-based harassment, and sexual exploitation) must be reported. You must report any allegations of gender-based misconduct and sexual harassment of any adult or child to one of the following:

- Janice Robinson, Title IX Coordinator & VP for Diversity & Community Affairs, jrobinson@tc.edu, x3391
- Marie Miville, Vice Dean for Faculty Affairs, miville@tc.columbia.edu, 212-678-3343
- Tom Rock, Vice Provost for Student Affairs, rock@tc.columbia.edu, X3083
- Svetla Eneva, Human Resources, eneva@tc.columbia.edu, x4026
- Marjory Fisher, CU Associate Vice President & Title IX Coordinator, mdf2166@columbia.edu, 212-853-1276

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

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

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

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

- A psychologist, counselor or other health care provider acting in that capacity, health.columbia.edu/services/overview.
- Sexual Violence Response & Rape Crisis/Anti-Violence Support Center, 212-854-HELP (4357)
- TC Ombuds, Dr. Stephen Pevery, ombuds@tc.columbia.edu, 212-678-4169

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

2. Special Duties Involving Abuse or Mistreatment of Children: If a child is in immediate danger, call the police (911) immediately. Then call Tamara Britt, General Counsel, x3438, Janice Robinson, Title IX Coordinator, x3391, or Public Safety at x3333.

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

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

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

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

- TC Policy and Procedures on the Protection from Discrimination and Harassment. Also see the Reporting Form.
- Columbia/TC Gender-Based Misconduct Policies and Procedures for Students,
- TC Outline (general guidance on grievance options and procedures).

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

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

Responsible Office: Vice President for Diversity and Community Affairs
Last edited: May 2023

Appendix C: Campus Sex Crimes Prevention

Retrieved July 10, 2023, from: www.tc.columbia.edu/policylibrary/policies/campus-sex-crimes-prevention-1242133/

Campus Sex Crimes Prevention

1. Introduction:

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

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

2. New York State Law

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

3. Sex Offender Registration

Any affiliates who have not done so, but who are required to register by the “New

York State Offenders Registration Act”, must contact the 26th Precinct of the New York Police Department and file a report with the Office of Public Safety. Completed forms must be delivered in person (registrants must bring a valid photo ID) to the Office of Public Safety in a sealed envelope: Attn: Director of Public Safety.

4. Community Resources

- New York State Registry:

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

- New York Police Department

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

Responsible Office: Public Safety

Effective Date: April 2015

Last Updated: April 2015

Appendix D: Drug-Free Campus Policy

Retrieved July 10, 2023, from: www.tc.columbia.edu/policylibrary/policies/drug-free-campus-1222584/

Drug-Free Campus Policy

Introduction

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

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

Federal, state and local laws address the unlawful manufacture, possession, use, or distribution of drugs and other controlled substances, determine when drug and alcohol use is illegal, and set the legal sanctions for such laws. The College and all of its members are subject to these laws as well as College disciplinary policies which also prohibit such illegal behavior. The sale, service, possession, and consumption of alcoholic beverages at Teachers College is governed by the New York State Alcoholic Beverage Control Law, by other New York State and New York City laws, and by College policy. To review the College’s Alcohol Policy see:

<http://www.tc.columbia.edu/policylibrary/policies/alcohol-policy-1222578>

Health and Other Effects of Drugs and Alcohol

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

A. Alcohol Risks

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

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

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

B. Risks of Drugs and Controlled Substances

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

Assistance Programs

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

A. Campus Drug and Alcohol Counseling Programs

- Alice! Health Promotion—(212) 854-5453 - www.health.columbia.edu
- Columbia University Counseling & Psychological Services—(212) 854-2878
www.health.columbia.edu
- Columbia University Medical Services—(212) 854-7426 www.health.columbia.edu
- Teachers College Office of the Ombuds—Dr. Stephen Peverly—(212) 678 4169
<http://www.tc.edu/ombuds>
- Opioid Education and Naloxone Training:
<https://www.health.columbia.edu/content/opioid-education-and-naloxone-training>

B. Off-Campus Hotline Information:

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

Abuse Services—(877) 846-7369

- Pills Anonymous—(212) 874-0700

College Sanctions

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

The use of alcohol or drugs is never an excuse for committing any College policy violation.

Regarding gender-based misconduct, the use of alcohol or drugs never makes someone at fault for experiencing gender-based misconduct and does not diminish anyone's responsibility to obtain informed and freely given consent to sexual activity.

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

Laws Concerning Controlled Substances

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

A. Penalties Under Federal Law

Federal law criminalizes possession of controlled substances as well as drug trafficking and related crimes. Information about federal criminal law and sanctions can be found in the DEA Drugs of Abuse Resource Guide and DEA Drug Trafficking Penalties Guide.

Drug offenses at or near educational institutions carry enhanced penalties. Anyone found to have manufactured, distributed, or dispensed, or possessed with intent to manufacture, distribute, or dispense, a controlled substance in or on, or within one thousand feet of, the real property comprising a public or private elementary, vocational, or secondary school or a public or private college, junior college, or university is subject to (1) twice the maximum punishment authorized; and (2) at least twice any term of supervised release for a first offense. A fine up to twice that authorized may be imposed in addition to any term of imprisonment

authorized. *For additional information please see:* 21 U.S.C. § 860 - U.S. Code—Unannotated Title 21. Food and Drugs § 860. Distribution or manufacturing in or near schools and colleges.

B. Penalties Under State and Local Law

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

- New York Penal Law Article 220 (controlled substances)
- New York Penal Law Article 222 (marijuana)
- New York Penal Law Article 120 (vehicular assault, sections 120.03-04.)
- NYS DMV Penalties for alcohol or drug related violations.

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

- New York City Administrative Code—Public Safety

Suspension of Financial Aid Eligibility for Drug Offenses

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

The penalties are:

Possession of a controlled substance:

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

Sale of a controlled substance:

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

A conviction for multiple counts of possession or sale is considered a single conviction. Juvenile court convictions are not considered. Students whose eligibility has been suspended can be reinstated if the conviction is reversed or set aside, or if the student completes an eligible rehabilitation program.

Biennial Review Procedures

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

It is the responsibility of Assistant Vice President, Public Safety and Environmental Health to propose changes to policies and programs and take action to correct any inconsistent application of sanctions for drug and alcohol offenses by the College. The College is committed to be responsive to the needs of its students,

faculty and staff in continuing to develop policies, programs and enforcement schemes that prevent drug and alcohol abuse and comply with all regulatory requirements.

Responsible office: The Office of Public Safety

Last updated: November 7th, 2022

Appendix E: Alcohol Policy

Retrieved July 10, 2023, from: www.tc.columbia.edu/policylibrary/policies/alcohol-policy-1222578

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

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

This policy is applicable to the following situations:

- (1) All events at Teachers College and/or its student residence halls at which alcoholic beverages are served or sold;
- (2) All events, on and off the Teachers College campus, that are sponsored by the College or by any College organization, department or office; and
- (3) All Teachers College activities, whether they occur at the College or not.

Possession and Consumption

1. Persons under the age of 21 are prohibited from possessing or consuming alcohol at the College, within its student residence halls or at any event, on or off campus, sponsored by any College organization, department or office.

Sale and Service

1. No person shall be sold or served any alcoholic beverage if:
 - a. That person is, or appears to be, under the legal drinking age of 21; or
 - b. That person is, or seems to be intoxicated.
2. No person under the age of 21 shall misrepresent or proffer any false evidence of their age in order to obtain or try to obtain any alcoholic beverage or to gain access to any event or activity at which any alcoholic beverage is being sold or served.
3. No alcoholic beverage shall be sold to any person unless:
 - a. A license or permit sanctioning the sale of such alcoholic beverage has been obtained by the seller; and
 - b. The license or permit sanctioning such sale and any posters, signs, notices or other material or information required by applicable law or by the State Liquor Authority are prominently displayed at the site of such sales.

Sponsor

1. The “Sponsor” is the individual(s) and/or group(s) sponsoring an event or activity on or off the Teachers College campus and/or its student residence halls at which alcoholic beverages are to be sold or served.
2. The Sponsor shall be responsible for ensuring that all laws and regulations and all Teachers College policies regarding the sale, service, possession and consumption of alcoholic beverages are complied with at such event or activity including:
 - a. The event or activity must comply with this Policy, including effective procedures for examining attendee’s evidence of age;
 - b. As part of the request to use College facilities, the Sponsor must notify Room Assignments of any event or activity at which alcoholic beverages are to be sold or served.
 - c. Student groups sponsoring events or activities on or off Teachers College campus and/or its student residence halls at which alcoholic beverages are to be sold or served must notify the Office of Student Affairs prior to the event and comply with the requirements regarding student organizations.
 - d. The Sponsor shall instruct the person or persons actually selling or serving the alcoholic beverages not to sell or serve alcoholic beverages to any person who is or appears to be intoxicated, or whom such seller or server knows to be a problem drinker, or who is or appears to be under the legal drinking age. In addition, specific policies, procedures and regulations governing particular facilities or populations may be developed by the persons or offices authorized to do so in conjunction with the Office of Public Safety.

Violations

1. Actions or situations that recklessly or intentionally endanger mental or physical health or involve forced consumption of alcohol or drugs in connection with initiation into or affiliation with any organization are strictly prohibited.
2. The use of alcohol or drugs is never an excuse for committing any College policy violation. Regarding gender-based misconduct, the use of alcohol or drugs never makes someone at fault for experiencing gender-based misconduct and does not diminish anyone’s responsibility to obtain informed and freely given consent to sexual activity and 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.[1]
3. Violations of this policy or of any related laws are subject to College disciplinary codes and policies. Sanctions which may be assessed against violators include: Suspension and expulsion for students and discharge for employees. Visitors who violate this Policy may be removed from the event or activity, from the campus and/or banned from the College.

Criminal Penalties

1. Faculty, staff and students and others affiliated with the College also should be aware that, in addition to College sanctions, violators may be subject to criminal penalties for unlawful manufacture, possession, service or sale of alcoholic beverages to a person under the age of 21 years. [2]

Procedures

1. AVI is the recognized caterer for all College events and activities. A bartender must be retained and the costs covered by the organization, department or office hosting the event or activity. Arrangements for catering and bartending services must be confirmed in advance with Teachers College Public Safety and Room Assignments.

For smaller and informal events (10 attendees and under), organizations, departments and offices may serve wine or beer without hiring a bartender, provided the following standards are met and service is consistent with applicable laws and does not create undue risk for the TC community:

1. There must be no charge for alcoholic beverages or for the event
2. Alcoholic beverages must be purchased from a licensed vendor
3. Open alcoholic beverages remaining after the event must be properly discarded
4. All unopened alcoholic beverages must be stored in a location where they are not available to passersby
5. Signs must be posted at the doors to the event location indicating that alcoholic beverages may not be taken beyond that location
6. New York law forbids serving alcoholic beverages to anyone under 21 or to anyone "disorderly, visibly intoxicated, or known to be a habitual drunkard." The Office of Public Safety must be contacted at 212-678-3333 immediately if anyone in attendance at the event or activity is disorderly or visibly intoxicated.
7. When alcoholic beverages are served, alternative beverages and food must be provided.
8. The Sponsor must be responsible for complying with these procedures and that representative's contact information must be provided to room assignments at least two weeks prior to the event or activity.

To ensure the fluidity of the event or activity, the College recommends that the sponsoring organization, department or office follows approved catering vendor processes.

For rules, policies and regulations regarding the student residence halls, please refer to the Residential Services Contract.

Responsible office: Office of Public Safety

Last updated: October 19, 2022

[1] For additional information about the relationship between alcohol and drugs and gender-based misconduct, please see the Columbia University/Teachers College Gender-Based Misconduct Policy and Procedures for Students.

[2] For information about relevant federal, state and local alcohol laws, please see the Teachers College Drug Free Campus Policy and the Teachers College Drug Free Workplace Policy.

Appendix F: Hate or Bias Crime Reporting

Retrieved July 21, 2023, from: www.tc.columbia.edu/policylibrary/policies/hate-or-bias-crime-reporting-1242137/

Hate or Bias Crime Reporting

1. Introduction

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

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

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

2. Federal Law

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

3. New York State Law

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

The specified offenses are assault in the third degree; assault in the second degree; assault in the first degree; aggravated assault upon a person less than eleven years old; menacing in the first degree; menacing in the second degree; menacing in the third degree; reckless endangerment in the second degree; reckless endangerment in the first degree; manslaughter in the first degree; manslaughter in the second degree; murder in the second degree; stalking in the fourth degree; stalking in the third degree; stalking in the second degree;

stalking in the first degree; rape in the first degree; criminal sexual act in the first degree; sexual abuse in the first degree; aggravated sexual abuse in the second degree; aggravated sexual abuse in the first degree; unlawful imprisonment in the second degree; unlawful imprisonment in the first degree; kidnapping in the second degree; kidnapping in the first degree; coercion in the second degree; coercion in the first degree; criminal trespass in the third degree; criminal trespass in the second degree; criminal trespass in the first degree; burglary in the third degree; burglary in the second degree; burglary in the first degree; criminal mischief in the fourth degree; criminal mischief in the third degree; criminal mischief in the second degree; criminal mischief in the first degree; arson in the fourth degree; arson in the third degree; arson in the second degree; arson in the first degree; petit larceny; grand larceny in the fourth degree; grand larceny in the third degree; grand larceny in the second degree; grand larceny in the first degree; robbery in the third degree; robbery in the second degree; robbery in the first degree; harassment in the first degree; aggravated harassment in the second degree; or any attempt or conspiracy to commit any of the foregoing offenses.

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

4. Policy and Procedure

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

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

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

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

Hate Crimes are against New York law and are violations of the College's anti-discrimination policy.

Concerning the law and the penalties of the law, please refer to this website:
<http://criminaljustice.state.ny.us/internet/crimnet/clf/hatecrimesact2000.pdf>

5. Reporting

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

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

- Aggravated Assault
- Arson;
- Burglary

- Manslaughter (negligent)
- Murder/Non-negligent manslaughter;
- Motor Vehicle Theft
- Robbery
- Sex Offenses—forcible
- Sex Offenses—non-Forcible
- Larceny-theft
- Simple assault
- Intimidation
- Destruction to property, damage to property, and vandalism

Hate Crimes are against New York law and are violations of the College’s anti-discrimination policy.

Concerning the law and the penalties of the law, please refer to this website:

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

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

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

Responsible Office: Public Safety

Effective Date: April 2015

Last Updated: April 2015

Appendix G: Missing Persons Policy

Retrieved July 21, 2023, from: www.tc.columbia.edu/policylibrary/policies/missing-students-1242139

Policy and Procedure

1. Introduction:

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

2. Procedure:

If members of the TC community believe that a student has been missing for 24 hours, it is critical that they report that information to the Office of Public Safety (OPS) by calling (212) 678-3333. OPS will generate a report and will attempt to locate the student or determine why the student is presumed missing. This investigation is accomplished using both on-campus and off-campus resources. The Office of Public Safety will coordinate with the Office of Residential Services, the Vice Provost for Student Affairs, and any other appropriate offices.

If the resident student cannot be located within 24 hours, or if the circumstances warrant earlier intervention and investigation by law enforcement, the Office of Public Safety will contact the local NYPD precinct and will assist them as requested. OPS will contact the student's designated confidential missing person contact as soon as practicable and no later than 24 hours after the student is determined to be missing.

If the missing student is under the age of 18 and un-emancipated, TC will also notify the student's parent or legal guardian as soon as practicable but no later than 24 hours after the student is determined to be missing, and any other designated contact person within 24 hours. Regardless of whether the student has identified a contact person, is above the age of 18 or is an emancipated minor, TC will inform the NYPD that the student is missing within 24 hours.

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

Responsible Office: Public Safety
Effective Date: January 2015
Last Updated: September 29, 2022

Appendix H: Smoke-Free Campus

Retrieved July 21, 2023 from: www.tc.columbia.edu/policylibrary/policies/smoke-free-campus-1242143

Purpose

To establish Teachers College policy and procedure in conforming with NYS and NYC regulations pertaining to smoking or vaping tobacco and/or nicotine products on College property. SCOPE

This policy applies to all students, faculty, staff, and visitors.

Responsibility

The interpretation and administration of this policy shall be the responsibility of the Director of Public Safety or their equivalent.

Policy

NYS Public Health Law, Article 13-E, known as the Clean Indoor Air Act (CIAA,) prohibits the smoking of tobacco products and use of vapor products in nearly all indoor and certain outdoor public and workplaces.

The NYC Smoke Free Air Act (SFAA) prohibits smoking and the use of electronic cigarettes in most workplaces and public spaces. This applies to any substance, including cannabis, and includes areas near hospital entrances, in parks, beaches and pedestrian plazas. The SFAA also prohibits the use of smokeless tobacco at sports arenas and recreational areas that issue tickets.

Therefore, and in accordance with the NYC Smoke-Free Air Act and the NYS Clean Indoor Air Act, the College prohibits smoking of any kind, the use of smokeless tobacco products, the use of e-cigarettes, and the use of vaping devices of any kind in all College buildings and common areas including private offices, lounges, rooftops, residence halls, including rooms and apartments, and the Russell Courtyard. Smoking is also prohibited within fifty (50) feet of all building entrances.

Smoking, vaping, smokeless tobacco use, and e-cigarette use where prohibited is a violation of both Teachers College policy and, in most cases, New York City and State law. Violations of this policy may result in disciplinary action within TC as well as legal penalties.

Procedure

Violations of the Smoke-Free Campus Policy should be reported to the Office of Public Safety by telephone at number 212-678-3333, or by email to publicsafety@tc.edu.

Responsible Office: Public Safety
Last Updated: October 19th, 2022

Appendix I: Violence-Free Workplace

Retrieved July 21, 2023 from: www.tc.columbia.edu/policylibrary/policies/violence-free-workplace-1276114

Violence Free Workplace Policy 412

1.0 Purpose

To establish Teachers College policy and procedure to enhance the safety of employees, students and community members.

2.0 Scope

This policy applies to all employees.

3.0 Responsibility

The interpretation and administration of this policy shall be the responsibility of the Director of Public Safety.

Policy

4.0 Teachers College is committed to providing a safe workplace for all employees.

4.1 Prohibited Conduct

The College does not tolerate any type of workplace violence committed by or against employees. Employees are prohibited from making threats or engaging in violent activities.

Examples of prohibited conduct include but are not limited to:

- Causing physical injury to another person;
- Making physically-threatening remarks;
- Aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress;
- Intentionally or recklessly damaging employer property or property of another employee;
- Possession of a weapon while on College property or while on College business;
- Committing acts motivated by, or related to, sexual harassment or domestic violence.

4.2 Threats, threatening conduct, or any other acts of aggression or violence in the workplace will not be tolerated. Any employee determined to have committed such acts will be subject to disciplinary action, up to and including termination, and may be reported to the proper authorities. Non-employees engaged in violent acts on the College premises will be reported to the proper authorities.

4.3 Any potentially dangerous situations must be reported immediately to the Director of Public Safety or, if

s/he is not available, a Public Safety Officer. All reported incidents or concerns will be investigated. Reports or incidents warranting confidentiality will be handled appropriately and information will be disclosed to others only on a need- to-know basis.

Responsible Office: Human Resources Effective Date:
Last Updated: February 2015

Appendix J: Drug-Free Workplace

Retrieved July 21, 2023, from: www.tc.columbia.edu/policylibrary/policies/drug-free-workplace-1271254

Drug Free Workplace Policy 408

1.0 Purpose

To establish Teachers College policy and procedure pertaining to unlawful use, distribution or possession of drugs or alcohol in its workplace.

2.0 Scope

This policy applies to all employees.

3.0 Responsibility

The interpretation and administration of this policy shall be the responsibility of the Human Resources Officer.

Policy

4.0 The College prohibits the unlawful manufacture, distribution, dispensation, sales, possession or use of any drug or substance by its employees and in its facilities. The sale, service, possession, and consumption of alcoholic beverages at Teachers College is governed by the New York State Alcoholic Control Law and by other laws of the State of New York, as indicated in TC policy. See [www.tc.edu/policylibrary/Alcoholic Beverages](http://www.tc.edu/policylibrary/AlcoholicBeverages)

4.1 Any College employee who violates the College's policy or who is convicted of a drug-related crime is subject to the College's disciplinary procedures, up to and including termination. Where appropriate, an employee who has violated the College's policy may be required to participate satisfactorily in a drug or alcohol abuse assistance or rehabilitation program as a condition of continued employment.

4.2 The College must certify to contracting government agencies that it provides a drug-free workplace in connection with its government contracts. All employees are therefore given and required to sign a statement explaining the policy. The College complies with its legal obligation to notify the federal government of any employee's workplace-related drug conviction.

4.3 Each College employee agrees, as a condition of employment, to abide by this policy and to notify his or her supervisor no later than five (5) days after any conviction under a criminal drug statute.

4.4 Reasonable efforts will be made to assist an employee who comes forth and discloses that s/he is known to be a substance abuser. The College will endeavor to make supervisors aware of the dangers of drug abuse in the workplace.

Responsible office: Human Resources

Last updated: November 9, 2015

Appendix K: Title IX Policy and Procedure

Retrieved July 10, 2023, from: <https://www.tc.columbia.edu/policylibrary/policies/title-ix-policy-and-procedures-11288607/>

Teachers College Title IX Policy and Procedures

Policy Statement

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

In furtherance of this commitment, and in accordance with Title IX of the Education Amendments of 1972 (“Title IX”), and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the “Clery Act”), as amended by the Violence Against Women Act (“VAWA”), the College prohibits the forms of sexual or related conduct as defined below.

Title IX of the Educational Amendments Act of 1972 (“Title IX”) is the federal law that prohibits sex discrimination by any educational institution that receives federal funding. This law has been interpreted by courts and the U.S. Department of Education to require colleges and universities to take certain steps to prevent and respond to sexual harassment.

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

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

To comply with these regulations, the College has adopted this Title IX Policy and Procedures to address the types of misconduct alleged against employees. These new regulations do not cover all of the types of prohibited conduct or places in which sexual misconduct occurs that Teachers College believes must be addressed in keeping with our own commitment to non-discrimination and our obligations under state and local law. Teachers College also maintains the “Policy and Procedures on Discrimination and Harassment” for other types of discrimination, harassment and gender-based misconduct by employees that are not covered by the new regulations. Both policies are important to creating and supporting a College community that rejects all forms of discrimination, harassment and gender-based misconduct. In addition, Columbia University,

Teachers College and Barnard College maintain the “Gender Based Misconduct Policy and Procedures for Students” for other types of gender-based misconduct by students that are not covered by the new regulations.

Under both the Title IX Policy and Procedures and the Policy and Procedures on Discrimination and Harassment, the College remains committed to diligently investigating reports of prohibited conduct, supporting

students and employees who experience discrimination, harassment or gender-based misconduct, and responding fairly and firmly when employee members of the College community violate College policy.

Effective Date

The Title IX Policy and Procedures are effective on August 14, 2020, and will only apply to sexual harassment alleged to have occurred on or after August 14, 2020. Incidents of sexual harassment alleged to have occurred before August 14, 2020, will be investigated and adjudicated according to the process in place at the time the incident allegedly occurred.¹

Scope of Policy and Procedures²

This Policy governs the conduct of College employees that occurs within any College education program or activity within the United States in locations, events or circumstances over which TC has exercised substantial control over both the Respondent and the context in which the Title IX behavior occurs.

The Procedures set forth describe the general response, investigation, disciplinary, sanctioning and appeal processes that apply when a person accused of sexual harassment (referred to as the “Respondent”) is a current Teachers College employee.

Policy

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

This Policy includes the following guidance:

- Federal law definition of sexual harassment
- Reporting obligations and options
- Procedures

Definition of Prohibited Conduct

Sexual Harassment

Sexual Harassment is defined by Federal Title IX as misconduct on the basis of sex that satisfies one or more of the following conditions:

- An employee conditioning educational benefits on participation in unwelcome sexual conduct (i.e., quid pro quo);
- Unwelcome sexual conduct that a reasonable person would determine is so severe, pervasive and objectively offensive that it effectively denies a person equal access to the College’s education programs or activities;
- Sexual Assault (as defined in the Clery Act); which includes any sexual act directed against another person, without consent of the victim including instances where the victim is incapable of giving consent;
- Dating Violence (as defined in the VAWA amendments to the Clery Act), which includes any violence committed by a person: (a) who is or has been in a social relationship of a romantic or intimate nature

with the victim; and (b) where the existence of such a relationship will be determined based on a consideration of the following factors: (i) The length of the relationship; (ii) The type of relationship; (iii) The frequency of interaction between the persons involved in the relationship;

- Domestic Violence (as defined in the VAWA amendments to the Clery Act), which includes any felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under New York States domestic or family violence laws or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of New York State;
- Stalking (as defined in the VAWA amendments to the Clery Act), meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for their safety or the safety of others; or (b) suffer substantial emotional distress.

Important Policy-Related Concepts

Affirmative Consent

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

- Consent can be given by words or actions, as long as those words or actions clearly communicate willingness to engage in the sexual activity. It is important not to make assumptions about consent. If there is confusion or ambiguity, participants need to stop sexual activity and communicate about each person's willingness to continue.
- Consent cannot be procured by the use of physical force, compulsion, threats, intimidating behavior, or coercion.
- Consent cannot be obtained from, or given by, a person who is incapacitated.
- Consent to one form of sexual activity does not imply consent to other forms of sexual activity.
- Consent to engage in sexual conduct with one person does not imply consent to engage in sexual conduct with another person.
- Silence or the lack of resistance, in and of itself, does not demonstrate consent. Again, it is important not to make assumptions; if confusion or ambiguity arises during a sexual interaction, it is essential that each participant stops and clarifies the other's willingness to continue engaging in the sexual conduct.
- Consent can be withdrawn at any time, including after it is initially given. When consent is withdrawn or can no longer be given, sexual activity must stop.
- Previous relationships or previous consent for sexual activity is not consent to sexual activity at another time. However, established patterns of consent in a specific relationship may be considered when evaluating whether affirmative consent was given on a particular occasion.
- Accepting a meal, a gift, or an invitation to socialize, including on dating apps, does not imply or constitute consent to sexual activity.
- The definition of consent does not vary based on a participant's sex, sexual orientation, gender identity, gender expression or relationship status.

Education Program or Activity includes:

- Any on-campus premises.

- Any off-campus premises, events or circumstances over which Teachers College exercises substantial control over both the Respondent and the context in which the sexual harassment occurs. This includes buildings or property owned or controlled by a recognized student organization.
- Activity occurring within computer and internet networks, digital platforms and computer hardware or software owned or operated by, or used in the operations of Teachers College's programs and activities over which Teachers College has substantial control.

Formal Complaint

A document (including an electronic submission) (a) filed by a Complainant with a signature or other indication that the Complainant is the person filing the formal complaint, or (b) is signed by the Title IX Coordinator, alleging sexual harassment against a Respondent about conduct within a Teachers College education program or activity and requesting initiation of the procedures consistent with the Title IX Policy and Procedures to investigate the allegation of sexual harassment. Complainants are only able to file a Formal Complaint under this Policy if they are currently participating in, or attempting to participate in, the education programs or activities of the College, including as an employee.

Complainant

Any individual who has reported being or is alleged to have experienced conduct that could constitute covered sexual harassment as defined under this Policy.

Relevance

The basic test for relevance is whether the evidence presented and/or hearing question posed tends to make an allegation of sexual harassment more or less likely to be true. The following type of evidence and questions are not relevant:

- Evidence and questions about the Complainant's sexual predisposition or prior sexual behavior **unless**:
 - they are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or
 - they concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.
- Evidence and questions that constitute or seek disclosure of, information protected under a legally-recognized privilege.
- Any party's medical, psychological and similar records unless the party has given voluntary, written consent.

Respondent

Any individual who is reported to be the perpetrator of conduct that could constitute covered sexual harassment as defined under this policy.

Confidentiality versus Privacy

References made to *confidentiality* refer to the ability of identified confidential resources to not report crimes and violations to law enforcement or College officials without permission, except for exigent circumstances, such as a health and/or safety emergency or child abuse. References made to *privacy* mean Teachers College offices and employees who cannot guarantee confidentiality but will maintain privacy to the greatest extent possible, and information disclosed will be relayed only as necessary to investigate and/or seek a resolution and to notify the Title IX Coordinator or designee, who is responsible for tracking patterns and spotting systemic issues. Teachers

College will limit the disclosure as much as practicable, even if the Title IX Coordinator determines that the request for confidentiality cannot be honored.

Retaliation

The College or other person may not intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX because the individual made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing.

Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX constitutes retaliation.

Disability Accommodations

This Policy does not alter any institutional obligations under federal disability laws including the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973. Parties may request reasonable accommodations for disclosed disabilities to the Title IX Coordinator at any point before or during the Title IX Process that do not fundamentally alter the Process. The Title IX Coordinator will affirmatively provide disability accommodations that the Parties request.

Procedures

Reporting Sexual Harassment

Teachers College provides a range of options for those who believe they have experienced sexual harassment and individuals are encouraged to bring their concerns to the College's attention immediately. The College takes allegations of sexual harassment very seriously, and will actively respond to alleged sexual harassment and will take remedial action, where appropriate.

The College does not limit the time for submitting a complaint of sexual harassment, but strongly urges the immediate reporting of complaints or concerns. Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of sexual harassment. The College's ability to investigate and respond effectively may be reduced with the passage of time.

Sexual harassment should be reported immediately to the TC Title IX Coordinator, Janice S. Robinson:

- Via report form
- By phone at (212) 678-3391
- By email at jrobinson@tc.columbia.edu
- By mail to 525 West 120th Street, 128 Zankel Hall Box 220, New York NY 10027
- By hand delivery 128 Zankel Hall

The Title IX Coordinator will designate the report to ODCA Title IX Staff to begin the grievance process. If the particular circumstances make a discussion with, or a report to, ODCA Title IX Staff inappropriate (for instance, the complaint involves an ODCA employee), incidents may be reported to Human Resources or the Complainant's supervisor. The College takes allegations of sexual harassment very seriously and will take appropriate action.

Reports made to the Title IX Coordinator should include all of the information known to the Complainant or reporter including, but not limited to, the following:

- the identity and status of the Complainant and the Respondent (e.g., employee, student);
- details concerning the incident(s) or conduct that gave rise to the report;
- date(s) of, and location(s) of the incident(s);
- the identity and status of any witness(es) to the incident(s) with telephone numbers, e-mail addresses, and street addresses if known.

Reports may be submitted anonymously, by witnesses, or by others who are made aware of the incident. However, anonymous reports may limit the College's ability to investigate and respond.

Reports of sexual harassment do not automatically initiate a formal investigation. ODCA Title IX Staff will attempt to gather additional information from relevant individuals and assess such information in order to determine next steps.

Intake

Any individual, whether affiliated with the College or not, may allege violations of the Policy. Upon receipt of an allegation of sexual harassment to ODCA Title IX Staff or the Title IX Coordinator, the College will make prompt efforts to speak with the Complainant. ODCA Title IX Staff will inform the Complainant of the availability of supportive measures (with or without the filing of a formal complaint), as described below and will explain the process for filing a formal complaint.

Supportive and Interim Measures

The College will work with individuals affected by sexual harassment to ensure their safety and promote their well-being. In addition to providing preliminary information regarding the Title IX process, ODCA Title IX Staff will discuss the availability of supportive measures with both parties. Supportive measures are designed to ensure that both parties maintain equal access to College employment and educational programs and activities, without unreasonably burdening the other party. The measures are designed to protect the safety of all parties and the College environment, including the deterrence of violations of this Policy. For example, supportive measures may include extensions of deadlines or other course-related adjustments, modifications of work or class schedules, no contact directives, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence or administrative leave, increased security and monitoring of certain areas of the campus, and other similar measures.

In determining whether supportive measures are appropriate, ODCA Title IX Staff will consider the Complainant's wishes, as well as the burden to the parties. Where supportive measures are deemed appropriate, they will be non-disciplinary, non-punitive, and provided without fee or charge to the parties. Supportive measures may be provided to either party at any phase in the process, regardless of whether a formal complaint has been filed. Supportive measures will be kept confidential to the extent possible.

The College may also impose interim measures, based on the totality of facts known at the time, to ensure the safety of all parties involved, to prevent the escalation of conflict, and to protect the integrity of the disciplinary process while the process is ongoing. If, after taking an individualized safety and risk analysis, the College determines there is an immediate threat to the physical health or safety of any individual arising from the sexual harassment allegations, the College may consider removing a Respondent from educational programs or activities on an emergency basis. Where removal is deemed appropriate, the Respondent will receive prompt notice and have an opportunity to challenge the decision by appealing to the Title IX Coordinator. The appeal must be in writing and may be no longer than five double-spaced,

typewritten pages. The appeal must be delivered to Title IX Coordinator within three (3) business days of notice of the removal decision (via email, mail or hand delivery). Failure to meet the deadline for appeal will result in waiver of the right to appeal.

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

The College will provide notice about these supportive and interim measures only to those who need to know in order to make them effective.

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

Filing a Formal Complaint

In order to initiate a formal complaint, the Complainant must submit a **written document**, physical or digital, alleging sexual harassment against a Respondent and requesting the College to investigate the allegations. The formal complaint must contain the Complainant's physical or digital signature, or otherwise indicate that the Complainant is the person filing the formal complaint, and the document should be submitted to the TC Title IX Coordinator or ODCA Title IX Staff.

The complaint must include the following information:

- the identity and status of the Complainant and Respondent(s);
- details concerning the incident(s) or conduct that gave rise to the complaint;
- date(s) of the incident;
- location(s) of the incident(s);
- the identity and status of any witness(es) to the incident(s) with telephone numbers, e- mail addresses, and street addresses if known.

In certain instances, if a complainant does not wish to make a Formal Complaint, the TC Title IX Coordinator may determine a Formal Complaint is necessary, and will file such a formal complaint and inform the Complainant. In such instances, the Title IX Coordinator is not a party to the matter, and, if known, the identities of the parties will be made known in any subsequent notice of allegations to the Respondent.

Initial Assessment of Formal Complaint

Once received, ODCA Title IX Staff will assess whether the allegations, as put forth, implicate this Title IX Policy and Procedures or some other form of alleged misconduct. In the latter case, ODCA Title IX Staff will assess the matter under a separate TC policy, which may be the TC Policy and Procedures on Discrimination and Harassment. ODCA Title IX Staff will also assess the formal complaint for other jurisdictional issues.

ODCA Title IX Staff **must** dismiss a formal complaint under the following circumstances:

- the alleged matter does not meet the Title IX definition of sexual harassment as described above;
- the alleged matter does not arise from a College education program or activity;
- the alleged matter is not raised against a person in the United States;
- the alleged matter occurred before August 14, 2020.

ODCA Title IX Staff **may** dismiss a formal complaint under the following circumstances:

- the Complainant submits a written request to withdraw the complaint;
- the Respondent is no longer at the College

If a complaint is dismissed, it may qualify for review under a separate, applicable College policy. Parties will simultaneously be provided with a written notice containing the reason(s) for dismissal and that dismissals may be appealed.

Appealing Dismissal of Formal Complaint

Appeals pertaining to the dismissal of a formal complaint must be submitted to the Title IX Coordinator within three (3) business days from receipt of the dismissal. The appeal must meet one or more of the following criteria:

- **Procedural Irregularity:** An appeal based on procedural irregularity must identify with specificity each alleged irregularity within the consideration of the complaint and the ways in which the specified irregularity(s) affected the decision to dismiss the complaint; or
- **New Evidence:** An appeal based on new evidence must explain why this information was not reasonably available at the time the decision to dismiss the formal complaint was made and how this information could affect the decision to dismiss the complaint. Information not provided because a party declined to participate or withdrew from the process cannot be considered new information for the purpose of appeal. This includes situations where a party declines to participate on the advice of their advisor; and/or
- **Conflict of Interest/Bias:** An appeal based on conflict of interest or bias must explain how ODCA Title IX Staff or the TC Title IX Coordinator had a conflict of interest or bias for or against complainants or respondents generally, or the individual Complainant or Respondent that affected the decision to dismiss the complaint.

Upon receipt of an appeal from one of the parties, the Title IX Coordinator will inform the other party and provide a copy of the appeal. The non-appealing party will have three (3) business days from receipt of the appeal to respond should the party wish to do so. If both the Complainant and the Respondent appeal, the appeals will be considered concurrently and each party will have the opportunity to review and respond to the other party's appeal.

The Title IX Coordinator will review the appeal and non-appealing party's response (if provided). Within three (3) business days (of the non-appealing party's response or the appeal if no response is provided), the Title IX Coordinator will communicate, in writing, the determination regarding the appeal simultaneously to both parties. The Title IX Coordinator may take the following actions:

- Uphold the decision to dismiss the complaint. In such cases, the complaint may be considered for investigation under a separate, applicable TC policy; or
- Reverse the decision to dismiss the complaint. If the Title IX Coordinator reverses the decision to dismiss, the complaint will be investigated as outlined in the Formal Investigation Process section in this Policy.

The determination of the Title IX Coordinator is final. Failure to meet the deadline for appeal will result in waiver of the right to appeal.

Formal Investigation Process

Upon the filing a formal complaint that sufficiently implicates this Policy and which is not otherwise subject to dismissal, ODCA Title IX Staff will initiate a formal investigation pursuant to the procedures laid out in this Policy.

Notice of Allegations

Upon receipt of a formal complaint, the College must provide written notice to the parties, who are known, which includes sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known (including the Complainant), the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known. A party may not proceed anonymously in connection with a formal investigation. The notice must include reasonably prompt time frames for the investigation and a process that allows for any temporary

delay of the investigation or the limited extension of time frames for good cause with written notice to the Complainant and the Respondent of the delay or extension and the reasons for the action.

The notice must include a statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding a violation of the Policy is made at the conclusion of the grievance process. The notice must inform the parties that they may have an advisor of their choice, who may be, but is not required to be an attorney. The notice must include a statement that before the conclusion of the investigation, the parties may inspect and review evidence that is directly related to the allegations, including evidence upon which TC does not intend to rely in reaching a determination regarding responsibility, and evidence that both tends to prove or disprove the allegations whether obtained from a party or other source. The notice must inform the parties of any provision in the College's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the investigation. If, in the course of the investigation, ODCA Title IX Staff decide to investigate allegations about the Complainant or Respondent that are not included in the notice initially provided, ODCA Title IX Staff must provide notice of the additional allegations to the parties whose identities are known.

ODCA Title IX Staff must also provide written notice to any parties whose participation is invited or expected (i.e. witnesses) of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings with sufficient time for the party to prepare to participate.

Advisors

Complainants and Respondents may be accompanied by an advisor of their choice (which may be an attorney, but does not need to be so) to any meeting or proceeding related to any incident of sexual harassment. Advisors may provide support and advice about the investigation, hearing and disciplinary processes.

Complainants and Respondents may choose not to have an advisor during the investigative process. However, Complainants and Respondents **must** have an advisor during the live hearing process so that the hearing advisor ("Hearing Advisor") can pose questions to the opposing party and witnesses. Complainants and Respondents may not direct questions at each other or the witnesses during the hearing process. Where a Complainant or Respondent does not have a Hearing Advisor, the College will provide one at no cost to the Complainant or Respondent. The Hearing Advisor provided by the College may or may not be an attorney.

The following outlines the ways in which advisors may or may not participate throughout the investigative and hearing processes.

Investigative Meetings

An advisor **may**:

- Talk quietly with the advisee or pass notes in a non-disruptive manner.
- Take a break, at the advisee's request, to speak privately with the advisee.
- Review information provided to the advisee by the investigators. An advisor **may not**:
- Speak on behalf of the advisee.
- Pose questions to the investigators.
- Answer questions posed to the advisee.
- Make requests (outside of scheduling and accommodations).
- Provide information to the investigators.
- Address the investigators.
- Be disruptive (for example, badgering a witness or party; not following decision-maker instructions or protocol; speaking out of turn).

Hearings

A Hearing Advisor **may**:

- Talk quietly with the advisee or pass notes in a non-disruptive manner, except during cross-examination of the advisee.
- Review the information provided to the advisee.
- Ask questions of participants in the hearing, including the other party and witnesses.
- Assist the advisee with preparing opening and/or closing statements to the Decision-maker. A Hearing Advisor **may not**:
- Speak on behalf of the advisee.
- Answer questions posed to the advisee.
- Be disruptive.
- Intervene in the hearing (for example, interrupting during questioning or any process during the live hearing).
- Address the Decision-maker.

Investigative Team

The TC Title IX Coordinator is the College's designated officer for conducting or overseeing investigations of alleged violations of this Policy. The TC Title IX Coordinator will designate a team of investigators (the "Investigative Team"), who will tailor an investigation based on the facts, nature, and complexity of the allegations and surrounding circumstances. All investigators will have extensive training in investigating and evaluating conduct prohibited under the Policy. The Investigative Team will be impartial and unbiased. The Title IX Coordinator may, in their sole discretion, assign the investigation to appropriate non-Title IX investigator(s) or outside investigator(s). Should a party perceive a potential conflict of interest or bias related to the member(s) of the Investigative Team, the party is expected to promptly raise such conflict in writing to the TC Title IX Coordinator as soon as practicable to allow for appropriate redress.

Fact Gathering

The Investigative Team will gather relevant information from all sources determined necessary for fair resolution of a formal complaint, including interviewing the Complainant, the Respondent, and any other persons with relevant information about the alleged incident(s). The Investigative Team may also review personnel records, documents, and other materials that could prove relevant to the investigation.

The Investigative Team will speak to each party in detail about the allegation(s) and ask each party to identify potential witnesses and/or other evidence to be considered. The parties will have equal opportunity to present fact and expert witnesses and other inculpatory and exculpatory evidence through the course of the investigative process. However, the parties must articulate a reasonable basis to the Investigative Team regarding why their proposed witnesses and/or other suggested evidence are relevant (i.e. will demonstrate that facts material to the allegations under investigation are more or less likely to be true) before the Investigative Team will consider such proposals. Only relevant information will be considered by the Investigative Team, and the Investigative Team retains sole discretion in determining whether the proffered witnesses and/or other evidence are relevant to the allegation(s). The Investigative Team will objectively evaluate all relevant evidence gathered through the course of the investigation.

The parties are expected to submit such evidence and respond to the Investigative Team's evidentiary requests in a timely fashion. Any documents submitted to the Investigative Team for consideration may be

referenced in the Investigative Report and, as discussed below, will be shared with both parties and the parties' advisors, if applicable. The Investigative Team will work with parties and witnesses to receive evidence from the parties and witnesses. The Investigative Team may wish to question a party regarding certain evidence gathered; in that circumstance, the Investigative Team may share certain evidence with a party in advance of a scheduled meeting to provide a fair opportunity to respond to questions presented during the meeting.

The Investigative Team will inform the parties in writing when the fact-gathering stage of the investigation has concluded. No additional witnesses will be interviewed, and no additional evidence may be submitted to the Investigative Team at that time. Both parties will have equal opportunity to inspect and review all evidence (inculpatory and exculpatory) that was gathered from any source that is directly related to the allegations. Prior to the completion of the investigative report, the Investigative Team will provide each party and the party's advisor, if applicable, the evidence subject to this review in an electronic format. The parties will have ten (10) business days to submit to the Investigative Team a written response to this evidence. Any written response will be considered by the Investigative Team prior to completion of the investigative report.

The Complainant, the Respondent, advisors, and all witnesses may not record any meeting conducted as part of the investigative process, nor copy, photograph, nor improperly disseminate any documents or evidence to which they are afforded access as part of the investigative process.

Evidentiary Rules

In conducting the investigation and drafting the investigative report, the Investigative Team will follow the protocols set forth below:

Preserving Evidence. The Investigative Team will direct the Complainant, Respondent, witnesses, and other interested individuals to preserve any relevant evidence, which may include phone logs, text messages, electronic communications or other evidence relating to the complaint.

Character Witnesses. The Investigative Team will not interview witnesses whose sole purpose is to provide character information.

Romantic or Sexual History in Sexual Assault Cases. The Investigative Team will not consider information concerning the romantic or sexual history of either the Complainant or the Respondent, except from either the Complainant or Respondent regarding their shared sexual history. If either offers such information, the other will have the right to respond.

[Without exception, all questions and evidence regarding the Complainant's sexual predisposition are deemed irrelevant and prohibited from consideration. Questions and evidence regarding the Complainant's prior sexual behavior are also irrelevant and prohibited, subject to two, limited exceptions: (1) where evidence of prior sexual behavior is offered to prove someone other than the Respondent committed the alleged offense, or (2) where prior sexual behavior evidence is specifically about the parties' shared sexual history and is offered to prove consent.]

Prior Conduct Violations. The Investigative Team may consider the Respondent's prior conduct violations, where the previous incident was substantially similar to the present allegation(s) and/or the information indicates a pattern of behavior by the Respondent.

Medical Information. Any party's medical, psychological, or similar records cannot be accessed, considered, disclosed, or otherwise used as part of this investigative process without the party's voluntary, written consent. Each party has the right to request that evidence regarding his or her mental health diagnosis and/or treatment be excluded from consideration on the basis that it is not relevant to the allegations.

Legally Recognized Privilege. Any information protected by a legally recognized privilege (e.g. attorney-client) is deemed irrelevant and precluded from consideration throughout the investigative process, unless properly waived by the party maintaining such privilege.

Information from Expert Witnesses. A party may request that information be considered from an expert witness. When such information is deemed relevant to the allegations, the Investigative Team will retain the appropriate expert. Subject to other limitations identified in this Policy, the Investigative Team may include in the investigative record medical, forensic, technological, or other expert testimony and materials (such as

writings and recordings) that the Investigative Team deems relevant and reliable. The Investigative Team has the discretion to determine the relevance and reliability of any expert testimony and materials, and, accordingly, the Investigative Team will determine what, if any, expert testimony and materials will be received into the investigative file. The results of polygraph tests and other “lie-detection” techniques will not be considered by the Investigative Team.

Investigative Report

Once the information-gathering stage has concluded and prior to completion of the Investigative Report, the Investigative Team will send each party and the party’s advisor (if any), relevant evidence³ subject to inspection and review in an electronic format or hard copy.

The parties will have at least 10 business days to submit a short written response, which the Investigative Team will consider prior to completion of the Investigative Report.

After receipt of the parties’ responses, the Investigative Team will then create an Investigative Report that fairly summarizes relevant evidence. The Investigative Report is not intended to catalog all evidence obtained by the Team, but only to provide a fair summary of that evidence.

Only relevant evidence (including both inculpatory and exculpatory—i.e. tending to prove and disprove the allegations) will be referenced in the Investigative Report. The Investigative Team may redact irrelevant information from the Investigative Report when that information is contained in documents or evidence that is/are otherwise relevant.

The Investigative Team will not make determinations of responsibility in the investigative report.

A copy of the report will be provided to the parties and their advisors at least five (5) business days prior to a hearing or any other date when respondent’s responsibility may be determined. The investigative report will be sent to the parties in digital form and parties will not duplicate, alter or copy the investigative report. A single investigative report may be used for allegations arising out of the same set of facts or circumstances, where there are multiple complainants and/or respondents.

The parties are permitted to submit a short written response to the Decision-maker three (3) business days in advance of the hearing. Parties’ written responses will be provided to each other for review but no additional responses will be permitted.

Live Hearing Process

Upon the conclusion of the investigation, the parties have the opportunity to engage in a live hearing. The live hearing is a closed proceeding; no one other than the Decision-maker, the Respondent, the Complainant, their respective Hearing Advisors, witnesses, the Investigative Team/Title IX Coordinator, and other necessary College personnel may be present during the proceeding. Live hearings may be conducted with all participants physically present in the same location, or, at the College’s discretion, may occur virtually using technology that will enable participants to simultaneously view and hear each other. The live hearing will be recorded and a copy of the recording will be made available to the Respondent and the Complainant for their inspection and review. Participants to the live hearing may not record the hearing. Cell phones and recording devices may not be used in the hearing room(s) unless approved by the Decision- maker in advance.

The Decision-maker, whenever possible, will give the Complainant and the Respondent at least ten (10) days advance notice of the hearing. Requests to postpone the hearing may be granted at the discretion of the Decision-maker based on a compelling reason. Because of administrative complexity, where possible, parties should make postponement requests no less than three (3) business days prior to the date of the hearing.

The Decision-maker

The Decision-maker is tasked with evaluating and analyzing all relevant information in the Investigative Report, as well as any relevant additional submissions and information presented by the parties in the hearing process. The Decision-maker determines whether a violation of Policy occurred based on the preponderance of evidence standard.

The Decision-maker will receive regular training on the definition of sexual harassment under Title IX, the scope of the College's education program or activity, how to conduct hearings, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest and bias. The Decision-maker will also receive training on the technology used at the hearing and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not permitted.

Rules of Evidence

In order to promote a fair and expeditious live hearing, the parties and their Hearing Advisors must attend a pre-hearing conference with the Decision-maker. The pre-hearing conference assures that the parties and their Hearing Advisors understand the parameters of the live hearing and allows for significant issues to be addressed in advance of the hearing. At the pre-hearing conference, the Decision-maker will address the conduct expectations for the parties and Hearing Advisors at the live hearing (see also "Rules of Decorum"). Additionally, the parties must provide the Decision-maker with a list of the witnesses they intend to question and exhibits they intend to present at the live hearing. All references to witnesses and exhibits will be made to those contained in the investigative file.

Once the parties have submitted their respective lists of proposed evidence from the investigative file, the Decision-maker will then assess each proposed item to confirm its relevance to the allegations and responses of the matter. The Decision-maker will also ensure that no evidence regarding prior sexual history of the parties is considered, unless the Decision-maker determines at the pre-hearing conference that the evidence meet one of two permitted exceptions: 1) where evidence of prior sexual behavior is offered to prove someone other than the Respondent committed the alleged offense, or 2) where prior sexual behavior evidence is specifically about the parties' shared sexual history and is offered to prove consent. The Decision-maker may, only in exceptional circumstances, grant requests to present evidence not already in the investigative file and retains complete authority to determine how such new evidence may impact the hearing (e.g. if the hearing must be continued until a later date for the Investigative Team to review and present the new evidence to the parties).

During the hearing itself, the Decision-maker has complete authority to assess any questions presented by the parties, and/or their Hearing Advisors, for relevancy. In such instances, the parties, and/or their Hearing Advisors, must wait for the Decision-maker to make a determination of relevance before any answer may be submitted.

The Hearing

The Complainant, the Respondent, their respective Hearing Advisors, witnesses, and the Investigative Team are afforded the opportunity to participate in the hearing. Each participating individual may be placed in a separate room for the duration of the hearing and may view the proceedings via video conference. When it is an individual's turn to appear before the Decision-maker, that person will appear separately before the Decision-maker. The Complainant and Respondent may have a Hearing Advisor in the room with them at all times. If the hearing is conducted wholly or partially through video conference, an administrator will ensure that each party has the opportunity to appear before or speak directly to the Decision-maker and appropriately participate in the questioning process.

Rules of Decorum

All participants, including parties and Hearing Advisors, are expected to participate in a respectful and non-abusive manner during the hearing. The following behaviors are strictly prohibited for all participants:

- Yelling or screaming
- Throwing, hitting, or any similarly aggressive gesture
- Threatening statements or gestures
- Use of slurs (unless directly relevant to the underlying allegations)
- Intentionally violating the physical space of another hearing participant
- Engaging in any behavior which deliberately disrupts the hearing process

Hearing Advisors are expected to treat all parties and witnesses in a respectful manner at all times, including during the questioning portion of the hearing. A Hearing Advisor should not engage in questioning that is abusive, intimidating or disrespectful. A Hearing Advisor may not badger a party or witness, engage in unnecessarily repetitive questioning, or during questioning, lean into the personal space of a party or witness.

Violations of the rules of decorum may be raised by either Hearing Advisor or the Decision-maker. If a Hearing Advisor refuses to comply with the Rules of Decorum (for example, by insisting on yelling at the other party), the Hearing Advisor may be removed from the hearing. In this circumstance, the College will provide a new Hearing Advisor if it provided the original advisor. If the original advisor was selected by the party, the party will have five (5) business days to replace the advisor.

These rules apply equally to both parties, their Hearing Advisors, Decision-maker, witnesses, and any other person present during the hearing.

Hearing Process Order

Opening

The Decision maker will open and establish the rules and expectations for the hearing.

Opening Statements

The Complainant and the Respondent may provide opening statements to the Decision-maker. Should they choose to do so, the opening statement may not exceed three (3) minutes. The party's Hearing Advisors may assist them with drafting an opening statement and the parties may read from a written document. However, the party's Hearing Advisors may not present the opening statement on their behalf.

Questions by the Decision-maker

The Decision-maker may ask questions of the Complainant, Respondent, and witnesses, including the Investigative Team. Generally, questions will focus on statements made by the parties, information contained in the Investigative Report, the Investigative Team's analysis, and any other information provided to the Decision-maker. The Decision-maker will pose any questions they have to the hearing participants prior to the Hearing Advisors' questioning of the participants and may ask any necessary follow up questions after questions from the Hearing Advisors.

Questions by the Hearing Advisors (Cross Examination)

Each party's Hearing Advisor may pose **relevant** questions to the opposing party and witnesses (including the Investigative Team). Relevant questions include those questions that tend to prove or disprove an element of the allegation(s) being considered by the Decision-maker. During this live-cross examination, the Hearing Advisor will ask the other party or parties and witnesses relevant questions and follow-up questions, including those challenging credibility directly, orally and in real time. Before a Complainant, Respondent, or witness answers a question, the Decision-maker will determine whether the question is indeed relevant and therefore can be answered. If the Decision-maker decides to exclude a question, the Decision-maker will provide an explanation as to why the question is not relevant.

The parties may not pose questions to each other or the witnesses. If a party does not have a Hearing Advisor, the College will provide a Hearing Advisor for the live hearing without fee or charge to that party. The Hearing Advisor will be selected by the College and is not required to be an attorney even if the opposing party's advisor is an attorney. A party should alert the Decision-maker as early as possible if the party needs a Hearing Advisor so that the arrangements can be made and the process can continue to progress in a timely manner.

Parties may call expert and character witnesses for direct and cross-examination. The Decision maker will also admit and allow testimony regarding polygraph tests and other procedures that are outside of standard use in academic and non-academic conduct processes.

If a party or a witness does not submit to being questioned during the live hearing, the Decision-maker may not rely on any statement of that individual in reaching a determination regarding responsibility; provided, however, that the Decision-maker cannot draw an inference about the determination regarding responsibility based solely on that individual's absence from the live hearing or refusal to answer questions.

Closing Statements

At the conclusion of the cross-examination and questioning by the Decision-maker, the Complainant and Respondent will have the opportunity to present closing statements to the Decision-maker. Closing statements may not exceed three (3) minutes, and, similar to the opening statements, the closing statements must be presented by the parties, not their Hearing Advisors. The Hearing Advisors may assist in the preparation of the closing statement and the parties may read from a written document.

Standard of Proof, Determination and Sanction

Following the investigation and conclusion of the hearing, the Decision-maker will render a written determination of whether the Respondent is responsible for the conduct alleged and if found responsible, the Decision-maker will determine the sanction. The Decision-maker will use "preponderance of the evidence" as the standard of proof to determine whether a violation of the Policy occurred. Preponderance of the evidence means that the Decision-maker must determine whether, based on the evidence presented, the Respondent was more likely than not to have engaged in the conduct at issue.

The Decision-maker will find the Respondent responsible or not responsible after a review of all of the statements and evidence summarized in the Investigative Report, the written statements submitted by the Complainant and the Respondent, and the statements, testimony, and evidence at the hearing. The Decision-maker will generally render a determination decision within ten (10) business days after the conclusion of a hearing, which will be delivered to the parties simultaneously, and will include the following explanation of the basis for the decision which will include identification of allegations, description of procedural steps taken from receipt of formal complaint to determination, including any notifications, finding of fact, conclusions; statement of and rationale for the result as to each allegation, any disciplinary sanctions and whether remedies will be provided; procedures and permissible bases for appeal.

Appeal of Determination and Sanction

Complainants and Respondents are afforded appeal rights as it pertains to the determination of the Decision-maker. Appeals must satisfy one or more of the following criteria:

- **Procedural Irregularity:** An appeal based on procedural irregularity must identify with specificity each alleged irregularity within the investigation, hearing, and/or sanctioning process and the ways in which the specified irregularity(s) affected the outcome of the matter. Disagreement with the finding or sanction is not, by itself, a ground for appeal; or
- **New Evidence:** An appeal based on new evidence must explain why this information was not reasonably available at the time the determination was made and how this information could affect the outcome of the matter. Information not provided because a party declined to participate or withdrew from the process cannot be considered new information for the purpose of appeal. This includes situations where a party declines to participate on the advice of their advisor; or
- **Conflict of Interest/Bias:** An appeal based on conflict of interest or bias must explain how the Title IX Coordinator, Investigative Team, or Decision-maker had a conflict of interest or bias for or against complainants or respondents generally, or the individual Complainant or Respondent, that affected the outcome of the matter; or
- **Excessiveness or Insufficiency of the Sanction:** An appeal based on the imposed sanction must explain why the sanction is inappropriate based on the weight of the information provided during the investigation, hearing and/or sanction.

The appeal of the determination and/or sanction must be submitted to the Title IX Coordinator within five (5) business days from the date the determination was issued. No attachments or exhibits will be accepted. References to evidence should be made to the materials included in the hearing record. The Title IX Coordinator will notify the non-appealing party in writing upon receipt of the appeal and provide a copy of the appeal. The non-appealing party may provide a written response to the appeal and if the non-appealing party decides to submit a written response to the Title IX Coordinator they must do so within five (5) days. If both the Complainant and the Respondent appeal, the appeals will be considered concurrently, and each party will have the opportunity to review and respond to the other party's appeal.

If the appeal outlines the appropriate criteria for consideration, the Title IX Coordinator will designate an Appellate Officer⁴ for review. The Appellate Officer for staff respondents is the Associate Vice President and Chief Human Resources Officer (or designee). The Appellate Officer for faculty respondents is the Vice Provost for Student Affairs (or designee). As it relates to appeals of the Decision-maker's determination, the Appellate Officer will not initiate a review of substantive issues of fact, or reach a new determination of whether a violation of the

Policy has occurred. The Appellate Officer is strictly limited to determining if an appeal should be granted based on the above-cited criteria for appeal. Similarly, the Appellate Officer will not issue a new sanction but rather determine whether the issued sanction was excessive or insufficient.

In making an assessment, the Appellate Officer will have access to and the ability to review all applicable documents, including the formal complaint, complete Investigative Report, all exhibits, written statements submitted to the Decision-maker, impact statements, and a recording of the hearing (if applicable). The Appellate Officer may also request additional information from the Title IX Coordinator, Investigative Team, and/or Decision-maker regarding issues of procedural irregularity or new evidence as applicable. Additionally, in the event a party submits an appeal containing inaccurate facts or information outside the scope of the Policy, those portions of the information may be redacted and/or the Title IX Coordinator may provide a curative instruction to the Appellate Officer.

The Appellate Officer may take the following actions:

- Deny the appeal, thereby upholding the decision of the Decision-maker; or
- Grant the appeal and return the matter to the Decision-maker or Investigative Team, for further consideration.

If the matter is returned to the Decision-maker or Investigative Team, the Appellate Officer will provide instructions regarding the nature and extent of the reconsideration. Following reconsideration by the Decision-maker or Investigative Team, further proceedings will be conducted as appropriate. In instances where an appeal is granted for possible conflict of interest/bias, the Title IX Coordinator may assign other College personnel for reconsideration of the matter.

The Appellate Officer will notify the Title IX Coordinator of their decision, and the Title IX Coordinator will simultaneously notify the Complainant and the Respondent of the Appellate Officer's decision in writing. Appeal decisions will be rendered generally within twenty (20) business days after the receipt of the last written submission by either of the parties, depending on the availability of the Appellate Officer at the time of the appeal. Title IX Coordinator will notify the parties if there is a delay. There is no further College recourse beyond the decision of the Appellate Officer.

Failure to meet the deadline for appeal will result in waiver of the right to appeal. The College reserves the right to investigate and take any necessary action of its own accord based on new information or events that were not known during an initial investigation. A determination will be considered "final" after the time period to file an appeal has expired, or if a party does file an appeal, after the appeal decision has been sent to the parties.

Notes

1. According to the Department of Education Office for Civil Rights Blog Post of August 5, 2020, "the Rule does not apply to schools' responses to sexual harassment that allegedly occurred prior to August 14, 2020. The Department will only enforce the Rule as to sexual harassment that allegedly occurred on or after August 14, 2020. With respect to sexual harassment that allegedly occurred prior to August 14, 2020, OCR will judge the school's Title IX compliance against the Title IX statute and the Title IX regulations in place at the time that the alleged sexual harassment occurred. In other words, the Rule governs how schools must respond to sexual harassment that allegedly occurs on or after August 14, 2020."
2. This policy and related procedures only pertain to the Federal Title IX Regulated Policy and Procedures. Other behaviors and conduct may be covered under other Teachers College policies including the TC Policy and Procedures on Discrimination and Harassment.
3. All evidence directly related to the allegations.
4. The Appellate Officer will receive relevant training at least once a year on how the adjudicatory and appeal process works, the definition of sexual harassment, the scope of the institution's education program or activity, how to conduct an investigation and the grievance process including hearings, appeals, and informal resolution processes, as applicable, how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias, and the sensitive issues in reviewing these cases.

The Office of the Vice President for Diversity and Community Affairs is the responsible office for this policy and procedures. If you have any questions related to this policy and procedures, you may contact the Title IX Coordinator directly or reach out to Title IX Staff at odca@tc.columbia.edu.

Effective Date: August 14, 2020

Appendix L: Discrimination and Harassment Policy

Retrieved July 20, 2023, from: <https://www.tc.columbia.edu/policylibrary/policies/discrimination-and-harassment-policy-and-procedures-1232283>

Teachers College Policy and Procedures on Discrimination and Harassment

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

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

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

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

- Define the meaning of “sexual harassment” (including forms of sex-based violence) and limits Title IX’s coverage to incidents involving misconduct that is “severe, pervasive and objectively offensive,”

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

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

- Address how institutions of higher education that receive federal funding (including Teachers College) **must** respond to reports of behaviors falling within that definition of sexual harassment, and
- Set out a detailed grievance process that institutions of higher education (including Teachers College) **must** follow when investigating, adjudicating and imposing sanctions in cases involving sexual harassment under that definition.

To comply with these regulations, the College has adopted a new policy for those types of misconduct alleged against employees - the Title IX Policy and Procedures. These new regulations do not cover all of the types of misconduct or places in which misconduct occurs that Teachers College believes must be addressed in keeping with our own commitment to non-discrimination and our obligations under additional federal, state and local laws. The Teachers College Policy and Procedures on Discrimination and Harassment addresses other types of discrimination, harassment and gender-based misconduct by employees that are not covered by the new regulations. Both policies are important to creating and supporting a College community that rejects all forms of discrimination, harassment and gender-based misconduct. In addition, Columbia University, Teachers College and Barnard College maintain the [Gender-Based Misconduct Policy and Procedures for Students](#) for instances of gender-based misconduct where the Respondent is a student.

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

SCOPE OF POLICY AND PROCEDURES

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

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

As noted above, federal, state⁴ and local laws set forth specific requirements for addressing allegations of sexual harassment, sexual assault, dating violence, domestic violence and stalking, as well as other types of gender-based misconduct (including gender-based harassment, and sexual exploitation). The **Sexual Misconduct Procedures** describe the general response, resolution and disciplinary process that applies to these prohibited conducts when

³ For purposes of this Policy, “third parties” includes non-employees who are (or are employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in the workplace. Non-employees include persons commonly referred to as independent contractors, “gig” workers and temporary workers. Also included are persons providing equipment repair, cleaning services or any other services provided pursuant to a contract with the employer.

⁴ New York law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace from workplace harassment. A perpetrator of workplace harassment can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, visitor, or student. This includes by students, staff or third party.

the Respondent is a current College employee or a third party. For allegations meeting the federal definition of sexual harassment under Title IX, the Teachers College Title IX Policy and Procedures is applicable.

POLICY

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

This Policy includes the following guidance:

- Principles and definitions concerning discrimination, harassment, gender-based misconduct and related matters
- Reporting obligations and options
- Informal and formal procedures
- Resources
- Legal Protections and External Remedies

DEFINITIONS OF PROHIBITED CONDUCT

Discrimination

Discrimination is defined as treating members of a protected class less favorably because of their membership in that class or as having a policy or practice that adversely impacts the members of one protected class more than others.

Discriminatory Harassment

Discriminatory harassment is defined as subjecting an individual to unwelcome conduct, whether verbal, physical or visual that creates an intimidating, hostile or abusive working, learning or campus living environment: that alters the conditions of employment or education; or unreasonably interferes with an individual's work or academic performance on the basis of the individual's membership in a protected class.

Discriminatory harassment may include, but is not limited to: verbal abuse; epithets or slurs; negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; insulting or obscene comments or gestures; and display or circulation (including in hard copy, by email or text, or through social media) in the working, learning or living environment of written or graphic material that denigrates or shows hostility or aversion toward an individual or group. Sexual harassment and gender-based harassment, which are described below, are forms of discriminatory harassment.

The College will determine whether the conduct was humiliating, abusive or threatening based on both subjective and objective factors, based on the totality of the circumstances surrounding an alleged incident or course of conduct, including without limitation, the frequency, nature and severity of the conduct. The College will determine whether that conduct created a hostile environment by examining whether a reasonable person would find the environment hostile or abusive (as well as whether the Complainant viewed it as such).

Sexual Harassment

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, gender identity and the status of being transgender. Sexual harassment is considered a form of employee misconduct and sanctions will be enforced against individuals engaging in sexual harassment and against managers and supervisors who knowingly allow such behavior to continue.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:

- Such conduct is made either explicitly or implicitly a term or condition of an individual's employment, academic, co-curricular or student life activities; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment, academic evaluation, grades, advancement or student life decisions affecting that individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance, education or participation in educational programs or activities or creating an intimidating, hostile or offensive employment, academic, or campus living environment, even if the complaining individual is not the intended target of the sexual harassment.

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone, which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient's job performance.

Examples of Sexual Harassment:

- Physical assaults of a sexual nature, such as:
 - Touching, pinching, patting, grabbing, brushing against another person's body or poking another person's body.
- Unwanted sexual advances or propositions, such as:
 - Requests for sexual favors accompanied by implied or overt threats concerning the victim's job performance evaluation, a promotion or other job benefits or detriments;
 - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks, jokes, or comments about a person's sexuality or sexual experience, which create a hostile work or learning environment.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
 - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:

- Interfering with, destroying or damaging a person’s workstation, tools or equipment, or otherwise interfering with the individual’s ability to perform the job;
- Sabotaging an individual’s work; ○ Bullying, yelling, name-calling.

Sexual harassment can occur between individuals, regardless of their sex or gender. Sexual harassment can occur on or off campus, including while traveling for business or at TC-sponsored events or parties. Calls, text messages and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises or not during work hours.

Gender-Based Harassment

Acts of aggression, intimidation, stalking, or hostility based on gender or gender-stereotyping constitute gender-based harassment. Gender-based harassment can occur if individuals are harassed either for exhibiting what is perceived as a stereotypical characteristic of their gender, or for failing to conform to stereotypical notions of masculinity or femininity. To constitute harassment, the conduct must unreasonably interfere with another person’s education or participation in educational programs or activities or work, or create an intimidating, hostile, demeaning or offensive working, learning or living environment.

Gender-Based Misconduct

Gender-based misconduct includes a broad range of behaviors focused on sex and/or gender that may or may not be sexual in nature. Gender-based misconduct encompasses gender-based harassment, sexual harassment, sexual assault, sexual exploitation, stalking, dating violence and domestic violence.

Sexual Assault: Penetration

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

Sexual Assault: Contact

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

Domestic Violence

The use or threat of physical violence or sexual assault that is directed toward (1) a current or former spouse or intimate partner; (2) a person with whom one shares a child; or (3) anyone who is protected from the Respondent’s acts under the domestic or family violence laws of New York. This violation includes behavior that seeks to establish power and control over another person by causing fear of physical or sexual violence. Domestic violence can be a single act or a pattern of behavior, depending on the frequency, nature, and severity of the conduct. Domestic violence may include: coercion, threats, intimidation, isolation, stalking, or other forms of emotional, psychological, sexual, technological, or economic abuse.

Dating Violence

The use or threat of physical violence or sexual assault that is directed toward a person who is or has been in a social relationship of a romantic or sexually intimate nature with the Respondent. This violation includes behavior

that seeks to establish power and control over another person by causing fear of physical violence or sexual assault. Dating violence can be a single act or a pattern of behavior, depending on the frequency, nature, and severity of the conduct.

Stalking

A course of unwanted attention that is repeated or obsessive, directed toward an individual or a group that is reasonably likely to cause alarm, fear or substantial emotional distress. Stalking may take many forms, including but not limited to: lying in wait for, monitoring or pursuing contact. Stalking may occur in person or through telephone calls, text messages, unwanted gifts, letters, emails, surveillance, or other types of observation and communication.

Sexual Exploitation

Non-consensual abuse or exploitation of another person's sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage, or any other illicit purpose. Acts of sexual exploitation include, but are not limited to: (1) non-consensual streaming, sharing or distribution of images, photography, video, or audio recording of sexual conduct, nudity or state of undress when and where there is a reasonable expectation of privacy, without the knowledge and affirmative consent of all participants; (2) observing, photographing, videotaping or making any other visual or audio recording of sexual conduct or nudity or state of undress when and where there is a reasonable expectation of privacy, without the knowledge and affirmative consent of all participants; (3) exposing one's genitals in non-consensual circumstances; (4) inducing incapacitation for the purpose of making another person vulnerable to gender-based misconduct.

Retaliation

Retaliation is unlawful under federal, state and local law. Retaliation is any adverse action or threatened action, taken or made, personally or through a third party, against an individual (or group of individuals) because of that individual's participation in any manner in an investigation or proceeding under this Policy, including individuals who file a third-person report and those who are interviewed or otherwise provide evidence in an investigation (witnesses). Retaliation is conduct that would discourage a reasonable person from reporting misconduct, participating in an investigation or taking other actions protected by this Policy. The adverse action need not be academic or job-related or occur in the classroom or workplace to constitute retaliation.

- Any individual or group of individuals, not just the Respondent or Complainant can be found to have engaged in retaliation.
- Retaliation includes threatening, intimidating, harassing or any other conduct that would discourage a reasonable person from engaging in activity protected under this Policy. Protected activity includes: reporting misconduct (either internally or with any antidiscrimination agency); participating in an investigation or adjudication; seeking services; receiving protective measures and accommodations.
- Retaliation includes maliciously and purposefully interfering with, threatening, or damaging the academic or professional career of another individual, before, during or after the investigation and resolution of a report of misconduct under this Policy.
- This provision does not apply to reports made or information provided in good faith, even if the facts alleged in the report are determined not to be accurate.
- Retaliation may be found even when the underlying charge does not constitute discrimination, harassment or gender-based misconduct in violation of College policies.

- Any person found to have retaliated against another will be subject to disciplinary action even if the alleged discrimination, harassment or gender-based misconduct is found not to have violated this Policy.

CONSENSUAL ROMANTIC AND SEXUAL RELATIONSHIPS

Consensual romantic or sexual relationships between faculty (and other instructional staff) and students are not a violation of this Policy; however, such relationships are prohibited in certain circumstances. A complete explanation of the rules governing such relationships may be found in the [Romantic or Sexual Relationships between Faculty \(and other instructional staff\) and Students Policy](#).

DISABILITY ACCOMMODATIONS AND ACCESS

The College is committed to complying with all applicable provisions of the Americans with Disabilities Act (“ADA”) as well as with other relevant federal, state and local disability laws. It is the College’s policy not to discriminate against any qualified employee, student or applicant with regard to any terms or conditions of employment or education based on that individual’s disability or perceived disability. Consistent with this policy of nondiscrimination, the College will provide reasonable accommodations to a qualified individual with a disability who has made the College aware of their disability and has engaged in an interactive process with the College to determine appropriate and reasonable accommodations (unless doing so places an undue hardship on the College or represents a fundamental alteration of the job, program or course).

Individuals with disabilities who believe they need reasonable accommodations to perform the essential functions of their job or to participate fully and equally in their education should contact the Office of Access and Services for Individuals with Disabilities (OASID) at: www.tc.columbia.edu/oasid, (212) 678-3689, or via email at oasid@tc.columbia.edu to discuss those concerns with OASID staff.

In addition, the College is committed to fostering a campus that is equally accessible to employees, students and applicants. Individuals with disabilities who have physical or digital access needs to the Teachers College community should also contact OASID to discuss their concerns.

REASONABLE ACCOMMODATION OF PREGNANCY

In accordance with federal, state and local law, the College will provide reasonable accommodations to employees and students based on the needs of pregnancy, childbirth or related medical conditions, unless doing so places an undue hardship on the College.

Employees seeking a reasonable accommodation based on the needs of pregnancy, childbirth or related medical conditions should contact [TC Human Resources](#) for guidance and assistance.

Students seeking a reasonable accommodation based on the needs of pregnancy, childbirth or related medical conditions should contact the TC Title IX Coordinator, Janice S. Robinson at jsr167@tc.columbia.edu, or via telephone at (212) 678-3391 for guidance and assistance.

REASONABLE ACCOMMODATION OF RELIGION

In accordance with federal, state and local law, the College will provide reasonable accommodations of religious practices and beliefs, unless doing so places an undue hardship on the College.

Employees seeking a religious accommodation should contact their supervisor or [TC Human Resources](#).

Students seeking a religious accommodation should initially work with their course instructor. If they cannot reach a suitable arrangement, students should consult with the appropriate program director or department chair. Students also may take the matter to the Office of the Provost for additional appeal.

Faculty, staff and students will not be penalized or retaliated against for requesting **any** type of accommodation.

DUTY TO ACT

Management and supervisory personnel are expected to take reasonable and necessary action to prevent discrimination and harassment, to take appropriate action when they learn directly or indirectly of conduct that may violate College policies, and to respond promptly and thoroughly to any such claims. Management and supervisor personnel are also responsible for reasonably accommodating their direct reports. For additional information regarding this obligation, please see the [TC Reasonable Accommodation Policy for Employees](#).

A manager or supervisor who fails to take appropriate action may be found to have violated the College's policies even in situations where the underlying event does not constitute discrimination or harassment. Upon notice that a direct report is a Respondent in an allegation of prohibited conduct, the Respondent's immediate supervisor(s) will take prompt and effective remedial action to immediately stop the prohibited conduct, as well as prevent its recurrence.

For purposes of this Policy, management and supervisory personnel include:

- Any employee having formal supervisory responsibility over employees;
- Faculty in such roles as department chair, program director, institute director, center director, dean or similar position supervising other faculty and/or staff;⁵ and
- Principal Investigators on a grant or contract act in a supervisory capacity over the individuals in the lab or research they lead.

DUTY TO REPORT

Abuse of Minors

All College employees are directed contact the police (911) if they believe a child is in immediate danger and to then report to Tamara Britt, TC Vice President and General Counsel at

⁵ For example, faculty and other instructional staff may supervise teaching assistants, course assistants, research assistants, department secretaries and other staff members.

(212) 678-3438, Janice S. Robinson, Vice President for Diversity and Community Affairs and TC Title IX Coordinator at (212) 678-3391, or Public Safety at (212) 678-3333

To report child abuse externally, employees are directed to contact the NYS Child Abuse Hotline (800-635-1522 (mandated reporters) or 800-342-3720 (others)), and then must report to Tamara Britt, TC Vice President and General Counsel at (212) 678-3438, Janice S. Robinson, Vice President for Diversity and Community Affairs and TC Title IX Coordinator at (212) 678-3391, or Public Safety at (212) 678-3333.

A copy of the College's policy on Abuse and Harassment of Minors can be found here: [Guidance for Teachers College Faculty and Staff on Reporting Obligations](#).

Prohibited Gender-Based Misconduct

All Teachers College employees have a duty to report any instance or allegation of prohibited gender-based misconduct, including: sexual harassment, sexual assault, dating violence, domestic violence, stalking, gender-based harassment and sexual exploitation, that is disclosed to, observed, or otherwise known by that employee.

Prohibited gender-based misconduct should be reported immediately to the TC Title IX Coordinator, Janice S. Robinson at:

- [Via report form](#)
- By phone at (212) 678-3391
- By email jsr167@tc.columbia.edu
- By mail at 525 West 120th Street, 128 Zankel Hall Box 220, New York, NY 10027
- By hand delivery to 128 Zankel Hall

Other Prohibited Conduct

The College strongly encourages all employees to report any other form of discrimination or harassment to the Office of the Vice President for Diversity and Community Affairs (ODCA) and/or the employee's designated Human Resources representative.

Managers and Supervisors

Managers and supervisors **must** report any instance or allegation of prohibited conduct by an employee or third party that is disclosed to, observed or otherwise known by them to ODCA and/or their designated human resources representative (who will report to immediately and coordinate with ODCA regarding the appropriate College response).

Failure of a manager or supervisor to report any instance or allegation of prohibited conduct by an employee or third party that is disclosed to, observed or otherwise known by the manager or supervisor will constitute a violation of this Policy and may result in disciplinary action, even in situations where the College determines that the underlying conduct does not constitute a policy violation.

Employees Not Required to Report

College employees serving in a privileged professional capacity (e.g., counselors) ⁶ are not obligated to report and, absent a request by the Complainant, should not report information disclosed to them in their capacity as a privileged professional, except as required by law.

Similarly, the College Ombuds Officer will not provide the College or the Title IX Coordinator with identifying information concerning individuals who disclose possible incidents of discrimination or harassment. The College Ombuds Officer will quarterly provide the College with limited, nonidentifiable information intended to permit the College to assess the incidence of such prohibited conduct and, where appropriate, include such incidents in the College's Annual Security Report.

If an employee has any question about who is the appropriate College contact to whom that employee should report potential prohibited conduct, the employee should contact ODCA staff at (212) 678-3391 or via email at odca@tc.columbia.edu for guidance.

PRIVACY AND CONFIDENTIALITY

The College values the privacy of its faculty, staff, students and all community members. Some campus resources are confidential and will not share any identifying information with others, except as required by law in emergency situations. Other resources are not confidential, but will protect the privacy of a faculty, staff or student to the greatest extent possible and will share information with other staff on a need-to-know basis. Appendix B contains resource information regarding including whether the resource is confidential.

EDUCATION AND TRAINING PROGRAMS

All College employees are expected to read, understand and adhere to this Policy. The College provides educational and training programs for faculty and staff concerning conduct that may constitute a violation of College policies and the procedures applicable to alleged violations. All College employees are required ⁷ to participate in training programs offered to them and to be knowledgeable about the College's policies and procedures.

Requests for live training as well as any questions about the College's policies and procedures should be addressed to the Office of the Vice President for Diversity and Community Affairs at odcatraining@tc.columbia.edu.

ACADEMIC FREEDOM

⁶ Individuals trained as psychologists, counselors and lawyers have a legal obligation of confidentiality to their patients and clients, but not to their students, colleagues or others. While faculty will protect student privacy to the extent possible, the law does not protect student or colleague confidences shared with administrators or faculty members. Psychologists hired as faculty/instructors/lecturers/adjuncts are not confidential.

⁷ All Teachers College employees are required to complete annual online discrimination, harassment and gender-based misconduct training. Access to the training platform may be found in the myTC portal under Support Resources.

Nothing in this Policy shall abridge academic freedom or the College's educational mission. This Policy is not intended to inhibit or restrict academic freedom or genuine contributions to the marketplace of ideas. Prohibitions against discrimination and harassment do not extend to statements or written materials that are relevant and appropriately related to the subject matter of educational courses.

RESOURCES

The College provides a variety of resources for individuals who believe they have experienced prohibited conduct and all parties involved in the resolution and investigative processes. Contact information for these resources and other community providers is provided Appendix B.

PROCEDURES

COMPLAINTS OF PROHIBITED CONDUCT

Teachers College provides a range of options for those who believe they have experienced Prohibited Conduct and individuals are encouraged to bring their concerns to the College's attention immediately. The College takes allegations of Prohibited Conduct very seriously, will actively respond to alleged discrimination and/or harassment and will take remedial action, where appropriate. The College does not limit the time for submitting a complaint of Prohibited Conduct, but strongly urges the immediate reporting of complaints or concerns. Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of discrimination and/or harassment. The College's ability to investigate and respond effectively may be reduced with the passage of time.

Where to Report

Those who have experienced Prohibited Conduct by a College employee or third party may notify ODCA. If particular circumstances make a discussion with, or a complaint to ODCA inappropriate (for instance, the complaint involves an ODCA employee), incidents may be reported to Human Resources or the Complainant's supervisor. The College takes allegations of Prohibited Conduct very seriously and will take appropriate action against all alleged discrimination and/or harassment, even in the absence of a complaint.

Complaints may be submitted in writing or made orally to ODCA. Complaints may be submitted to ODCA by any of the following methods:

- By phone at (212) 678-3391
- [Via report form](#)
- By email at odca@tc.columbia.edu
- By mail at 525 West 120th Street, 128 Zankel Hall Box 220, New York, NY 10027 • By hand delivery to 128 Zankel Hall

To the extent possible, the complaint should include the following information: the identity and status of the Complainant and the Respondent (e.g., employee, student); details concerning the incident(s) or conduct that gave rise to the complaint; date(s) of, and location(s) of the incident(s); the identity and status of any witness(es) to the incident(s) with telephone numbers, e-mail addresses, and street addresses if known. Reports may be submitted anonymously, by witnesses, or by others who are made aware of the incident.

The College will, as appropriate, assess complaints against third parties or unknown individuals discriminating against or harassing College employees or students. The College will take appropriate steps to protect employees, non-employees providing services on campus, students, and the College community as a whole.

If employees choose to direct their complaints or allegations of Prohibited Conduct to their managers, supervisors, or Human Resources, then those individuals, as mandatory reporters, will report the alleged conduct to ODCA. Except in matters falling under the Sexual Misconduct Procedures (described below), union members may file complaints with their collective bargaining unit unless prohibited by their collective bargaining agreement, or unless an inherent conflict of interest would interfere with a fair adjudication in the collective bargaining unit. The proceedings will be governed by the applicable procedures of the applicable collective bargaining agreement: <https://www.tc.columbia.edu/human-resources/policies--unioncontracts/union-contracts/>.

If an individual files a complaint with more than one College department or office regarding the same incident, ODCA, in consultation with the other departments, will determine the appropriate department to conduct the investigation. Complaints shall not be investigated by more than one department or office simultaneously, nor will a department or office investigate a complaint after another department/office has completed an investigation into that claim.⁸

Action Taken By ODCA

Initial Assessment of Complaints

After receiving a report of possible prohibited conduct, ODCA will conduct an initial assessment to evaluate whether, if substantiated, the conduct constitutes a Policy violation and whether there is a reasonable basis to engage in the investigative process. Reasonable basis is defined as the existence of some credible information to support the alleged violation and can include a credible witness or Complaint's narrative, among others. ODCA will assess the available information, determine if a complaint is supported or unsupported by any such information, and take the following actions:

- ODCA may dismiss the complaint if it determines that the report does not allege facts that, if substantiated, would constitute a violation of the Policy, or that the facts as alleged in the report are refuted by evidence or information known to or possessed by the Office;
- ODCA may refer the report to another office such as Human Resources to address the alleged conduct through alternate means;
- ODCA will review available options for resolution with the parties, including but not limited to investigation, and other options for informal resolution such as personal informal resolution, administrative resolution, mediation, facilitated dialogues and/or communications between the parties. Informal resolution is not available for allegations of sexual harassment and sexual assault.

ODCA can require an investigation upon assessment of a complaint, even if the parties request an alternative resolution. ODCA's assessment includes, without limitation, whether there is sufficient information to conduct an investigation and the nature and scope of the alleged prohibited conduct.

⁸ "Grievances of academic appointees shall first be considered or given a hearing through regular administrative channels. If action taken is not satisfactory to the complainant, appeal may be taken to the Faculty Advisory Committee." See Faculty Handbook Section 2.VI.B.13.

Resolutions

Individuals who believe they have experienced Prohibited Conduct (non-gender based misconduct) have various options for resolution both informally and formally.

Options for Informal Resolution

Informal resolution options are not available for individuals who have experienced sexual harassment or sexual assault.

Options for informal resolution may be available for individuals who have experienced domestic violence, dating violence and/or stalking depending on the resolution involved.

For all other forms of Prohibited Conduct, the College will provide each party with sufficient information to make an informed decision to consent to any form of informal resolution.

Personal Informal Resolution

A person who believes that they have experienced discrimination or harassment, based on their membership in a protected class may choose to work with the alleged offender directly through various approaches including:

- a face-to-face discussion,
- a personal telephone conversation, • email correspondence, or
- other communication.

In some cases, this may effectively resolve the situation; in others, they may be ineffective or place the complaining individual in an uncomfortable, insecure or compromised position. Under no circumstances should an individual feel pressured to attempt informal resolution. If these measures prove unsuccessful, the individual may choose to pursue other methods of resolution.

College-Assisted Informal Resolution Options

If both parties consent and sexual harassment or sexual assault is *not* involved, the College may offer to facilitate informal procedures involving both parties. Such approaches will be pursued only with the consent of both parties, and either party has the right to terminate the process and begin the formal process at any time. If any of these approaches result in a resolution, any formal procedures will be concluded and the matter closed. If the parties are unable to reach a resolution, a Complainant may choose to proceed with a formal resolution.

Facilitated Conversation

TC encourages a facilitated conversation whenever practical and appropriate. A facilitated conversation may take place only if the Complainant and Respondent both agree to participate. A matter is resolved through a facilitated conversation only if all parties agree on the resolution.

Employees may seek assistance from their manager or supervisor, or other College entity to facilitate a conversation between the parties to discuss the allegations and a possible resolution of the matter. *Students* may seek out their faculty member or instructor, program director or department chair for assistance in requesting a facilitated conversation to discuss the allegations and a possible resolution of the matter.

Formal Mediation

Mediation is a private process where parties can participate in a search for mutually acceptable solutions. Mediation requires the consent of both parties and suspends any formal procedures for up to thirty (30) business days, which can be extended with the consent of both parties and at the discretion of the College. TC may facilitate mediation between parties who agree to mediation.

Parties may agree upon a variety of resolutions such as modification of work assignment, training for department staff, or an apology. Because mediation is a voluntary process, formal disciplinary action cannot be imposed against a Respondent. Parties may agree to a resolution that is oral or embodied in a written agreement. The final resolution is private unless the parties agree otherwise.

Alternate Resolution

The College may seek to resolve certain Prohibited Conduct through an informal process involving both the Complainant and Respondent. This form of resolution can take place prior to a formal resolution.

Supportive and Interim Measures

Where appropriate, the College will work with individuals affected by Prohibited Conduct to ensure their safety and promote their well-being. In addition to providing preliminary information regarding the resolution processes, ODCA Staff will discuss the availability of supportive and interim measures with both parties. This assistance may take the form of supportive measures intended to support or to protect the employee or student in the aftermath of an incident and interim measures while an investigation or disciplinary action is pending. Parties may request supportive or interim measures even in cases where an investigation is not undertaken or the Complainant or Respondent has declined to participate in the College proceeding or where applicable, a criminal process. The College will evaluate any request for supportive or interim measures in light of the circumstances and information available at the time of the request.

Supportive and interim measures may include extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence or administrative leave, no contact directives, increased security and monitoring of certain areas of the campus, and other similar measures.

The College also will assist parties seeking accommodations for a disability in connection with the process of reporting or responding to an incident of prohibited conduct by working with the Office of Access and Services for Individuals with Disabilities (OASID).

The imposition of supportive and interim measures does not indicate that the College has made a final decision about the report of prohibited conduct. The College will provide notice about these supportive and interim measures only to those who need to know in order to make them effective. Failure to comply with supportive and/or interim measures or other directives is a violation of College Policy and may lead to additional disciplinary action.

All parties and witnesses are expected to continue to perform their job responsibilities during the course of an ODCA resolution process. Supportive and interim measures are intended to support parties in fulfilling their job responsibilities.

Formal Resolution

Investigation

Any individual who wishes to make a formal complaint of prohibited conduct may submit a written complaint to the ODCA. If a Complainant feels unable to prepare a written complaint themselves, ODCA will make a record of the Complainant's oral statements that the Complainant may review, correct any inaccuracies, and sign. To the extent possible, the

Complainant should include the following information: the identity and status of the Complainant and Respondent; details concerning the incident(s) or conduct that gave rise to the complaint, including the date(s) of the incident(s) and location(s) of the incident(s); and the identity and status of any witness(es) to the incident(s) with telephone numbers, email addresses and street addresses.

Except in matters falling under the **Sexual Misconduct Procedures** (described below), union members also may file complaints with their collective bargaining unit unless prohibited by their collective bargaining agreement or unless inherent conflict of interest would interfere with a fair adjudication in the collective bargaining unit. The proceedings will be governed by the applicable procedures of the applicable [collective bargaining agreement](#).

Upon receiving a written or verbal formal complaint that a College employee or third party has allegedly engaged in Prohibited Conduct, ODCA will initiate an investigation. The Vice President for Diversity and Community Affairs will assign an investigative team to conduct the investigation and may, in their sole discretion, assign the investigation an outside investigator.

Confidentiality

A Complainant may request that the College not disclose the Complainant's identity to anyone else, including the alleged offender; however, the College cannot guarantee that the Complainant's identity will not be disclosed. The College strives to preserve the privacy of information shared with the College leading up to and during an investigation where such privacy does not conflict with its obligations to conduct a prompt and thorough investigation.

The investigative team will interview the Complainant, the Respondent, witnesses, and any other persons with relevant information about the alleged incident(s). The investigative team may also review personnel records and other documents deemed relevant to the investigation. The investigative team acting on behalf of the College has the authority and responsibility to gather information from all sources judged necessary for a fair resolution of a complaint. The Complainant and Respondent may suggest witnesses the investigative team should interview and documentation they should consider. The investigative team, however, has complete discretion to determine which witnesses to interview and which documents to consider. Complainants, Respondents, witnesses and advisors will not be permitted to record anything related to the investigation and/or disciplinary process.

During the investigation process, no party is permitted to be represented by legal counsel. The **Sexual Misconduct Procedures** for claims of sexual assault, dating violence, domestic violence and stalking and student complaints of gender-based misconduct permit advisors of choice (who may be an attorney) (as described below). Members of collective bargaining units are entitled to union representation during any investigation process. The union representative may not actively participate in or interfere with the investigative process.

Participants are expected to cooperate fully with the College investigation. Providing false or misleading information, or submitting a report or complaint in bad faith, may subject an individual to discipline under this Policy. All parties and witnesses involved in an investigative process are urged to respect the integrity of the procedures and legitimate privacy interests of the parties and witnesses. This does not prohibit either a Complainant or Respondent from consulting with or obtaining support from family members, counselors, therapists, clergy, doctors, attorneys or similar resources.

Investigative Findings and Disciplinary Recommendations

The College strives to conduct all investigations fairly and complete them in a timely fashion (and if applicable, within any time period prescribed by law).

Upon conclusion of the investigation, the investigative team will provide a written investigative report (Investigative Report) to the Complainant, the Respondent, and the Respondent's supervisor(s). The Investigative Report will summarize the alleged prohibited conduct that was the subject of investigation, identify the Prohibited Conduct at issue, briefly detail the investigative steps, and inform the parties of ODCA-respective finding(s) as to whether the conduct constituted a violation of the Policy. If the investigative team finds that the Respondent has engaged in the Prohibited Conduct at issue, the investigative team will forward a disciplinary recommendation to the Respondent's supervisors. The Investigative Report will also inform the parties that they have five (5) days to appeal as described below.

Discipline

If the investigative team finds that the Respondent has engaged in Prohibited Conduct, the Respondent's supervisor(s) will be informed of the finding(s) and based on the facts and circumstances of the case and, in consultation with appropriate College officials (including ODCA), will be tasked with implementing appropriate discipline for the Respondent.

The Respondent's supervisor(s) may consider instances of previous Prohibited Conduct, the seriousness of the violation, the totality of the information available, and any extenuating or aggravating circumstances the designated supervisor(s) deems relevant.

Discipline may include, but is not limited to: reprimand/warning, change of Respondent's job duties, disciplinary probations, revocation of honors and awards, restricted access to College and University facilities or activities (including College housing), a "no contact" order, transfer of a

Respondent's College-provided residence, transfer of Respondent's workplace/station, demotion, suspension, and dismissal or restriction from College employment. The College may also require training or recommend counseling.

Appeal

Either party may appeal the determination. There are two grounds for appeal: (1) the party has new information, unavailable at the time of the investigation; that may change or affect the outcome; or (2) there was a procedural error that may have impacted the outcome. Disagreement with the finding is not, by itself, grounds for appeal. The appeal must be in writing and may be no longer than five double-spaced, type-written pages. The appeal must be delivered to the Vice President for Diversity and Community Affairs within five (5) business days of delivery of the Investigative Report to the parties (via email, mail or hand delivery). Failure to meet the deadline for appeal shall result in waiver of the right to appeal. The College reserves the right to investigate and take any necessary action of its own accord based on new information or events that were not known during the course of the initial investigation.

On receipt of the appeal, the Vice President will designate an Appeal Officer in the matter and will forward the appeal to the Appeal Officer for review. The designated Appeal Officer will be a senior administrator at the College. Thereafter, the Vice President will notify the party who is not appealing that an appeal was filed, the grounds for appeal asserted, and the identity of the Appeal Officer. The non-appealing party will be permitted to submit a written response to the appeal, which shall be no longer than five double-spaced type-written pages to the Vice President within five (5) business days of receiving notice of the appeal. The Vice President will forward any response to the Appeal Officer.

The Appeal Officer may conduct such proceedings as the officer deems appropriate, but will not normally hear the testimony of witnesses.

The Appeal Officer should render a written decision within ten (10) business days of receipt of any response from the non-appealing party, and will forward the written decision to the Vice President. The Vice President will provide written notice to the parties of the final disposition of the matter. Once submitted to the Vice President, the decision of the Appeal Officer is not subject to further review. Faculty members have additional appeal rights under the College's Statutes; as required by applicable law, any available appeal rights will be available to both the Complainant and the Respondent in any matter.

Any discipline imposed prior to the filing of the appeal will stand during the appeal period. Discipline may also be imposed while the appeal is pending.

Corrective Action

The College may also determine that additional measures are appropriate to respond to the effects of the incident on the College community. Additional responses for the benefit of the community may include increased monitoring, supervision, or security at locations or activities where the prohibited conduct occurred, additional training and educational materials for students and employees and revision of policies.

PROCEDURES

SEXUAL MISCONDUCT

- For allegations of **sexual harassment**
- For allegations of **sexual assault, domestic violence, dating violence, or stalking** when the Complainant is an employee or third party; and all types of **gender-based misconduct** when the Complainant is a student

The Sexual Misconduct Procedures apply to reports of sexual harassment,⁹ sexual assault, domestic violence, dating violence, stalking and retaliation relating to such claims against employees and third parties when the complainant is an employee or third party. These procedures also apply to all gender-based misconduct (including sexual assault, domestic violence, dating violence, stalking, sexual harassment, gender-based harassment, sexual exploitation, retaliation and other forms of discrimination based on gender or sex) against employees and third parties when the complainant is a student. Allegations of Gender Based Misconduct against Teachers College students are governed by the [*Gender Based Misconduct Policy and Procedures for Students*](#).

Reports of alleged Sexual Misconduct may be submitted by those who experienced Sexual Misconduct, by witnesses, or by others made aware of the incident. Nothing in the Sexual Misconduct Procedures shall affect the College's inherent authority to take actions it deems appropriate to further the educational mission or to protect the safety and security of the TC community, including its authority to terminate at-will employees immediately, with or without cause. While these Sexual Misconduct Procedures identify TC offices or employees who typically perform certain roles, the College may designate others to perform any roles or duties described.

The College encourages all students, staff and faculty and third parties affected by Sexual Misconduct to seek immediate assistance. Seeking assistance promptly may be important to ensure someone's physical safety or to obtain medical care or other support. It may also be necessary to preserve evidence, which can assist the College and/or law enforcement in responding effectively. Assistance is available 24 hours a day, 7 days a week.

COMPLAINTS OF SEXUAL MISCONDUCT

Teachers College provides a range of options for those who believe they have experienced sexual misconduct and individuals are encouraged to bring their concerns to the College's attention immediately. The College takes allegations of Sexual Misconduct very seriously, will actively respond to alleged Misconduct, and will take

⁹ Please be aware that the federal definition of sexual harassment under the new Title IX regulations is different from the definitions found in NYC and NYS laws. Therefore, as noted above, Teachers College has created a separate policy to address those behaviors that fall under the federal definition.

remedial action, where appropriate. The College does not limit the time for submitting a complaint of Sexual Misconduct, but strongly urges the immediate reporting of complaints or concerns. Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of Sexual Misconduct. The College's ability to investigate and respond effectively may be reduced with the passage of time.

Where to Report

Those who have experienced Sexual Misconduct by a College employee or third party should notify the TC Title IX Coordinator. If particular circumstances make a discussion with, or a complaint to the Title IX Coordinator inappropriate (for instance, the complaint involves the Title IX Coordinator), incidents may be reported to a designee. The College takes allegations of Sexual Misconduct very seriously and will take appropriate action against all alleged sexual harassment, sexual assault, domestic violence, dating violence, stalking and all forms of student reports of gender-based misconduct, even in the absence of a complaint.

Reports and/or complaints may be made in writing or made orally to an employees' manager or supervisor, or to the TC Title IX Coordinator. All employees, especially management and supervisory personnel, have a duty to report allegations of Sexual Misconduct to the TC Title IX Coordinator. Complaints and/or reports should be submitted directly to the TC Title IX Coordinator by any of the following methods:

- By phone at (212) 678-3391
- By email at jsr167@tc.columbia.edu
- [Via report form](#)
- By mail to 525 West 120th Street, 128 Zankel Hall Box 220, New York, NY 10027
- By hand delivery to 128 Zankel Hall

To the extent possible, the complaint and/or report should include the following information: the identity and status of the Complainant and the Respondent (e.g., employee, student); details concerning the incident(s) or conduct that gave rise to the complaint; date(s) of, and location(s) of the incident(s); the identity and status of any witness(es) to the incident(s) with telephone numbers, e-mail addresses, and street addresses if known. Reports may be submitted anonymously, by witnesses, or by others who are made aware of the incident.

The Title IX Coordinator will, as appropriate, assess complaints against third parties or unknown individuals engaging in Sexual Misconduct against College employees or students. The College will take appropriate steps to protect employees, non-employees providing services on campus, students, and the College community as a whole.

All College employees (including participants) are expected to cooperate fully with the College investigation. Providing false or misleading information, or submitting a report or complaint in bad faith, may subject an individual to discipline under this Policy. All parties and witnesses involved in an investigative process are urged to respect the integrity of the procedures and legitimate privacy interests of the parties and witnesses. This

does not prohibit either a Complainant or Respondent from consulting with or obtaining support from family members, counselors, therapists, clergy, doctors, attorneys or similar resources.

Initial Assessment of Complaints and Reports

After receiving a report of possible sexual misconduct, the Title IX Coordinator will designate the report to the ODCA Title IX Staff who will conduct an initial assessment to evaluate whether, if substantiated, the conduct constitutes a Policy violation and whether there is a reasonable basis to engage in the investigative process. Reasonable basis is defined as the existence of some credible information to support the alleged violation and can include a credible witness or Complaint's narrative, among others. The ODCA Title IX Staff will assess the available information, determine if a complaint is supported or unsupported by any such information, and take the following actions:

- The ODCA Title IX Staff may dismiss the complaint if it determines that the report does not allege facts that, if substantiated, would constitute a violation of the Policy, or that the facts as alleged in the report are refuted by evidence or information known to or possessed by the Office;
- The ODCA Title IX Staff may refer the report to another office such as Human Resources to address the alleged conduct through alternate means;
- The ODCA Title IX Staff will review available options for resolution with the parties, including but not limited to investigation, and other options for informal resolution such as personal informal resolution, administrative resolution, mediation, facilitated dialogues and/or communications between the parties. Informal resolution is not available for allegations of sexual harassment and sexual assault.

ODCA Title IX Staff can require an investigation upon assessment of a complaint, even if the parties request an alternative resolution. ODCA's assessment includes, without limitation, whether there is sufficient information to conduct an investigation and the nature and scope of the alleged misconduct.

ALLEGATIONS OF SEXUAL HARASSMENT

Formal Resolution - Investigation

The College will investigate all complaints and/or reports about suspected sexual harassment in a private and timely manner.

Upon receipt of a written or verbal complaint and/or report that a College employee or third party has allegedly engaged in sexual harassment, the Title IX Coordinator will designate the ODCA Title IX Staff to conduct an immediate review of the allegations and take any interim actions, as appropriate. If the complaint is oral, the Complainant will be encouraged to complete the TC Complaint Form. If the Complainant refuses, the ODCA Title IX Staff will prepare the Complaint Form based on the oral reporting. The Title IX Coordinator will assign the investigation to an appropriate College Title IX investigative team or to an outside investigator to conduct the investigation.

The investigative team will conduct a prompt, thorough and private investigation that ensures a fair process for all parties. The investigative team will interview the Complainant, the Respondent and any other persons with relevant information about the alleged incident(s). The investigative team will inform Complainants of their right to file a sexual harassment complaint or a charge externally.¹⁰ The investigative team will preserve, obtain and review all evidence including documents, emails or phone records relevant to the allegations. Acting on behalf of the College, the investigative team has the authority and responsibility to gather information from all sources judged necessary for a fair resolution of a complaint. The Complainant and Respondent may suggest witnesses the investigative team should interview and documentation they should consider. The investigative team, however, has complete discretion to determine which witnesses to interview and which documents to consider. Complainants, Respondents, and witnesses will not be permitted to record anything related to the investigation and/or disciplinary process.

During the sexual harassment investigation process, no party is permitted to be represented by legal counsel. Members of collective bargaining units are entitled to union representation during any resolution or investigation process.

Investigative Findings and Disciplinary Recommendations

The investigative team will complete the investigation and submit a determination to the Title IX Coordinator in a timely fashion. The investigative team will make a determination on the basis of preponderance of the evidence (it is more likely than not that the behavior occurred), taken in its totality and considering any attendant circumstances.

Upon conclusion of the investigation, the investigative team will provide a written investigative report to the Complainant, the Respondent, and the Respondent's supervisor(s). The Investigative Report will summarize the alleged sexual harassment, briefly detail the investigative steps, and inform the parties of the

¹⁰ For a list of external agencies, please see Appendix C.

investigative team's respective finding(s) as to whether the conduct constituted a violation of the Policy. The Investigative Report will also inform the parties that they have ten days to appeal.

If the investigative team finds that the Respondent has engaged in sexual harassment, the investigative team will forward a disciplinary recommendation to the Respondent's supervisors. In making such a recommendation, the investigative team shall consider records of previous conduct or behavior, the seriousness of the violation, the totality of the information available (including investigative records) and any extenuating or aggravating circumstances the investigator deems relevant.

Discipline

The Title IX Coordinator will consult with the Respondent's supervisor regarding possible discipline and along with the supervisor, based on the facts and circumstances of the case, they may consider instances of previous Prohibited Conduct or Misconduct, the seriousness of the violation, the totality of the information available, and any extenuating or aggravating circumstances the supervisor deems relevant in determining appropriate discipline. The Respondent's supervisor will impose discipline that is fair and appropriate given the facts of the particular case; adequate to protect the safety of the campus community and reflective of the seriousness of the sexual harassment.

The Respondent's supervisor and Title IX Coordinator will consider relevant factors, which may include: (1) the specific conduct at issue; (2) the circumstances accompanying any lack of consent (such as force, threat, coercion, intentional incapacitation, etc.); (3) the Respondent's state of mind (intentional, knowing, bias-motivated, reckless, negligent, etc.); (4) the impact of the offense on the Complainant; (5) the Respondent's prior disciplinary history; (6) the safety of the College community; and (7) the Respondent's conduct during the disciplinary process.

In determining what discipline will protect the safety of the College community, Respondent's supervisor may be advised by Public Safety or other experts and will consider: (1) the risk that the Respondent may engage in additional Misconduct; and (2) the deterrent or permissive effect of a particular discipline on the campus community, including on particular individuals and organizations aware of the offense (keeping in mind that discipline must always be fair and appropriate for the particular case).

The Respondent's supervisor will generally render a disciplinary decision within 10 business days following issuance of the final investigation report. The Respondent's supervisor will communicate the disciplinary decision in writing to the Title IX Coordinator who will notify the Complainant and Respondent in writing.

Discipline may include, but is not limited to: reprimand/warning, change of Respondent's job duties, disciplinary probations, revocation of honors and awards, restricted access to College and University facilities or activities (including College housing), a "no contact" order, transfer of a Respondent's College-provided residence, transfer of Respondent's workplace/station, demotion, suspension, and dismissal or restriction from College employment. The College may also require training or recommend counseling.

Appeal

Either party may appeal the determination. There are two grounds for appeal: (1) the party has new information, unavailable at the time of the investigation that may change or affect the outcome; or (2) there was a procedural error that may have impacted the outcome. Disagreement with the finding is not, by itself, grounds for appeal. The appeal must be in writing and may be no longer than five double-spaced, typewritten pages. The appeal must be delivered to the Title IX Coordinator within ten (10) business days of delivery of the determination to the parties (via email, mail or hand delivery). Failure to meet the deadline for appeal shall result in waiver of the right to appeal. The College reserves the right to investigate and take any necessary action of its own accord based on new information or events that were not known during the course of the initial investigation.

On receipt of the appeal, the Title IX Coordinator will designate an Appeal Officer in the matter and will forward the appeal to the Appeal Officer for review. The appeal officer will be a senior administrator at the College. Thereafter, the Title IX Coordinator will notify the party who is not appealing that an appeal was filed, the grounds for appeal asserted, and the identity of the Appeal Officer. The non-appealing party will be permitted to submit a written response to the appeal, which shall be no longer than five double-spaced typewritten pages to the Title IX Coordinator within five (5) business days of receiving the notice of the appeal. The Title IX Coordinator will forward any response to the Appeal Officer.

The Appeal Officer may conduct such proceedings as the officer deems appropriate, but will not normally hear the testimony of witnesses.

The Appeal Officer will render a written decision within ten (10) business days of the initial receipt of the appeal, and will forward the written decision to the Title IX Coordinator. The Title IX Coordinator will provide written notice to the parties of the final disposition of the matter. Once submitted to the Title IX Coordinator, the decision of the Appeal Officer is not subject to further review. Faculty members have additional appeal rights under the College's Statutes; as required by applicable law, any available appeal rights will be available to both the Complainant and the respondent in any matter.

Any discipline imposed prior to the filing of the appeal will stand during the appeal period. Discipline may also be imposed while the appeal is pending.

Corrective Action

The College may also determine that additional measures are appropriate to respond to the effects of the incident on the College community. Additional responses for the benefit of the community may include increased monitoring, supervision, or security at locations or activities where the prohibited conduct occurred, additional training and educational materials for students and employees and revision of policies.

ALLEGATIONS OF OTHER SEXUAL MISCONDUCT (INCLUDING SEXUAL ASSAULT, DATING VIOLENCE, DOMESTIC VIOLENCE, STALKING AND STUDENT COMPLAINTS OF GENDER BASED MISCONDUCT)

Confidentiality

A Complainant may report Sexual Misconduct to the Title IX Coordinator and request in writing that the Title IX Coordinator not disclose the Complainant's identity to anyone else, including the person who allegedly committed the misconduct. While such a request may limit the ability to investigate and respond to the reported sexual misconduct, the Title IX Coordinator will consider the request in light of the College's commitment to provide a safe and nondiscriminatory environment and will honor the request whenever possible.

In considering the request, the Title IX Coordinator will weigh the following factors:

- Circumstances that suggest there is an increased risk of the Respondent committing additional acts of sexual misconduct or other acts, such as:
 - Whether there have been other sexual misconduct complaints about the same Respondent
 - Whether the Respondent threatened further misconduct against the Complainant or others, and/or
 - Whether the sexual misconduct was committed by multiple perpetrators.
- Circumstances that suggest there is an increased risk of future acts of sexual misconduct under similar circumstances, such as a pattern of perpetration, via illicit use of drugs or alcohol, a given location or by a particular group,
- Misconduct alleged involved the use of a weapon,
- Age of the Complainant,
- Whether the College possesses other means to obtain relevant evidence, such as security cameras, witnesses and/or physical evidence.

The Title IX Coordinator will promptly notify the Complainant in writing whether the College will be able to honor the Complainant's request for confidentiality. At the Complainant's written request, the Title IX Coordinator will also notify the Respondent in writing, including that the Complainant asked the Title IX Coordinator not to investigate.

Whether or not the Title IX Coordinator is able to grant a request to keep the Complainant's identity confidential, College personnel will reveal information about investigations and disciplinary proceedings related to Sexual Misconduct only to those who need to know in order to carry out their duties and responsibilities. In all cases, the College will take appropriate steps designed to counteract the effects of the alleged Sexual Misconduct, prevent its recurrence and provide supportive measures for the parties involved.

Student Amnesty for Alcohol and/or Drug Use

The health and safety of every student at TC is of utmost importance. TC recognizes that students who have been drinking and/or using drugs (whether use is voluntary or involuntary) at the time that violence, including but not limited to sexual assault, domestic violence, dating violence, or stalking occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. The College strongly encourages students to report sexual assault, domestic violence, dating violence, or stalking to TC officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any assault to College officials or law enforcement will not be subject to disciplinary action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the sexual assault, domestic violence, dating violence, or stalking.

A Complainant has the option to choose whether they will notify and seek assistance from law enforcement and from campus authorities.

Advisors of Choice

Student Complainants may be accompanied by an advisor of their choice to any meeting related to any incident of gender-based misconduct, including sexual assault, domestic violence, dating violence, stalking, sexual harassment, gender-based harassment, sexual exploitation, related retaliation and other forms of discrimination based on gender or sex.

Employee Complainants and Respondents may be accompanied by the advisor of their choice to any meeting related to an incident of sexual assault, dating violence, domestic violence, stalking or retaliation relating to an incident of such misconduct. For incidents of sexual assault, dating violence, domestic violence, stalking, sexual harassment, gender-based harassment, sexual exploitation, related retaliation and other forms of discrimination based on gender or sex – when a student is the complainant and exercises their right to be accompanied by an advisor, employee respondents will be permitted to be accompanied by an advisor as well.

Guidelines for Advisors of Choice

Advisors may provide support and advice about the resolution and investigation process. An advisor may not intervene in a meeting or address an investigator or other disciplinary officials. If any advisor's conduct is not consistent with these guidelines, the advisor may be excluded from the process. While efforts will be made to accommodate the schedules of advisors, the process will not be unduly delayed due to an advisor's unavailability. Advisors who are attorneys are permitted whenever advisors are permitted (as set forth above).

Options for Informal Resolution

Informal resolution options are not available for individuals who have experienced sexual harassment or sexual assault.

Options for informal resolution may be available for individuals who have experienced domestic violence, dating violence and/or stalking depending on the resolution involved.

Personal Informal Resolution

A person who believes that they have experienced sexual misconduct, may choose to work with the alleged offender directly through various approaches including:

- a face-to-face discussion,
- a personal telephone conversation, • email correspondence, or
- other communication.

In some cases, this may effectively resolve the situation; in others, they may be ineffective or place the complaining individual in an uncomfortable, insecure or compromised position. Under no circumstances should an individual feel pressured to attempt informal resolution. If these measures prove unsuccessful, the individual may choose to pursue other methods of resolution.

College-Assisted Informal Resolution

If both parties consent and sexual assault is *not* involved, the College may offer to facilitate informal procedures involving both parties. Such approaches will be pursued only with the consent of both parties, and either party has the right to terminate the process and begin the formal process at any time. If any of these approaches result in a resolution, any formal procedures will be concluded and the matter closed. If the parties are unable to reach a resolution, a Complainant may choose to proceed with a formal resolution.

Facilitated Conversation

TC encourages a facilitated conversation whenever practical and appropriate. A facilitated conversation may take place only if the Complainant and Respondent both agree to participate. A matter is resolved through a facilitated conversation only if all parties agree on the resolution.

Employees may seek assistance from their manager or supervisor, or other College entity to facilitate a conversation between the parties to discuss the allegations and a possible resolution of the matter. *Students* may seek out a faculty member or instructor, program director or department chair for assistance in requesting a facilitated conversation to discuss the allegations and a possible resolution of the matter.

Formal Mediation

Mediation is a private process where parties can participate in a search for mutually acceptable solutions. Mediation requires the consent of both parties and suspends any formal procedures for up to thirty (30) working days, which can be extended with the consent of both parties and at the discretion of the College. The Title IX Coordinator (or designee) may facilitate mediation between parties who agree to mediation.

Parties may agree upon a variety of resolutions such as modification of work assignment, training for department staff, or an apology. Because mediation is a voluntary process, formal disciplinary action cannot be imposed against a Respondent. Parties may agree to a resolution that is oral or embodied in a written agreement. The final resolution is private unless the parties agree otherwise.

Alternate Resolution

The College may seek to resolve certain Misconduct through an informal process involving both the Complainant and Respondent. This form of resolution can take place prior to a formal resolution.

Supportive & Interim Measures

Where appropriate, the College will work with individuals affected by Prohibited Conduct to ensure their safety and promote their well-being. In addition to providing preliminary information regarding the resolution processes, ODCA Staff will discuss the availability of supportive and interim measures with both parties. This assistance may take the form of supportive measures intended to support or to protect the employee or student in the aftermath of an incident and interim measures while an investigation or disciplinary action is pending. Parties may request supportive or interim measures even in cases where an investigation is not undertaken or the Complainant or Respondent has declined to participate in the College proceeding or where applicable, a criminal process. The College will evaluate any request for supportive or interim measures in light of the circumstances and information available at the time of the request.

Supportive and interim measures may include extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence or administrative leave, no contact directives, increased security and monitoring of certain areas of the campus, and other similar measures.

The College also will assist parties seeking accommodations for a disability in connection with the process of reporting or responding to an incident of prohibited conduct by working with the Office of Access and Services for Individuals with Disabilities (OASID).

The imposition of supportive and interim measures does not indicate that the College has made a final decision about the report of prohibited conduct. The College will provide notice about these supportive and interim measures only to those who need to know in order to make them effective. Failure to comply with supportive and/or interim measures or other directives is a violation of College Policy and may lead to additional disciplinary action.

All parties and witnesses are expected to continue to perform their job responsibilities during the course of an ODCA resolution process. Supportive and interim measures are intended to support parties in fulfilling their job responsibilities.

Formal Resolution

Investigation

Any individual who wishes to make a formal complaint of sexual assault, domestic violence, dating violence, stalking and/or a student complaining of gender-based misconduct, should submit a written complaint to the Title IX Coordinator. If a Complainant feels unable to prepare a written complaint themselves, the Title IX Coordinator will make a record of the Complainant's oral statements, which the Complainant may review, correct any inaccuracies and sign. To the extent possible, the Complainant should include the following information: the identity and status of the Complainant and Respondent; details concerning the incident(s) or conduct that gave rise to the complaint, including the date(s) of the incident(s) and location(s) of the incident(s); and the identity and status of any witness(es) to the incident(s) with telephone numbers, email addresses and street addresses.

Upon receipt of a written or verbal complaint that a College employee or third party has allegedly engaged in misconduct, the Title IX Coordinator will initiate an investigation. The Title IX Coordinator will assign an investigative team to conduct the investigation and may, in their sole discretion, assign the investigation to an outside investigator.

As soon as possible after the start of an investigation, the Investigative Team will provide notice to the Complainant and Respondent with a written explanation of their rights and resources available. The Title IX Coordinator will additionally provide updates on a regular basis and notice at key stages of the investigation, including notice of all meetings with the Complainant and/or Respondent regarding the complaint. Such notices shall be simultaneous and in writing. Notice will describe the allegations in the report. The Complainant and Respondent will be given the opportunity to meet separately with the investigative team to review these Procedures and any applicable policies.

The investigative team will interview the Complainant, the Respondent and any other persons with relevant information about the alleged incident(s). The investigative team may also review personnel records and other documents deemed relevant to the investigation. Acting on behalf of the College, the investigative team has the authority and responsibility to gather information from all sources judged necessary for a fair resolution of a complaint. The Complainant and Respondent may suggest witnesses the investigative team should interview and documentation they should consider. The investigative team, however, has complete discretion to determine which witnesses to interview and which documents to consider. Complainants, Respondents, witnesses and advisors will not be permitted to record anything related to the investigation and/or disciplinary process.

Participants are expected to cooperate fully and with the College investigation. Providing false or misleading information, or submitting a report or complaint in bad faith, may subject an individual to discipline under this Policy. All parties and witnesses involved in an investigative process are urged to respect the integrity of the procedures and legitimate privacy interests of the parties and witnesses. This does not prohibit either a Complainant or Respondent from consulting with or obtaining support from family members, counselors, therapists, clergy, doctors, attorneys or similar resources.

Evidentiary Rules

In conducting the investigation and drafting the investigative report, the investigator will follow the protocols set forth below:

Preserving Evidence. The investigator will direct the Complainant, Respondent, witnesses, and other interested individuals to preserve any relevant evidence, which may include phone logs, text messages, electronic communications or other evidence relating to the complaint.

Character Witnesses. The investigator will not interview witnesses whose sole purpose is to provide character information.

Romantic or Sexual History in Sexual Assault Cases. The investigator will not consider information concerning the romantic or sexual history of either the Complainant or the Respondent, except from either the Complainant or Respondent regarding their shared sexual history. If either offers such information, the other will have the right to respond.

Prior Conduct Violations. The investigator may consider the Respondent's prior conduct violations, where the previous incident was substantially similar to the present allegation(s) and/or the information indicates a pattern of behavior by the Respondent.

Time Frame

The College will seek to resolve every report under these Procedures as expediently and efficiently as possible. Time frames may vary depending on the details of a case and at certain times of the academic year (for example during breaks, study periods or final exams). The College may extend any time frame for good cause.

The College's process for responding to, investigating and adjudicating Misconduct reports will continue during any law enforcement proceeding. The College may need to temporarily delay an investigation while the police are gathering evidence but it will resume the investigation after it learns that the police department has completed its evidence-gathering and will generally not wait for the conclusion of any related criminal proceeding. In all cases, the College will complete a preliminary review of the allegations and ensure appropriate interim measures are provided.

Written Report

In consultation with the Title IX Coordinator, the investigative team will prepare a draft report detailing the relevant content from the interviews and the documentation gathered. The draft report will include the investigative team's assessment of individual credibility and recommended findings of responsibility. The Respondent and Complainant will each have the opportunity to review a copy of the investigative report. The names and other identifying information of students will be redacted from such materials in accordance with the Family Educational Rights and Privacy Act (FERPA) except to the extent that doing so would interfere with the purpose of Title IX to eliminate sex-based discrimination.

Following their review of the draft investigation report, both the Complainant and Respondent will have the opportunity to submit to the investigative team written responses to the draft report. The Complainant and Respondent will have the opportunity to review any written submissions by the other. The Title IX Coordinator may set reasonable parameters for these written submissions. In the written submission, the Respondent will be required to respond to the alleged violation in one of the following ways: 1) Responsible; 2) Not Responsible; or 3) No Response. If the Respondent accepts responsibility, the matter will immediately proceed to the disciplinary stage. If the Respondent does not accept responsibility, the investigative team will review the written submissions and make any appropriate revisions to the draft report.

The final investigation report will include a determination whether the Respondent is responsible for the alleged Sexual Misconduct. The investigative team will make this determination after consulting with the Title IX Coordinator. The investigative team will use "preponderance of the evidence" as the standard of proof to determine whether the Respondent is responsible. To find a Respondent responsible for violating the Policy, the

investigative team must conclude that the Respondent was more likely than not to have engaged in the conduct at issue.

Discipline

If the investigative team finds that the Respondent has engaged in sexual harassment, the Respondent's immediate supervisor will take prompt and effective remedial action to immediately stop the sexual harassment, as well as prevent its recurrence.

The Title IX Coordinator will consult with Respondent's supervisor regarding possible discipline and along with the supervisor, based on the facts and circumstances of the case, they may consider instances of previous Prohibited Conduct or Misconduct, the seriousness of the violation, the totality of the information available, and any extenuating or aggravating circumstances the supervisor deems relevant in determining appropriate discipline. The Respondent's supervisor will impose discipline that is fair and appropriate given the facts of the particular case; adequate to protect the safety of the campus community and reflective of the seriousness of the Sexual Misconduct.

The Respondent's supervisor and Title IX Coordinator will consider relevant factors, which may include: (1) the specific conduct at issue; (2) the circumstances accompanying any lack of consent (such as force, threat, coercion, intentional incapacitation, etc.); (3) the Respondent's state of mind (intentional, knowing, bias-motivated, reckless, negligent, etc.); (4) the impact of the offense on the Complainant; (5) the Respondent's prior disciplinary history; (6) the safety of the College community; and (7) the Respondent's conduct during the disciplinary process.

In determining what discipline will protect the safety of the College community, Respondent's supervisor may be advised by Public Safety or other experts and will consider: (1) the risk that the Respondent may engage in additional Misconduct; and (2) the deterrent or permissive effect of a particular discipline on the campus community, including on particular individuals and organizations aware of the offense (keeping in mind that discipline must always be fair and appropriate for the particular case).

The Respondent's supervisor will generally render a disciplinary decision within 10 business days following issuance of the final investigation report. The Respondent's supervisor will communicate the disciplinary decision in writing to the Title IX Coordinator who will notify the Complainant and Respondent in writing.

Discipline may include, but is not limited to: reprimand/warning, change of Respondent's job duties, disciplinary probations, revocation of honors and awards, restricted access to College and University facilities or activities (including College housing), a "no contact" order, transfer of a Respondent's College-provided residence, transfer of Respondent's workplace/station, demotion, suspension, and dismissal or restriction from College employment. The College may also require training or recommend counseling.

Appeal

Either party may appeal the determination. There are two grounds for appeal: (1) the party has new information, unavailable at the time of the investigation that may change or affect the outcome; or (2) there was a procedural error that may have impacted the outcome. Disagreement with the finding is not, by itself,

grounds for appeal. The appeal must be in writing and may be no longer than five double-spaced, typewritten pages. The appeal must be delivered to the Title IX Coordinator within ten (10) business days of delivery of the determination to the parties (via email, mail or hand delivery). Failure to meet the deadline for appeal shall result in waiver of the right to appeal. The College reserves the right to investigate and take any necessary action of its own accord based on new information or events that were not known during the course of the initial investigation.

On receipt of the appeal, the Title IX Coordinator will designate an Appeal Officer in the matter and will forward the appeal to the Appeal Officer for review. The appeal officer will be a senior administrator at the College. Thereafter, the Title IX Coordinator will notify the party who is not appealing that an appeal was filed, the grounds for appeal asserted, and the identity of the Appeal Officer. The non-appealing party will be permitted to submit a written response to the appeal, which shall be no longer than five double-spaced typewritten pages to the Title IX Coordinator within five (5) business days of receiving the notice of the appeal. The Title IX Coordinator will forward any response to the Appeal Officer.

The Appeal Officer may conduct such proceedings as the officer deems appropriate, but will not normally hear the testimony of witnesses.

The Appeal Officer will render a written decision within ten (10) business days of the initial receipt of the appeal, and will forward the written decision to the Title IX Coordinator. The Title IX Coordinator will provide written notice to the parties of the final disposition of the matter. Once submitted to the Title IX Coordinator, the decision of the Appeal Officer is not subject to further review. Faculty members have additional appeal rights under the College's Statutes; as required by applicable law, any available appeal rights will be available to both the Complainant and the respondent in any matter.

Any discipline imposed prior to the filing of the appeal will stand during the appeal period. Discipline may also be imposed while the appeal is pending.

Corrective Action

The College may also determine that additional measures are appropriate to respond to the effects of the incident on the College community. Additional responses for the benefit of the College community may include increased monitoring, supervision, or security at locations or activities where the Prohibited Conduct occurred; additional training and educational materials for students and employees; further revision of College policies.

RIGHTS OF EMPLOYEE COMPLAINANTS AND RESPONDENTS

Throughout the process described in these Sexual Misconduct Procedures, both the Complainant and Respondent have the following rights:

- To respect, dignity, and sensitivity.
- To appropriate support from the College.
- To privacy to the extent possible consistent with applicable law and College policy.
- To information about applicable College policies.
- To the presence of an advisor throughout the process in cases of sexual assault, domestic violence, dating violence, and stalking.
- To an opportunity to challenge the investigator(s), disciplinary officer, and/or appeal officer for a possible conflict of interest.
- To a prompt and thorough investigation of the allegations.
- To adequate time to review and comment on a summary of his or her the Complainant's or Respondent's investigative interview.
- To refrain from making self-incriminating statements. Employees should understand, however, that the decision not to respond honestly and completely to questions asked during the investigation may result in disciplinary action up to and including termination of employment.
- To report the incident to law enforcement at any time.
- To understand that information collected in the process may be subpoenaed in criminal or civil proceedings.
- To notification in writing of the case resolution, including the outcome of any appeal.

RIGHTS OF STUDENT COMPLAINANTS

- To respect, dignity, and sensitivity.
- To appropriate support from the College.
- To privacy to the extent possible consistent with applicable law and College policy.
- To information about applicable College policies.
- To the presence of an advisor throughout the process.
- To an opportunity to challenge investigator(s), disciplinary officer, and/or the appeal officer for a possible conflict of interest.
- To participate or to decline to participate in the investigation process. However, a decision to refrain from participating in the process either wholly or in part will not prevent the process from proceeding with the information available.
- To a prompt and thorough investigation of the allegations.
- To adequate time to review and comment on a summary of the Complainant's investigative interview.
- To refrain from making self-incriminating statements.
- To report the incident to law enforcement at any time.
- To understand that information collected in the process may be subpoenaed in criminal or civil proceedings.
- To notification in writing of the case resolution, including the outcome of any appeal.
- All students also have the rights set forth in the Students' Bill of Rights established by New York State law (see Appendix D)

APPENDIX A

DEFINITIONS

Complainant. The person who experienced the alleged Prohibited Conduct.

Respondent. The person alleged to have engaged in the Prohibited Conduct.

Protected Class. A class of persons who are protected under applicable federal, state and local laws against discrimination and harassment on the basis of: race, color, religion, creed, sex, sexual orientation, national origin, ancestry, age, marital status, citizenship or immigration status, caste, veteran status, disability, pregnancy, gender expression, or any other criterion specified by federal, state and local laws.

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

- Consent can be given by words or actions, as long as those words or actions clearly communicate willingness to engage in the sexual activity. It is important not to make assumptions about consent. If there is confusion or ambiguity, participants need to stop sexual activity and communicate about each person's willingness to continue.
- Consent cannot be procured by the use of physical force, compulsion, threats, intimidating behavior, or coercion.
- Consent cannot be obtained from, or given by, a person who is incapacitated.
- Consent to one form of sexual activity does not imply consent to other forms of sexual activity.
- Consent to engage in sexual conduct with one person does not imply consent to engage in sexual conduct with another person.
- Silence or the lack of resistance, in and of itself, does not demonstrate consent. Again, it is important not to make assumptions; if confusion or ambiguity arises during a sexual interaction, it is essential that each participant stops and clarifies the other's willingness to continue engaging in the sexual conduct.
- Consent can be withdrawn at any time, including after it is initially given. When consent is withdrawn or can no longer be given, sexual activity must stop.
- Previous relationships or previous consent for sexual activity is not consent to sexual activity at another time. However, established patterns of consent in a specific relationship may be considered when evaluating whether affirmative consent was given on a particular occasion.
- Accepting a meal, a gift, or an invitation to socialize, including on dating apps, does not imply or constitute consent to sexual activity.
- The definition of consent does not vary based on a participant's sex, sexual orientation, gender identity, gender expression or relationship status.

Force. Force refers to the use of physical violence and/or imposing on someone physically to gain sexual access. Force can also include threats, intimidation (implied threats) or coercion used to overcome resistance.

Intimidation. Any threat of violence or other threatening behavior directed toward another person or group that reasonably leads the target(s) to fear for their physical well-being or to engage in sexual conduct for self-protection.

Coercion. Unreasonable pressure for sexual activity. When someone makes it clear that they do not want to engage in sexual activity or go beyond a certain point of sexual activity, continued pressure beyond that point can be considered coercive. The use of coercion can involve the use of pressure, manipulation, substances, and/or force. Ignoring another's objections is a form of coercion.

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

Incapacitation may be associated with a person's lacking consciousness; being asleep; being involuntarily restrained; having a disability that impedes consent; or if an individual otherwise cannot consent due to other forms of helplessness.

Depending on the degree of intoxication, someone under the influence of alcohol, drugs or other intoxicants may be incapacitated and therefore unable to consent. Being intoxicated, impaired or incapacitated by alcohol or other drugs is never an excuse for committing a policy violation and does not diminish anyone's responsibility to obtain informed and freely given consent. The use of alcohol or other drugs never makes someone at fault for experiencing gender-based violence.

APPENDIX B

Resources

Campus Resources for Faculty and Staff

Confidential

Ombuds Office

Stephen Peeverly, College Ombuds

ombuds@tc.columbia.edu

(212) 678-4169

280 Grace Dodge Hall

Non-Confidential

Office of the Vice President for Diversity and Community Affairs

Janice S. Robinson

Vice President for Diversity and Community Affairs; Associate Professor of Higher Education,

TC Title IX Coordinator jsr167@tc.columbia.edu

(212) 678-3732

128 Zankel Hall

Juan Carlos Reyes

Executive Director, Diversity, Community Affairs & Equity

Office of The Vice President for Diversity & Community Affairs Interim Section

504 Compliance Officer jcr2101@tc.columbia.edu

(212) 678-8410

128 Zankel Hall

Human Resources

Robyn Davis-Mahoney

Assistant Vice President, Chief Human Resources Officer rd3034@tc.columbia.edu

(212) 678-3976

120 Whittier Hall

Svetla Eneva

Director

Se2181@tc.columbia.edu

(212) 678-4026

120 Whittier Hall

Office of the Vice Provost

Tom Rock

Chief Student Affairs Officer and Associate Vice President

tpr4@tc.columbia.edu

(212) 678-3083

528 Building

Public Safety

(212) 678-3333 (emergency)

(212) 678-3220 (non-emergency)

Whittier Hall Suite 1A

Dennis Mazone

Assistant Vice President Public Safety and Environmental Health dfm2137@tc.columbia.edu (212) 678-4180

100Whittier Hall

Non-Teachers College Resources for Faculty and Staff

Employee Assistance Program (EAP) *confidential*

Call toll-free 24/7:

(855) 789-5915 TTY: 711 mhn.advantageengagement.com

company code: tceap

Mt. Sinai/St. Luke's Hospital Crime Victims Treatment Center

(212) 523-4728

Safe Horizon

Sexual Assault Hotline

(212) 227-3000

Domestic Violence Hotline

(800) 621-HOPE (4673)

NYC Gay and Lesbian Anti-Violence Project

(212) 714-1141

Local Law Enforcement:

Emergency

911

26th Precinct

(212) 678-1311

New York County (Manhattan) District Attorney's Office

Domestic Violence Unit

(212) 335-4308

Sex Crimes Unit

(212) 335-9373

Special Victims Bureau – Manhattan Family Justice Center

(212) 335-4300

APPENDIX C

Legal Protections and External Remedies for Sexual Harassment

Sexual harassment is not only prohibited by Teachers College, but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at Teachers College, employees may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

State Human Rights Law (HRL)

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Beginning on August 12, 2020, complaints with DHR may be filed any time **within three years** of the sexual harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, **within three years** of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to Teachers College does not extend your time to file with DHR or in court. The three years is counted from date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: www.dhr.ny.gov.

Contact DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

Civil Rights Act of 1964

The United States Equal Employment Opportunity Commission (EEOC) enforces federal antidiscrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a “Charge of Discrimination.” The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1800-6694000 (TTY: 1-800-669-6820), visiting their website at www.eeoc.gov or via email at info@eeoc.gov.

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

The Office for Civil Rights (OCR)

The Office for Civil Rights enforces Title IX of the Education Amendments of 1972, the federal law that prohibits sex discrimination in programs or activities that receive federal financial assistance from the Department of Education. A complaint of discrimination can be filed by anyone who believes that an education institution that receives federal financial assistance has discriminated against someone on the basis of sex. Complaints must be filed within 180 calendar days after the discrimination. The following is the contact information for the OCR’s New York office:

United States Department of Education
Office for Civil Rights (OCR)
New York Office
32 Old Slip, 26th Floor
New York, NY 10005-2500
Telephone: 646-428-3900
FAX: 646-428-3843; TDD: 800-877-8339
Email: OCR.NewYork@ed.gov

Local Protections

Employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on

Human Rights, 40 Rector Street, 10th Floor, New York, New York; call 311 or (212) 306-7450; or visit www.nyc.gov/html/cchr/html/home/home.shtml.

Contact the Local Police Department

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

APPENDIX D

NYS Student's Bill of Rights

All students reporting dating violence, domestic violence, sexual assault and/or stalking have the right to:

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



Reporting Form: Discrimination, Harassment & Gender-Based Misconduct

I. If you believe that you were subjected to discrimination, harassment and/or genderbased misconduct, you are encouraged to complete this form and submit it to:

Your immediate supervisor

Faculty Concerns

- Marie Miville, Vice Dean for Faculty Affairs, Professor of Psychology and Education, miville@tc.columbia.edu, 212-678-3343, Zankel Hall

Office of Human Resources

- Robyn Davis-Mahoney, Assistant Vice President, Chief Human Resources Officer, rd3034@tc.columbia.edu 120 Whittier Hall
- Svetla Eneva, Director, Eneva@tc.columbia.edu, (212) 678-4026, 120 Whittier Hall

Office of the Vice President for Diversity and Community Affairs

- Janice S. Robinson, Vice President for Diversity and Community Affairs; Associate Professor of Higher Education, TC Title IX Coordinator; jsr167@tc.columbia.edu, (212) 678-3732, 128 Zankel Hall
- Juan Carlos Reyes, Director, Diversity & Community Affairs & Equity; Deputy Section 504 Compliance Officer, jcr2101@tc.columbia.edu, (212) 678-8410, 128 Zankel Hall

You will not be retaliated against for filing a report.

II. If you are an employee who is reporting an instance or allegation of discrimination, harassment and/or gender-based misconduct you may use this form to report that behavior to:

Janice S. Robinson

Vice President for Diversity and Community Affairs, Associate Professor of Higher Education; TC Title IX Coordinator

- By phone at (212) 678-3391
- By email at jcr2101@tc.columbia.edu
- [Via report form](#)
- By mail at 525 West 120th Street, 128 Zankel Hall Box 220, New York, NY 10027 • By hand delivery to 128 Zankel Hall

As a reminder, all College faculty and staff (except the College Ombuds) who learn of possible sexual misconduct are required to report that behavior immediately to Janice S. Robinson, TC Title IX Coordinator. Additionally, all managers and supervisors are also required to report any instance of discrimination and harassment to:

Janice S. Robinson

Vice President for Diversity and Community Affairs, Associate Professor of Higher Education; TC

Title IX Coordinator

- By phone at (212) 678-3391
- By email at jsr167@tc.columbia.edu
- [Via report form](#)
- By mail at 525 West 120th Street, 128 Zankel Hall Box 220, New York, NY 10027 • By hand delivery to 128 Zankel Hall

If there is an immediate safety or health concern, please contact TC Public Safety at 212-678-3333.

REPORTER INFORMATION

Full Name:

Job Position/Title:

Work Phone Number:

Work Email Address:

Work Physical Address:

Select Preferred Communication Method: Email Phone In person

DISCRIMINATION, HARASSMENT, GENDER-BASED MISCONDUCT INFORMATION

1. Who is the person(s) alleged to have engaged in the discrimination, harassment and/or gender-based misconduct:

Full Name:

Job Position/Title:

Work Phone Number:

Work Email Address:

Work Physical Address:

2. Please describe what happened. Use additional sheets of paper if necessary.

3. Date(s) discrimination, harassment and/or gender-based misconduct occurred:

Is the discrimination, harassment and/or gender-based misconduct continuing? Yes/No

Location of discrimination, harassment and/or gender-based misconduct:

4. Please list the name and contact information of any witnesses or individuals who may have information related to the report:

5. If you have any supporting documentation (such as emails, text messages, etc.) please attach them to this form.

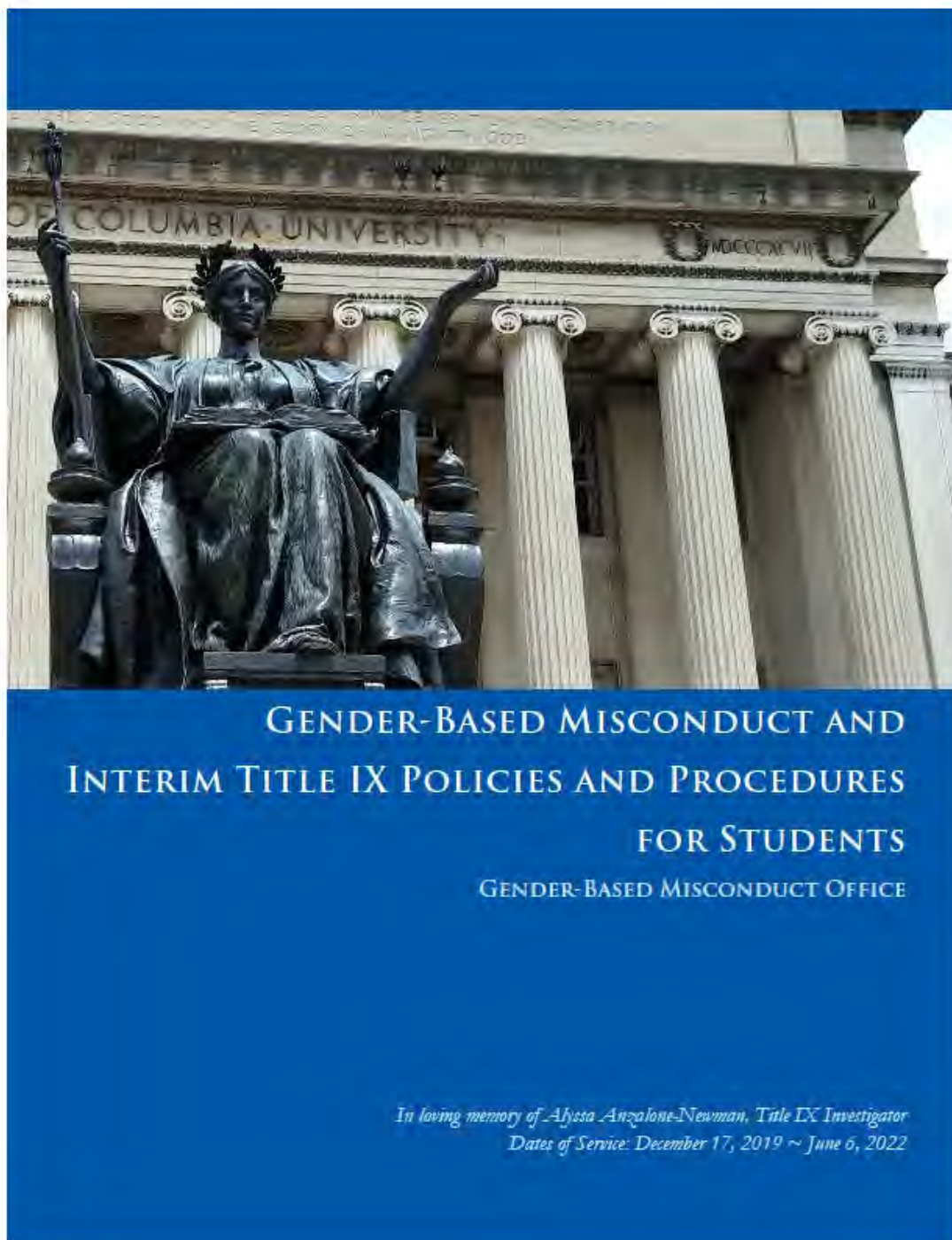
Signature: _____

Date: _____

Responsible Office: Vice President for Diversity and Community Affairs
Effective Date: October 9, 2018
Last updated/edited: July 20, 2023

Appendix M: Gender-Based Misconduct Policy

Retrieved July 20, 2023, from:
<https://studentconduct.columbia.edu/sites/default/files/content/documents/GBMITIXPoliciesAndProceduresforStudents.pdf>



**GENDER-BASED MISCONDUCT AND
INTERIM TITLE IX POLICIES AND PROCEDURES FOR STUDENTS
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Revised August 26, 2022

I. INTRODUCTION

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

The Policies² set out here 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. They define gender-based misconduct and explain Title IX,

¹ For the purposes of this Policy and Procedures, the term "University" includes Columbia University and Teachers College. Barnard College's Policies and Procedures are available at: <https://barnard.edu/cares/nondiscrimination-and-title-ix> and 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

highlight available resources for students, and set procedures for addressing gender-based misconduct involving students.

In May 2020, the U.S. Department of Education issued new regulations for colleges and universities that address sexual assault and other gender-based misconduct. These regulations cover certain specific forms of gender-based misconduct.

To comply with these regulations, the University has revised its existing policy for those types of misconduct (the "Interim Title IX Policy"). In addition, the University maintains the "Gender-Based Misconduct Policy" for other types of gender-based misconduct that are not covered by the new regulations. Both policies are important to creating and supporting a University community that rejects all forms of gender-based misconduct.

Under both the Gender-Based Misconduct Policy and the Interim Title IX Policy, the University remains committed to diligently investigating reports of misconduct, supporting students and others who experience gender-based misconduct, and responding

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

² References to "Policy" throughout this document encompass the policy and the procedures associated with that policy.

fairly and firmly when students violate University policy.

The University's Gender-Based Misconduct Policy and the Interim Title IX Policy and Procedures are administered by Gender-Based Misconduct Office (or the "Office") in partnership with the Title IX Coordinator.

A. An Orientation to Title IX and the Two University Policies: The Gender-Based Misconduct Policy and the Interim Title IX Policy

This section provides information about Title IX and an orientation to the University's two policies: the Gender-Based Misconduct Policy and the Interim Title IX Policy. Students and others who file a report or complaint of gender-based misconduct need not designate which Policy applies to their case. The Gender-Based Misconduct Office as well as the Title IX Coordinator³ are available to assist with any questions and are responsible for determining which policy applies.

B. Title IX and the New Federal Regulations

Title IX of the Educational Amendments Act of 1972 ("Title IX") is the federal law that prohibits sex discrimination by any educational institution that receives federal funding. This law has been interpreted by courts and the U.S. Department of Education to require colleges and universities to take certain steps to prevent

and respond to sexual harassment, sexual assault and other gender-based misconduct.

On May 19, 2020, the U.S. Department of Education issued an updated set of regulations under Title IX that:

1. Defines "sexual harassment" to include certain forms of sexual assault and other sex-based misconduct. This definition limits Title IX's coverage to the following conduct:
 - Unwelcome sexual conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity (hostile environment sexual harassment);
 - An employee conditioning educational benefits on participation in unwelcome sexual conduct (i.e., quid pro quo);
 - Sexual assault (as defined in the Clery Act) (See Title IX, Section III/D, below);
 - Dating violence (as defined in the Violence Against Women Act (VAWA) amendments to the Clery Act) (See Title IX, Section III/D, below);
 - Domestic violence (as defined in the VAWA amendments to the Clery Act) (See Title IX, Section III/D, below);

³ Any references to the Title IX Coordinator may also include a designee.

- Stalking (as defined in the VAWA amendments to the Clery Act) (See Title IX, Section III/D, below).
2. Addresses how higher education institutions that receive federal funding (including Columbia University) must respond to reports of misconduct falling within that definition of sexual harassment, and
 3. Sets out a detailed grievance process that higher education institutions (including Columbia University) must follow when investigating, adjudicating, and imposing sanctions in cases involving sexual harassment under that definition.

These regulations cover some occurrences of sexual assault and other gender-based misconduct. They do not cover all of the types of misconduct or places in which misconduct occurs that Columbia believes must be addressed in keeping with our own non-discrimination commitment and our obligations under state and local law.

For this reason, the University now has two policies: the Interim Title IX Policy that addresses cases covered by the 2020 regulations, and the Gender-Based Misconduct Policy that addresses gender-based misconduct not covered by the 2020 regulations.

If you have experienced, witnessed, or become aware of conduct that may violate the University's Gender-Based Misconduct Policy

or the Interim Title IX Policy, the University encourages you to report those allegations promptly. Although the University does not limit the time for submitting a report, prompt reporting increases the University's ability to investigate and respond effectively to complaints of misconduct.

Students and others who file a report or complaint need not designate which set of policies applies to their case. The Gender-Based Misconduct Office as well as the Title IX Coordinator are available to assist with questions and are responsible for determining which policy applies.

C. Important Principles about Gender Based Misconduct

(These apply to both the Gender-Based Misconduct Policy and the Interim Title IX Policy.)

Here are several important principles to note about gender-based misconduct:

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

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

Most fundamentally, the University does not tolerate any form of gender-based misconduct. Students who experience gender-based misconduct are encouraged to seek assistance, report the incident, and engage the University processes set out in this document. Those found responsible will be sanctioned in accordance with these Policies. Students who experience gender-based misconduct can also pursue criminal and civil processes, in addition to or instead of the University's process.

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

D. Overview of Contents

This document first specifies prohibited conduct under each of the Policies, the Gender-Based Misconduct Policy and the Interim Title IX Policy, and then provides illustrative scenarios, which may be helpful in understanding the range of gender-based misconduct addressed by the Policies. It then describes available resources for students.

The section on Procedures discusses reporting options, rights and responsibilities of students engaged in the disciplinary process, campus resources, and the measures and accommodations that may be available in particular cases to support and assist students. The Procedures also spell out available options for resolving reports of gender-based misconduct under each of the Policies, as well as students' rights throughout the processes set out here.

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.

Please note: If alleged misconduct meets the definition of prohibited conduct under the Interim Title IX Policy, the University must apply that Policy and related Procedures (known formally as the Interim Title IX Investigation and Hearing) when investigating and adjudicating a complaint that could potentially result in a disciplinary sanction. If the alleged misconduct does not meet that definition, it may be investigated and adjudicated, with sanctions imposed if necessary, under the University's Gender-Based Misconduct Policy and related Procedures. More information on both policies and procedures can be found in the definitions and resolutions sections of this document.

Nothing in the Policies or Procedures set out here shall be construed to interfere with protected rights, including First Amendment and Due Process rights, as well as any other rights guaranteed against government action by the U.S. Constitution.

In addition, nothing in the Policies 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 POLICIES AND PROCEDURES

This section describes the two policies and the circumstances in which each applies, and the scope of the procedures that accompany each Policy. Here, you can also find information about how to report gender-based misconduct. The following section provides definitions of gender-based misconduct.

A. Interim Title IX Policy

The Interim Title IX Policy ("Title IX") applies to gender-based misconduct that meets all the following criteria:

- Affects a current University student or active alum⁴ (Complainant) and involves an allegation of misconduct committed by a current student or active alum (Respondent).
- Occurs: (1) on any University-owned property in the United States; (2) in connection with any University program, activity, or recognized student organization (including fraternities and sororities); or (3) in a location, at an event, or under circumstances over which

⁴ For the purposes of this Policy, an active alum is defined as a graduate of Columbia undergraduate or graduate degree-granting programs (non-certificate programs) with an intent to participate in one or more of Columbia's alumni-specific groups or associations, or a person who graduated from a

Columbia undergraduate or graduate degree-granting program within the six months prior to reporting an allegation of misconduct to the University through the procedures outlined in this Policy. This definition applies to references to "alum" or "active alum" throughout this document.

the University exercises substantial control over the accused student or alum and the surrounding context (including field placements).

- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity (hostile environment sexual harassment);
- An employee conditioning educational benefits on participation in unwelcome sexual conduct (i.e., quid pro quo sexual harassment);
- Sexual assault (as defined in the Clery Act) (See Title IX, Section III/D, below);
- Dating violence (as defined in the Violence Against Women Act (VAWA) amendments to the Clery Act) (See Title IX, Section III/D, below);
- Domestic violence (as defined in the VAWA amendments to the Clery Act) (See Title IX, Section III/D, below);

³ For the purposes of this Policy, a student is defined as any person pursuing a degree from the University, or who has an academic relationship with the University starting from the time of application and including those who are not officially enrolled for a particular semester.

For information about policies applicable to elementary and secondary school students enrolled in University programs, and other information regarding minors on Columbia's campus please visit:

- Stalking (as defined in the VAWA amendments to the Clery Act) (See Title IX, Section III/D, below).

B. Gender-Based Misconduct Policy

The Gender-Based Misconduct Policy governs gender-based misconduct involving University students³ that:

- occurs on any University campus or in connection with University programs or activities;
- creates a hostile environment for University students; or
- involves an accused person who is a current undergraduate, graduate, or professional school student at the University.

Distinct from the Interim Title IX Policy, the Gender-Based Misconduct Policy applies to alleged misconduct that occurs off campus, including outside of the United States; involves Complainants who are unaffiliated with the University; or sexual harassment (hostile educational/work environment), even if the conduct would not be considered "severe,

<https://universitypolicies.columbia.edu/content/protection-and-treatment-minors-columbia-university#:~:text=Policy%20Statement&text=Any%20member%20of%20the%20University,could%20be%20responsible%20for%20abuse.>

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

pervasive and objectively offensive” under the May 2020 Title IX regulations.

Both of the Policies apply 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.⁶

C. Procedures

The Procedures that accompany these Policies describe how to report any incident of gender-based misconduct, whether the prohibited behavior falls under the Gender-Based Misconduct Policy or the Interim Title IX Policy. These Procedures also include the potential resolution option(s) that are available when the person accused of misconduct is a current undergraduate, graduate, or professional school student at the University, including students on leave of absence and those actively pursuing degree requirements regardless of current registration status.⁷

⁶ For the purposes of this Policy, references to he/she also include they and any other preferred pronouns.

⁷ Consistent with the “Questions and Answers on the Title IX Regulations on Sexual Harassment” released by the U.S. Department of Education’s Office for Civil Rights on July 20, 2021, generally, we will seek to apply the definition of prohibited conduct in place at the time of the alleged conduct,

D. How to Report Prohibited Title IX Conduct

If you believe you have been subjected to, witnessed, or have otherwise learned of sexual harassment or other gender-based misconduct, including conduct that may be prohibited by the Gender-Based Misconduct Policy or the Interim Title IX Policy, you can make a report online, in person, by mail, e-mail, or phone. All reports filed online will be automatically forwarded to the Title IX Coordinator or a designee for review.

Online reporting:

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

E-mail, phone and postal information for Title IX Coordinators and Deputy Title IX Coordinators:

Title IX Coordinators at Columbia University, Barnard College, and Teacher’s College:

- Marjory Fisher, Title IX Coordinator
Columbia University
e-mail: titleix@columbia.edu
Phone: 212-843-1276
Mailing Address: The Interchurch Center, 61 Claremont Avenue, Room 312I, New York, N.Y. 10115.

but will apply the current procedures (i.e. the processes set forth in the current Gender Based Misconduct Policy or the Interim Title IX Policy). The University does reserve the right to make appropriate adjustments to promote fairness and consistency. The parties will be notified in advance of any proceedings which definition(s) and procedures apply.

- Dr. Elizabeth Scott-Francis, Director of Nondiscrimination and Title IX, Barnard College
e-mail: escottfrancis@barnard.edu
Phone: 212-854-0037
Address: Elliott Hall, First Floor (Barnard)
- Janice S. Robinson, Title IX Coordinator and Vice President for Diversity and Community Affairs
Teachers College
e-mail: jsr167@tc.columbia.edu
Phone: 212-678-3391
Address: 128C Zankel Hall

Deputy Title IX Coordinators

- Colleen S. Walsh, Senior Director of Title IX Investigations, Gender-Based Misconduct Office
Columbia University
e-mail: cw3385@columbia.edu
Phone: 212-851-2226
Address: 612 West 115th Street, 8th floor
- Jazmin Taylor, Director of Investigations and Deputy Title IX Coordinator, Faculty and Staff Concerns
Columbia University
e-mail: coaa@columbia.edu
Phone: 212-854-5511
Address: 103 Low Library, MC 4333

If the accused person is affiliated with the University, but is not a student or active alum for the purposes of these Policies, different procedures may apply as described here:

If the accused person is a Columbia employee (including faculty and staff) or other person doing business with Columbia, please see Columbia's Equal Opportunity and Affirmative Action website: <https://coaa.columbia.edu/> for applicable policies and procedures addressing gender-based misconduct and romantic and sexual relationships with undergraduate and graduate students. Alternatively, please contact the Director of Investigations and Deputy Title IX Coordinator, Faculty and Staff Concerns (see above for contact information).

If the accused person is a Barnard student, Barnard employee, or other person doing business with Barnard College, the processes described by the Barnard College [Office of Title IX & Equity](#) apply.

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

Note: While these Policies and 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 Policies or Procedures. The University may also, in its sole discretion, assign appropriate non-employees to perform any roles or duties described in the Policies or Procedures.

Nothing in any of the Policies and Procedures described throughout this document prevents a Complainant from seeking the assistance of state or local law enforcement in addition to or instead of any on-campus process

III. GENDER-BASED MISCONDUCT POLICY AND INTERIM TITLE IX POLICY FOR STUDENTS (“THE POLICIES”)

A. Important Information about Prohibited Conduct and Affirmative Consent for Both Policies

Introduction

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

Misconduct under the Gender-Based Misconduct Policy and the Interim Title IX Policy can occur between strangers, acquaintances, or people who know each other well, including people involved in a romantic relationship. It can be committed by anyone regardless of gender identity and can occur between people of the same or a different sex or gender. One form of prohibited conduct can occur separately from or simultaneously with another form of prohibited conduct.

Before defining specific forms of prohibited conduct, this section provides important basic

information about consent, non-consensual conduct, and gender-based misconduct. Behaviors prohibited by any University policy may be reviewed through this process when the conduct is sufficiently linked to prohibited conduct under the Gender-Based Misconduct Policy or the Interim Title IX Policy.

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

More specifically:

- Sexual conduct that is coerced or forced is not consensual.
- A person cannot give consent if they lack the ability to make or understand the decision because of disability, as a result of the level of consumption of alcohol or drugs, or if they are 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 Misconduct Under Each Policy

This section sets out definitions of misconduct under the Gender-Based Misconduct Policy and then under the Interim Title IX Policy. To

determine whether alleged conduct is prohibited under any of the definitions below, the standard applied is whether a reasonable person would consider the alleged conduct to fall within that definition. Please see Section C below for definitions of additional policy-related concepts.

C. Prohibited Conduct Under the Gender-Based Misconduct Policy

It is a violation of the University's Gender-Based Misconduct Policy to commit the following acts:

Sexual Assault: Penetration⁸

Any form of vaginal sexual intercourse (penile-vaginal), oral and anal sexual intercourse (i.e., penile-penetration), or use of an object or instrument to unlawfully penetrate the genital or anal opening of the body of another person, however slight, without a person's affirmative consent.

Sexual Assault: Contact⁹

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 of physical violence, coercion, threats, isolation, stalking, or other forms of emotional, psychological, sexual, technological, or economic abuse directed toward (1) a current or former spouse or intimate partner; (2) a person with whom one shares a child; or (3) anyone who is protected from the Respondent's acts under the domestic or family violence laws of New York. This violation includes behavior that seeks to establish power and control over another person by causing fear of physical or sexual violence. Domestic violence can be a single act or a pattern of behavior, depending on the frequency, nature, and severity of the conduct.

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

Dating Violence

The use of physical violence, coercion, threats, isolation, stalking, or other forms of serious

⁸ Both completed sexual assaults (penetration) and attempted sexual assaults (penetration) are prohibited by this policy.

⁹ This definition encompasses a range of sexual conduct that could also fit within the Policy definition of Sexual Harassment. The Gender-Based Misconduct Office, in

consultation with the appropriate Title IX Coordinator(s), will determine whether the allegation(s) should be treated as Sexual Assault: Contact or Sexual Harassment, depending on the specific conduct and surrounding circumstances of the allegation(s).

emotional, psychological, sexual, technological, or economic abuse directed toward a person who is or has been in a social relationship of a romantic or sexually intimate nature with the victim. Dating violence can be a single act or a pattern of behavior in relationships.

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

Sexual Exploitation

Non-consensual abuse or exploitation of another person's sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage, or any other illicit purpose. Acts of sexual exploitation include, but are not limited to:

- Non-consensual streaming, sharing, or distribution of images, photography, video, or audio recording of sexual conduct, nudity, or state of undress when and where there is a reasonable expectation of privacy, without the knowledge and affirmative consent of all participants;
- Explicitly threatening to stream, share, or distribute images, photography, video or audio recording of sexual conduct, nudity, or state of undress when and where there is a reasonable expectation of privacy,

without the affirmative consent of all participants, for the purpose of inducing or compelling someone to engage in sexual conduct against their will;

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

Stalking

A course of unwanted attention that is repeated or obsessive, directed toward an individual or a group and that is reasonably likely to cause alarm, fear or substantial emotional distress. Stalking may take many forms, including but not limited to lying in wait for, monitoring, or pursuing contact. Stalking may occur in person or through telephone calls, text messages, unwanted gifts, letters, e-mails, surveillance, or other types of observation and communication.

Gender-Based Harassment

Gender-based harassment can occur if a person is harassed either for exhibiting what is perceived as a stereotypical characteristic of

their gender or for failing to conform to stereotypical notions of masculinity or femininity, and that harassing conduct unreasonably interferes with a person's education or participation in educational programs or activities, or creates an intimidating, hostile, demeaning, or offensive academic, campus, or living environment.

The following describes some conduct that may be gender-based harassment:

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

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

Sexual Harassment

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

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's academic, co-curricular, or student life activities;
- Submission to or rejection of such conduct by an individual is used as the basis for academic evaluation, grades, advancement or participation/status in student life activities (i.e. "quid pro quo"). Quid pro quo sexual harassment can occur whether a

person resists and suffers the threatened harm, or a person submits and avoids the threatened harm, and can occur even if the person delays in reporting the harm;

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

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

- Unwelcome conduct of a sexual nature, such as intentional and non-consensual physical contact which is sexual in nature, including touching, pinching, patting, grabbing, poking, or brushing against another person's intimate body parts;
- Unwanted sexual advances, propositions or other sexual comments, such as: (1) subtle or obvious pressure for unwelcome sexual activities; or (2) sexually oriented gestures, noises, remarks, jokes or comments or questions about a person's sexuality or

sexual experience which are sufficient to create a hostile environment;

- Threats or non-consensual disclosure of a person's sexual orientation (i.e., "outing"); or
- Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials, or other materials that are sexually demeaning or pornographic in nature and which are sufficient to create a hostile environment.

"Hostile Environment" in the Context of Sexual and Gender-Based Harassment

A hostile environment may arise when unwelcome conduct of a sexual or gender-based nature unreasonably interferes with a student's ability to participate in or benefit from an education program or activity, or creates an intimidating, threatening, demeaning, or offensive academic, campus, work or living environment.

In evaluating whether there is evidence of a hostile environment, the University will consider the totality of the known circumstances from the point of view of a reasonable person, including but not limited to:

- The frequency, nature and severity of the conduct;
- Whether the conduct was physically threatening;

- The effect of the conduct on the Complainant's mental or emotional state;
- Whether the conduct was directed at more than one person;
- Whether the conduct arose in the context of other discriminatory conduct; and
- Whether the conduct unreasonably interfered with the Complainant's educational or work performance and/or University programs or activities.

A single, isolated incident of sexual or gender-based harassment may, based on the facts and circumstances, create a hostile environment. The more serious the conduct, the less need there is to show a repetitive series of incidents to demonstrate a hostile environment.

Retaliation

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

- All individuals and groups of individuals, not just a Respondent or Complainant, are prohibited from engaging in retaliation. Retaliation can refer to actions or threatened actions by any individual,

including students and others who are not engaged with the Office.

- Retaliation includes threatening, intimidating, coercing, discriminating, harassing, or any other conduct that would discourage a reasonable person from seeking services; receiving measures and accommodations; reporting gender-based misconduct; or participating in the disciplinary process as a Complainant, Respondent, witness, third-party reporter or advisor.
- Retaliation includes maliciously or purposefully interfering with, threatening, or damaging the academic or professional career of another individual, before, during or after the resolution of a report of gender-based misconduct under this Policy.
- Nothing in the Policy prevents an individual from discussing their experience from their perspective.
- Reports of gender-based misconduct made in good faith, even if the allegations are ultimately determined to be inaccurate, are not considered retaliation.

Reports that are intentionally false or found to have been made in bad faith may constitute retaliation and/or may be considered by the Sanctioning Officer if an individual is otherwise found responsible for a violation of the Policy. For example, retaliation could include a threat of falsely reporting the Complainant or witnesses of gender-based

misconduct to deter them from participating in an imminent or pending gender-based misconduct process.

Retaliation may also include violations of a no-contact directive and/or other supportive measures, in conjunction with any of the behavior described above, during the course of an investigation.

- If the alleged retaliation occurs between the Complainant and the Respondent while a matter is pending, these allegations may be investigated separately through the Dean's Discipline process and/or, if deemed appropriate by the Title IX Coordinator or designee, folded into the pending investigation, based on the circumstances of the allegations.
- Allegations of retaliation by other parties, i.e., not between the Complainant and the Respondent, will be investigated separately when the allegations involve gender-based misconduct. Any other allegations of retaliation by other parties will be investigated and adjudicated through the Dean's Discipline process.

D. Prohibited Conduct Under the Interim Title IX Policy

Behaviors that meet the definition of prohibited conduct under the Interim Title IX Policy must be investigated, adjudicated and reviewed under the Interim Title IX Policy, even if those behaviors also violate the Gender-Based Misconduct Policy.

Title IX - Sexual Harassment

The Interim Title IX Policy uses the definition of “sexual harassment” set out in the Title IX regulations issued in May 2020:

Sexual Harassment includes any conduct on the basis of sex that involves:

- An employee conditioning educational benefits on participation in unwelcome sexual conduct (i.e., quid pro quo);
- Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the educational institution’s education program or activity.

The following behaviors also fall within the Title IX regulations’ definition of sexual harassment and are applied in this Interim Title IX Policy:

Title IX - Sexual Assault

As required by the May 2020 Title IX regulations, the definition of Title IX Sexual Assault used in the University’s Interim Title IX Policy incorporates the definitions of the FBI’s Uniform Crime Reporting (NIBRS) program, as follows:

- Rape:¹⁰
 - The carnal knowledge of a person (i.e., penile-vaginal penetration), without the consent of that person, including instances where the person is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.
 - Oral or anal sexual intercourse (i.e., penile penetration) with another person, without the consent of that person, including instances where the person is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.
 - To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of that person, including instances where the person

¹⁰ Both completed rape and attempted rape are prohibited by this policy.

is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity. An “object” or “instrument” is anything used by the offender other than the offender’s penis.

- Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of that person, including instances where the person is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity (for purposes of this definition, “private body parts” includes breasts, buttocks, or genitals, whether clothed or unclothed).
- Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent. In New York, the age of consent is 17 years old.

Title IX - Dating Violence

Any violence committed by a person:

- who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - The length of the relationship;

- The type of relationship; and
- The frequency of interaction between the persons involved in the relationship.

Note: The regulations rely for this definition on a federal law known as the Violence Against Women Act (VAWA) amendments to the Clery Act. For more information, see Violence Against Women Reauthorization Act of 2013, 42 U.S.C. §§ 13701 (2013).

Title IX - Domestic Violence

Any felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under New York’s domestic or family violence laws or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of New York.

Note: The regulations rely for this definition on a federal law known as the Violence Against Women Act (VAWA) amendments to the Clery Act. For more information, see Violence Against Women Reauthorization Act of 2013, 42 U.S.C. §§ 13701 (2013).

Title IX - Stalking

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- fear for their safety or the safety of others; or
- suffer substantial emotional distress.

For purposes of this definition—

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

Note: The regulations rely for this definition on a federal law known as the Violence Against Women Act (VAWA) amendments to the Clery Act. For more information, see Violence Against Women Reauthorization Act of 2013, 42 U.S.C. §§ 13701 (2013).

E. Important Policy-Related Concepts

Concepts outlined in this section apply to matters of gender-based misconduct under both Policies, except where a red asterisk (*) indicates a concept that applies only in cases where an allegation meets the definition of prohibited conduct under the Interim Title IX Policy.

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

Cross-Complaint: In some cases, each person makes allegations of policy violations by the other. This is called a "cross-complaint." In the event of a cross-complaint, the Parties will be referred to as Party A and Party B instead of as "Complainant" and "Respondent." Each Party will have all of the same rights and be subject to the same procedures that apply to Complainants and Respondents. Cross-complaint allegations will be investigated and resolved simultaneously, other than in exceptional circumstances or at the discretion of the Investigative Team when that approach will create an undue delay.

***Cross-Examination:** During a hearing to resolve an allegation of misconduct under the Interim Title IX Policy, each Party's advisor is permitted to ask the other Party and any witnesses relevant questions, including those challenging an individual's credibility or reliability. This questioning will be monitored by the Hearing Chair and is restricted by rules regarding relevance. Such

questioning must be conducted directly, orally, and in real time by the Party's advisor and never by a Party personally.

***Educational Program or Activity:** This includes locations, events, or circumstances over which the University exercises substantial control over both the Respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the University, including fraternities and sororities. As required by the May 2020 Title IX regulations, this does not include educational programs or activities outside of the United States.

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. In a case where the Title IX Coordinator signs and files a complaint, the Title IX Coordinator is not a "Party."

***Relevance:** Questions asked in a hearing must be relevant to the allegations and the response to those allegations. The basic test for relevance is whether the question asks for information that might help prove or disprove facts related to whether the

Respondent has committed the alleged misconduct.

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

***Title IX Formal Complaint:** A document that contains allegations of conduct prohibited by the Interim Title IX Policy and that requests that the University initiate a resolution process. Even without a Title IX Formal Complaint, the University may have an obligation to respond promptly, including by offering supportive accommodations to a student who may have experienced prohibited conduct.

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 create clear permission regarding willingness to engage in the sexual activity. It is important not to make assumptions about consent. If there is confusion or ambiguity, participants need to stop sexual activity and

communicate about each person's willingness to continue.

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

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

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

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

a Party will be harmed or restrained if they do not engage in sexual conduct.

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

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

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

- Incapacitation may be associated with a person lacking consciousness; being asleep; being involuntarily restrained; or having a disability that impedes consent. *Under New York State law, a person under the age of 17 lacks the capacity to give consent.*
- Whether sexual conduct with an incapacitated person constitutes gender-

based misconduct depends on whether the Respondent knew or should have known of the Complainant's incapacitation, based on objectively and reasonably apparent indications when viewed from the perspective of a sober, reasonable person in the Respondent's position.

- Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent. See the following for additional information on how drugs and alcohol can affect consent.

How drugs and alcohol affect consent

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

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

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

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

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

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

The use of alcohol or drugs can create an atmosphere of confusion and can lower inhibitions. All students should be aware of, and carefully consider, the potential consequences of the use of alcohol or drugs, and of the potential consequences of engaging in sexual activity when anyone involved in the activity may have been affected by alcohol or drugs. Every individual is responsible for ensuring there is mutual, affirmative consent prior to engaging in sexual conduct regardless of whether their judgment may be impaired by the use of alcohol or drugs.

F. Scenarios

The following scenarios help illustrate some applications of the Policy:

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

Pat having sex with Dana while Dana may have been incapacitated could be a violation of the Interim Title IX Policy, depending upon where the incident happened. If it happened on campus, in a dorm room or University apartment, this could be a violation of the Interim Title IX Policy. If it happened at an off-campus location or outside of the United States, including on a study abroad program, it could be a violation of the Gender-Based Misconduct 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 in Taylor's off-campus apartment, Hong and Taylor were making out when Hong said, "I don't feel like having sex tonight." Taylor continued to kiss Hong and took off Hong's clothing despite Hong's verbal and physical objections. Eventually, Hong became silent and submitted to Taylor's insistence to have sex.

Taylor did not have Hong's consent to engage in sexual intercourse, which is a violation of the Gender-Based Misconduct Policy. (The Gender-Based Misconduct Policy applies because this happened in an off-campus location.) Hong objected to having sex and Taylor ignored these objections. Although Taylor and Hong have previously had consensual sexual intercourse, Hong did not consent to sexual conduct on this particular evening. In addition, Hong's silence does not imply that Hong consented.

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

Jordan did not consent to Peyton's sexual touching, which includes contact under or over clothes. Peyton's behavior constitutes intentional physical contact of a sexual nature without affirmative consent - a violation of the Interim Title IX Policy because this contact took place in a Columbia University residence hall.

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

Lee's repeated contact with Kai is stalking. Because this happened on campus, it is a violation of the Interim Title IX Policy. Kai declined Lee's multiple requests to go on a date. Additionally, Kai asked Lee to leave them alone and to stop visiting their dorm.

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

Joe's actions are domestic violence. This is a violation of the Gender-Based Misconduct Policy which applies to conduct off campus. Any use or threat of physical violence toward a domestic partner or spouse constitutes domestic violence.

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

This is a violation of the Gender-Based Misconduct Policy. The use and distribution of photograph of another person's unclothed body or body parts, without permission, regardless of whether they originally consented, is sexual exploitation.

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

Noam removing the condom while having sex with Xiang is a violation of either the Gender-Based Misconduct Policy or the Interim Title IX Policy. The location is unclear and would determine which Policy applies.

Xiang consented to sex with a condom. Contrary to Xiang's wishes, and knowing that Xiang would not have consented and did not consent to penetration without a condom, Noam deliberately removed the condom without Xiang's knowledge. This act would be prohibited under both policies because Noam did not have affirmative consent from Xiang to engage in this type of sexual interaction.

G. Resources for Students

Immediate Assistance

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

Confidentiality, Privacy, and Mandatory Reports

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

The May 2020 Title IX regulations provide that universities must maintain as confidential any supportive accommodations provided to a Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the supportive accommodations. The regulations also provide that universities must keep confidential the identity of any individual

who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, but the regulations also make exceptions for disclosure of information to conduct an investigation or hearing under the Interim Title IX Policy. The regulations also allow for disclosures that are permitted by the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of the Title IX regulations, including the conduct of any judicial proceeding arising under those regulations.

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. This includes the Title IX Coordinator(s) and any Deputy or Designee of the Title IX Coordinator, who are required by federal law to address allegations of discrimination and to institute corrective measures if they receive a report or information that may indicate a violation of the Interim Title IX Policy. Other "non-confidential" resources include faculty and most staff

(including Teaching Assistants and coaches) as well as students engaged in an official capacity such as Resident Advisors,¹¹ who are required by the University to provide relevant information about gender-based misconduct complaints to the Gender-Based Misconduct Office or the Title IX Coordinator. Staff within the Office in consultation with the appropriate Title IX Coordinator(s), are responsible for connecting students with supportive resources and working to ensure community safety.

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

Confidential Resources

Confidential resources on campus include: Sexual Violence Response; Clergy, Counseling and Psychological Services (Morningside); Mental Health Services (CUIMC); Disability Services; the Ombuds Office; and Healthcare Providers.¹²

Students may use these resources even if they decide not to make a report or participate in University disciplinary proceedings or the criminal justice process.

University advocates, counselors, clergy, disability services professionals, the Ombuds

¹¹ At Teachers College, responsible employees also include instructional and administrative employees.

Office staff, and healthcare providers can provide students with immediate and long-term help. Conversations with them are confidential, except in certain emergencies as described in the Resources list in Appendix B.

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

Additional Resources (Non-Confidential)

The Gender-Based Misconduct Office ("The Office")

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

¹² The Teachers College Office of Access and Services for Individuals with Disabilities is not a confidential resource.

following an incident, throughout the disciplinary process, and throughout a student's time at the University. Contact information for the Office is in the Resources listing following the Procedures.

Equal Opportunity and Affirmative Action ("EOAA")

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

Title IX Coordinators

The Title IX Coordinators for Columbia and Teachers College are responsible for overseeing the University's compliance and 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 also oversee the administration of these Policies and the Procedures in a neutral and equitable manner. Columbia's Title IX Coordinator also participates in the investigation of complaints as needed.

Separately, there is a Title IX Coordinator for Barnard College. The Title IX coordinators from Barnard, Columbia, and Teachers

College will work collaboratively when students from different institutions are involved in the disciplinary process.¹³ Contact information for the Title IX Coordinators is in the Resources listing following the Procedures.

Deputy Title IX Coordinators and Designees

Deputy Title IX Coordinators assist with the oversight of the University's compliance and response to the Gender-Based Misconduct Policy and misconduct under the Interim Title IX Policy.

The Title IX Coordinator may also appoint Designees to receive and respond to reports, provide policy education, or offer supportive accommodations. Designees include Case Managers and Title IX Investigators in the Gender-Based Misconduct Office.

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 Office may need to temporarily delay an

that apply when a Barnard student is a Respondent.

¹³ Barnard College is a separate jurisdiction with its own Policies and Procedures, available at <https://barnard.edu/cares/nondiscrimination-and-title-ix>

investigation while law enforcement is gathering evidence, generally no longer than 10 days¹⁴, except when law enforcement specifically requests and justifies a longer delay. The Office will resume the investigation after learning that law enforcement no longer requires a delay or has completed the evidence-gathering stage of their investigation. The Office is not required to wait for the conclusion of any related criminal proceeding to begin or continue its process. If either Party declines to participate in the University's review of an allegation due to a concurrent criminal investigation, a statement submitted by the Party after the disciplinary process has concluded will not be considered "new evidence" for the purpose of appeal.

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

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

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

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

¹⁴ Any reference to "days" in this Policy and these Procedures refers to business days.

IV. PROCEDURES FOR RESPONDING TO STUDENT MISCONDUCT UNDER THE GENDER-BASED MISCONDUCT AND THE INTERIM TITLE IX POLICIES (PROCEDURES)¹⁵

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

This section first describes how to report an incident of gender-based misconduct; students' rights and responsibilities in the disciplinary process; and other important background information about privacy, advisors, and time frames. It then details the various options available for resolving reports of gender-based misconduct, under both the Gender-Based Misconduct Policy and Interim Title IX Policy.

A. Reporting Misconduct

The University encourages students to report gender-based misconduct as soon as possible to maximize the University's ability to respond promptly and effectively. Students may meet with Gender-Based Misconduct Office staff to learn more about the process before making a

report or providing additional information about a previously filed report.

The University recognizes that students may be most comfortable disclosing gender-based misconduct to a University employee they know well, such as a faculty member or coach or a student engaged in an official capacity such as a resident adviser. These individuals and other University personnel – including officers of administration and research, library staff, staff who work directly with students including advising, residential program and student affairs staff, teaching assistants and students engaged in an official capacity as a resident advisor – are required to report the incident to the Office, either directly or through the appropriate Title IX Coordinator(s) or a designee.

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

Confidential resources, such as counseling staff, Disability Services staff, and staff from Sexual Violence Response, are not obligated to report disclosures of gender-based misconduct except for aggregate statistical data that does

¹⁵ Columbia University's Equal Opportunity and Affirmative Action office is responsible for employee Discrimination & Harassment Policies.

not include individuals' names or identifying information. They will not share identifying information with the Office about a student or an incident without the student's permission, except under exigent circumstances as required by law.

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 their identity to anyone else, including the person who allegedly committed the misconduct. While such a request may limit the University's ability to address the reported misconduct, the Office, in consultation with the appropriate Title IX Coordinator(s), will consider the request and honor it whenever possible. Considerations that are taken into account include: the Complainant's articulated concerns; the best interests of the University community; fair treatment of all involved individuals, including the Respondent's right to have specific notice of the allegations if the University were to take action that affects the Respondent; and the University's obligations to provide a safe and non-discriminatory environment for all students. The Office will promptly notify the student whether the University will be able to honor their request for anonymity.¹⁶

¹⁶ If the complaint falls into the category addressed by the Interim Title IX Policy, and the Complainant wishes to submit a Title IX Formal Complaint, the Complainant's name must

Regardless of whether the University is able to grant a request to keep the student's identity confidential, University personnel will not reveal information about reported gender-based misconduct except to those who need to know in order to carry out their duties and responsibilities. In all cases, the University will take appropriate steps designed to counteract the effects of the alleged gender-based misconduct, prevent its recurrence, provide support and implement appropriate supportive accommodations for the students involved. This may include academic, residential, and work accommodations for University employment (see "Supportive and Interim Measures" section); increased monitoring, supervision or security at locations or in connection with activities where the alleged misconduct occurred; and training and/or educational materials for the campus community. If there is reason for concern about possible retaliation or harm, the University will take measures in consultation with the affected students.

If a Complainant desires only supportive accommodations (see Supportive Accommodations and Interim Measures), the University will, consistent with regulations described above, make every effort to keep the Complainant's identity confidential (including from the Respondent), unless disclosing the Complainant's identity is necessary to provide

be shared with the Respondent in the formal notification to the Respondent.

certain supportive accommodations for the Complainant (e.g., where a no-contact directive is appropriate and the Respondent would need to know the identity of the Complainant in order to comply with the no-contact directive or campus security is informed about the no-contact directive in order to help enforce its terms).

Other Information about Reporting

Time for Reporting

There is no time limit for submitting a report of gender-based misconduct, under either the Gender-Based Misconduct Policy or the Interim Title IX Policy. However, the University's ability to investigate and respond effectively diminishes with the passage of time.

Additionally, the timing of a report to the Office may affect the University's ability to implement sanctions on a Respondent found responsible for a violation of Policy. For example, if a Respondent is not a student at the time the report is made, the University is limited in the action it can take. 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.

Title IX Formal Complaint

A Title IX Formal Complaint is a submission by a Complainant, including via e-mail, online, or in other writing alleging that a current student or active alum has engaged in

conduct that violates the Interim Title IX Policy and requesting that the University initiate a resolution process, investigate the allegation, or initiate an investigation. The Title IX Formal Complaint must contain the Complainant's physical or digital signature, or other indication that the Complainant is the person submitting the Complaint.

Making a report to the University or meeting with someone from the Office or the Title IX Coordinator to talk about a situation or incident does not automatically launch a formal investigation or constitute a Title IX Formal Complaint. It is, however, an important first step in alerting the University to an issue and getting assistance in resolving an issue or incident.

If the Office or the Title IX Coordinator receives a report alleging misconduct under the Interim Title IX Policy, a Case Manager or the Title IX Coordinator will meet with a Complainant to discuss and explain the options for resolution.

Students may choose to submit a report and receive supportive accommodations without submitting a Title IX Formal Complaint or being involved in an investigative process or any other resolution process under the Interim Title IX Policy.

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. The Policies will apply in the same manner as if the student had made the initial report. The Office will make every effort to meet with the student to discuss available options and on-campus and off-campus resources.

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

Related Alcohol and Drug Violations (Amnesty)

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

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

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

Unknown/Non-University Offenders

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

Public Awareness Events

The University supports public awareness events such as "Take Back the Night," the

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

B. Rights and Responsibilities During the Gender-Based Misconduct and Interim Title IX Disciplinary Processes

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

The New York State Students' Bill of Rights includes 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 disciplinary process (however, a decision not to participate in the process either wholly or in part may not prevent the process from proceeding with the information available);
- To a prompt and thorough review of the allegations;
- To adequate time to review documents following an investigation;
- To adequate time to prepare for a hearing;
- To an opportunity to challenge Investigator(s) or Hearing/Appellate Panel member(s) for a possible conflict of interest in cases involving an investigation and Hearing/Appellate Panel;
- To refrain from making self-incriminating statements;
- To an appeal of the decision made by the Hearing Panel and of any sanctions imposed by the Sanctioning Officer in cases involving an investigation and Hearing Panel;
- To notification, in writing, of the case resolution, including the outcome of any appeal, where applicable;
- To report the incident to law enforcement at any time; and

- To understand that information collected in the process may be subpoenaed in criminal or civil proceedings.

Additionally, specific rights and responsibilities are afforded to students whose cases are investigated and adjudicated under the Interim Title IX Policy, as outlined in section “Interim Title IX Policy Investigation and Hearing Procedure.”

Privacy

The University will only reveal information about any report of gender-based misconduct to those who need to know the information in order to carry out their duties and responsibilities or as otherwise provided by law. It will inform all University affiliates, including students, faculty and staff participating in a disciplinary process, that they are expected to maintain the privacy of the process.

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

Advisors

The Complainant and the Respondent, respectively, may be accompanied to any meeting or hearing by one advisor of their choice who may be, but does not have to be, an attorney, through the course of the disciplinary process. Witnesses or others involved in the disciplinary process are not permitted to bring

another person to any meeting or hearing, absent an approved disability accommodation.

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

During meetings and hearings, the advisor may talk quietly with the student or pass notes in a non-disruptive manner. The advisor may not intervene in meetings with the Office. In addition, while advisors may provide guidance and assistance throughout the process, all written submissions must be authored by the student.

When the chosen resolution option is investigation and adjudication, an advisor may address the Investigative Team during an investigative interview to seek clarity, however these interactions should be limited.

- During the Gender-Based Misconduct Hearing Panel Procedure, the advisor may not directly address the Hearing Panel, nor may they submit evidence, directly question witnesses or make verbal or written objections.
- During the Interim Title IX Hearing Procedure, the advisor is permitted to ask

questions of the Parties through the cross-examination process.

The Office and University administrators will communicate directly with the student. It is the student's responsibility to communicate with their advisor, including but not limited to information related to process updates, except in cases where the University is otherwise required to communicate directly with an advisor as outlined by the May 2020 Title IX regulations.

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

Advisors will be expected to sign an agreement to abide by these guidelines and others, including the Rules of Decorum (see Appendix C for the Rules of Decorum). If an advisor fails to abide by the guidelines, they may be prohibited from attending ongoing or future meetings, and the student may be required to identify an alternative advisor. The agreement will be provided to the student and their advisor when the student requests an advisor or notifies their Case Manager that they have an advisor.

A Complainant or Respondent may choose to have an attorney serve as their advisor while engaging with these Policies when the matter under review is: (1) an allegation of Gender-

Based Misconduct and the chosen resolution option is an investigation and adjudication; or (2) an allegation of misconduct under the Interim Title IX Policy. University students and, in cases under the Interim Title IX Policy, active alumni, may retain counsel at their own expense, or request that the University arrange for an attorney-advisor. If a Party makes that request, the University will provide an attorney-advisor at no cost to the Party, from a predetermined pool of trained attorney advisors.¹⁷ Once an attorney-advisor is assigned by the University, the student may not request a different attorney-advisor from the University, but may independently select another advisor at the student's expense; if that occurs, the attorney-advisor originally provided by the University will withdraw from that role. If a Complainant or Respondent requests a University-provided attorney-advisor, the Office will notify the other Party and upon request arrange for an attorney-advisor for the other Party.

Declining to Participate

The Complainant and/or Respondent may decline to participate in any investigation, adjudication, and/or any step of this process and any subsequent appeal. However, the Office will make multiple efforts to engage their participation and may continue the process without the Complainant's and/or Respondent's participation, if able and

¹⁷ The University will arrange for an attorney-advisor for a student in matters when an investigation will occur. For matters that begin with restorative justice, mediation, or

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

permitted under applicable law and University policy. Declining to participate in an investigation may preclude a Complainant or Respondent from participating in the adjudication process, including the ability to submit new information to a Hearing Panel or Appellate Panel. The Complainant or Respondent may always submit an impact statement at the sanctioning stage, if applicable, without regard to earlier participation in the process. Choosing to participate in a limited fashion (e.g. providing a prepared written statement but declining to participate in an interview or answer questions) may similarly limit a student's ability to participate in the adjudication process and/or submit new information to a Hearing or Appellate Panel, if applicable. Additionally, participating in a limited fashion or declining to participate may limit the information that can be formally reviewed and considered or render it impossible for the University to investigate.

If a Party declines to participate in the investigation of an allegation under the Gender-Based Misconduct Policy, the Office will continue to update each Party throughout the process, unless a Party submits a written request to the Office to cease contact. In cases that fall under the Interim Title IX Policy, the May 2020 Title IX regulations require the University to send notifications to each Party throughout the process even if a Party indicates that they do not wish to receive such notifications.

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

Withdrawal from the Disciplinary Process

A student involved in the disciplinary process may withdraw from participation at any time without penalty. However, the University may, consistent with other provisions of federal and New York State law, still have obligations to investigate and/or take other action. In those instances when the Office, in consultation with the appropriate Title IX Coordinator(s), determines that the University must proceed with an investigation, the Office will notify the appropriate Party that the University intends to initiate or continue an investigation, but that the involved student is not required to participate in the disciplinary process. Students who withdraw from the University while a disciplinary action is pending against them will receive a transcript notation indicating that a disciplinary proceeding is pending.

Withdrawing participation before an investigation is complete may preclude a Complainant or Respondent from participating in the remainder of the disciplinary process, including the ability to submit new information to the Hearing Panel or Appellate Panel. The Complainant or

Respondent may always submit an impact statement at the sanctioning stage, if applicable, without regard to earlier participation in the process.

A Party who declines to participate but who wishes to subsequently participate at a later point in the investigation or hearing process, may be permitted to participate subject to the following:

- Their request to participate must be received no later than five (5) business days prior to the scheduled date of the hearing.
- They must be interviewed by the Investigative Team at least five (5) business days prior to a scheduled or rescheduled hearing. The information from this interview will be shared with the other Party and may be referenced during the hearing.

Time Frames

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

The Office strives to complete the investigation and adjudication of allegations within 120 business days after the notice of an investigation under the Gender-Based

Misconduct process or notice of an Interim Title IX Formal Complaint.

Time frames may be extended for good cause as necessary to ensure the integrity and completeness of the process. The reasons for extension of the time frame also include, but are not limited to: compliance with a request by law enforcement; a limited accommodation of the availability of Parties, their advisors, and witnesses; students on leave; exam periods, school breaks or vacations; and accounting for complexities of a specific investigation, including the number of witnesses and volume of information provided by the Parties, whether there is a cross-complaint or allegations of retaliation, and the severity and extent of the alleged misconduct.

To enable prompt and efficient resolution of complaints, the Office expects that any individual involved in the disciplinary process will respond to outreach from the Office within two (2) business days. In addition, the Office expects its deadlines to be honored absent extraordinary circumstances. Requests for deadline extensions will be considered by the Office on a case by case basis.

The Office will give periodic status updates to the Parties, including in writing. For more information on case resolution time frames and data, please see the report on Gender-Based Misconduct Prevention and Response, which is published annually.¹⁸

¹⁸ Available at <https://studentconduct.columbia.edu/> and <https://sexualresect.columbia.edu/>.

Conflicts of Interest or Bias

The University requires any participant in any disciplinary process, including a Complainant, Respondent, Investigator, Hearing Panelist, Sanctioning Officer, or Appellate Officer, to disclose to the Office any potential or actual conflict of interest. If a Complainant or Respondent believes that any individual involved in the investigation, adjudication, sanctioning or appellate process has a conflict of interest or bias, they must notify the Office. A conflict of interest would include, for example, situations where an individual is a Party's family member, close friend, current or former faculty member, advisor or where an individual has any other similar relationships. Additionally, anyone in an investigative or decision-making position in the process may not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.

A Complainant or Respondent who believes that an Investigator, Hearing Chair or Panelist, Sanctioning Officer, or Appellate Officer has a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent must submit a written request to the Office that the individual not participate in the process. This request must be made within two (2) business days after the Office provides notification of the individuals involved in the investigation, sanctioning decision, or panel. Any request

should include a description of the conflict. The fact that an individual is the same or different gender, race, etc., of a Party or individual involved in the process is not a conflict and requests for changes in staffing on this basis will not be considered. If the Office determines that an actual or potential conflict of interest or bias exists, the University will take steps to address the conflict in order to ensure an impartial process.

The following do not constitute conflicts of interest or bias under these policies:

- Submission of a complaint or report in any other harassment or discrimination proceeding;
- Engagement in or facilitation of an investigation in any other harassment or discrimination proceeding;
- Employment status or title or previous employment;
- Participation in or facilitation of any Title IX or sexual harassment trainings.

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

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

Case Management

Case Managers within the Office support the students who file a complaint and those responding to an accusation of a Policy violation. When a report is made, the Case Managers are designated by the Title IX Coordinator to promptly contact the Complainant and, when applicable, the Respondent to discuss the availability of supportive accommodations and interim measures, consider the Complainant's wishes with regard to supportive and interim measures, with or without filing a Title IX Formal Complaint, if applicable, and explain the processes available under the Gender-Based Misconduct Policy or the Interim Title IX Policy, depending on the allegations of the case.

Case Managers help Complainants and Respondents to understand their rights and the disciplinary processes within these Policies. Case Managers are also available to receive reports of concern and determine an appropriate response to assist the student.

Case Managers may help to facilitate the following:

- Academic support, including notifying academic advisors regarding missed classes, dropping classes, withdrawal, exam extensions, etc.;
- Referrals to supportive and confidential resources on campus, such as counseling and Sexual Violence Response;
- Emergency housing and/or exploring housing options;
- Referrals to attorney-advisors, where applicable;
- Identification of supportive services on and off campus to meet students' needs;
- Support for navigation of the resolution processes once a report is filed, including through the investigative and hearing process, if applicable; and
- Support throughout the time of a student's enrollment at the University, including after the resolution process has concluded.

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

Supportive and Interim Measures

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

accommodations and interim measures are non-disciplinary, non-punitive individualized measures designed to support Complainants and Respondents in having equal access to the University's educational programs and activities. They are offered and implemented as appropriate, as reasonably available, and without fee or charge to either Party. They are designed to avoid unreasonably burdening either Party and may include measures designed to protect the safety of all Parties or the University's educational environment, or deter prohibited conduct. The discussion below provides more information and examples of each.

While the Office may implement interim measures as appropriate and on a case-by-case basis, Case Managers do not grant accommodations, but conduct outreach and facilitate accommodation requests by connecting students with the appropriate decision-making departments within the University. Any ordinary fees associated with approved accommodations (e.g., housing changes) during the process of resolving an allegation of gender-based misconduct will be waived as applicable.

Supportive Accommodations

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

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

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

Supportive accommodations may include, but are not limited to:

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

In consultation with the appropriate Title IX Coordinator(s), the Office will work with students to obtain additional supportive accommodations as necessary. The Office will also work with students who need assistance registering with Disability Services, as appropriate. Students who require support for

ongoing health-related accommodations must provide appropriate documentation as required by Disability Services.¹⁹ This may include note-taking services for students who are registered with Disability Services as unable to take their own notes due to a disability. The University will provide notice about accommodations only to those who need to know in order to make them effective. Time frames for evaluation and implementation of requested supportive accommodations may vary based on the particular circumstances of a specific request.

A student who has experienced gender-based misconduct may also be entitled to remedies under applicable law, such as an order of protection. While the University cannot impose legal remedies such as an order of protection, the University can assist students in contacting law enforcement or legal service organizations to learn about these remedies and their enforcement.

Interim Measures

The University may also impose interim measures, based on the totality of facts known at the time, to protect the safety of all Parties involved, to prevent the escalation of conflict, and to protect the integrity of the disciplinary

process while the process is ongoing. Interim measures include, but are not limited to:

- No-contact directives;
- Restricting a Party's access to campus buildings and/or University property;
- Moving a student's residence
- Indicating on a student's official transcript that a disciplinary investigation is pending; or
- Withholding a student's transcript, diploma and/or degree, as indicated by an administrative hold.

If, after undertaking an individualized safety and risk analysis, the University determines that there is an immediate threat to the physical health or safety of any student or other individual arising from the allegations of misconduct, the University may:

- Temporarily suspend a Respondent from specified activities and/or positions of leadership; and
- Temporarily suspend a Respondent from the University.²⁰

When such an interim suspension occurs, the University will provide a Respondent with

¹⁹ Disability Services has established guidelines to assist students in providing the required information - (<https://health.columbia.edu/content/general-guidelines-disability-documentation>). Please refer to [specific documentation guidelines](#) for each type of disability. Teachers College students and employees should refer to OASID's guidelines for accommodations at: <https://www.tc.columbia.edu/oasid/services/accordion-1/general-registration->

[information/NewStudentRegistrationForm.pdf](#), and at <https://www.tc.columbia.edu/oasid/services/accordion-1/general-registration-1/information/DisabilityDocumentationForm.pdf>.

²⁰ Interim suspensions will be reasonable and tailored to balance the ability of the Respondent to complete their studies with the safety of both the Complainant and the University community at large.

notice and an opportunity to challenge the decision immediately following the suspension. The imposition of supportive accommodations and interim measures does not indicate that the University has made a final decision about the report of prohibited conduct.

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

Students who are Complainants or Respondents may request a prompt and reasonable review of the need for and terms of any supporting accommodation or interim measure that directly affects them and may submit evidence in support of their request. Requests for review of the supportive accommodation or interim measure must be submitted in writing to the Title IX

²¹ Additionally, should the Office learn of evidence or information become known to the Office during an investigation that leads the Office to conclude that there is no

Coordinator or Designee and will be reviewed within a reasonable time upon receipt. Any interim measure(s) implemented will be periodically reviewed, may be revised as appropriate, and may be kept in place after a final decision is reached.

Initial Assessment of Reports

After receiving a report, the Office will conduct an initial assessment to evaluate whether, if substantiated, the conduct constitutes a violation of the Gender-Based Misconduct Policy or the Interim Title IX Policy and whether there is sufficient information to engage the disciplinary process. The Office will assess the available information, determine if a report is supported or unsupported by any such information, and take any one of the following actions:

- The Office may contact the reporter or the Complainant to collect additional or clarifying information;
- The Office may dismiss the report if it determines that the report does not allege facts that, if substantiated, would constitute a violation of a policy or that the facts as alleged in the report are refuted by evidence or information known to or possessed by the Office;²¹
- The Office may refer the report to another office for review or address the conduct through alternate means, if the Office

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

determines that the report is outside the scope of the Gender-Based Misconduct Policy; or

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

Reports of Prohibited Conduct Under the Interim Title IX Policy

When conduct that may violate this Policy is reported, the University must first determine whether the reported conduct would, if proved, constitute sexual harassment as defined in the Interim Title IX Policy.

Students and others can submit reports as described above. ["Reporting Misconduct"]

A formal Title IX Formal Complaint is required for the University to initiate an investigation, seek resolution, and impose sanctions, if applicable, for misconduct covered by the Interim Title IX Policy. The Office and the Title IX Coordinator are available to assist student with questions about this process.

A Title IX Formal Complaint should provide detailed information, including dates and locations of the incident(s), that may violate the Interim Title IX Policy. If possible, the Title IX Formal Complaint should also include:

- The name and role (e.g., employee, student) of the person filing the complaint and the person(s) accused of misconduct;
- The name and role of any witness(es) to the incident(s) and their telephone numbers, e-mail addresses, and street addresses if known;
- A request that the University respond to the alleged misconduct.
- The individual's physical or digital signature, or another indication that the Complainant is the person submitting the Title IX Formal Complaint. A hard copy document can be submitted by mail or in person. The document should be submitted to the Office or the Title IX Coordinator electronically, by mail, or in person.

Each of these requirements is set out in the May 2020 Title IX regulations.

At the time of filing a Title IX Formal Complaint, a Complainant must be a student or active alum participating in or attempting to participate in the education program or activity of the University. Complainants desiring to initiate an

investigation and adjudication through the Interim Title IX Investigation and Hearing procedure cannot remain anonymous, as the May 2020 Title IX regulations require that the identity of each Party be included in the notification to the other Party about the complaint. Reports submitted to the Office that do not identify a Complainant or are submitted anonymously will require the signature of the Title IX Coordinator to initiate an investigation and adjudication through the Interim Title IX Investigation and Hearing Procedure.

When the Office or the Title IX Coordinator receives a Title IX Formal Complaint, the Office will inform the Complainant and the Respondent of the submission and will provide information about the review process.

If the Title IX Coordinator files a Title IX Formal Complaint in lieu of the Complainant and there is an investigation or other resolution as a result of this Title IX Formal Complaint, written notice of allegations will be sent to both Parties outlining the allegations, and will include the identity of the Parties if known, as required by the May 2020 Title IX regulations. In rare instances, the Title IX Coordinator may determine that an investigation or other resolution process should proceed, even though the written

notice of allegations does not include the Complainant's identity. However, if a Complainant still refuses to participate in the resolution process, the University may be severely limited in its ability to address the allegation.

Initial Assessment of Title IX Formal Complaint

After receiving a Title IX Formal Complaint, the Office conducts an initial assessment to evaluate whether, if substantiated, the conduct would violate the Interim Title IX Policy and whether there is a reasonable basis to engage the disciplinary process.

Unless a Formal Complaint initiating an investigation and adjudication under the Interim Title IX Investigation and Hearing Procedure is signed by the Title IX Coordinator, the Office²² must, in accordance with the May 2020 Title IX regulations, dismiss a Title IX Formal Complaint for Title IX purposes under the following circumstances:

- the alleged misconduct does not meet the Title IX definition of covered Sexual Harassment; or
- the alleged misconduct does not arise from a University program or activity, or it is not raised against a person in the US.

²² References to "the Office" in this section refer to actions taken by an individual in the Gender-Based Misconduct Office other than the Title IX Coordinator, as the Title IX

Coordinator is responsible for determining appeals of dismissals referenced in this section.

Further, the Office may dismiss a Title IX Formal Complaint after an investigation under the Interim Title IX Investigation and Hearing Panel Procedure was initiated if:

- the Complainant requests to withdraw the Complaint;
- the Respondent does not meet the definition of student or active alum; or
- it is unlikely that the Office would be able to collect sufficient evidence to reach a determination.

If a complaint is dismissed for Title IX purposes under the Interim Title IX Policy through this initial assessment, the Office will consider whether the Gender-Based Misconduct Policy applies to the allegations. Parties will be provided with a written notice describing the reason(s) for dismissal under the Interim Title IX Policy, and dismissals may be appealed.

Appealing the Dismissal of a Title IX Formal Complaint for Title IX Purposes

If the Office dismisses a Title IX Formal Complaint for Title IX Purposes, the Complainant and the Respondent have the right to appeal the dismissal. This appeal must be addressed to the Title IX Coordinator or a designee and submitted within five (5) business days from the Parties' receipt of the dismissal. The appeal may not exceed three single-spaced typed pages, using 12- point Times New Roman

font and one-inch margins. The appeal must meet one or more of the following criteria:

- **Procedural Irregularity:** An appeal based on procedural irregularity must identify with specificity each alleged irregularity within the consideration of the Complaint and the ways in which each specified irregularity affected the decision to dismiss the Complaint;
- **New Information:** An appeal based on new information must explain why this information was not available at the time the decision to dismiss the Complaint was made and how this information could affect the decision to dismiss the Complaint. Information not provided because a Party declined to participate or withdrew from the process cannot be considered new information for the purpose of appeal. This includes situations where a Party declines to participate on the advice of their advisor or due to a concurrent criminal investigation; and/or
- **Conflict of Interest/Bias:** An appeal based on conflict of interest or bias must explain how any staff including the investigator(s), or any decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally, or the individual Complainant or Respondent, that affected the decision to dismiss the Complaint.

After receiving an appeal from one of the Parties, the Title IX Coordinator will inform the other Party and provide a copy of the appeal. The non-appealing Party will have three (3) business days from receipt of the appeal to respond should the Party wish to do so. The response may not exceed three single-spaced, typed pages, using 12-point Times New Roman font and one-inch margins. If both parties appeal, the appeals will be considered concurrently and each Party will have the opportunity to review and respond to the other Party's appeal within three (3) business days.

The Title IX Coordinator will review the appeal and non-appealing Party's response (if provided). Within seven (7) business days of the non-appealing Party's response or the appeal if no response is provided, the Title IX Coordinator will communicate in writing the determination regarding the appeal simultaneously to both Parties. The Title IX Coordinator may take the following actions:

- Uphold the decision to dismiss the Complaint. In such cases, the Office will consider whether the Gender-Based Misconduct Policy applies to the allegations; or
- Reverse the decision to dismiss the Complaint. If the Title IX Coordinator reverses the decision to dismiss, the Complaint will be resolved through one of the methods identified in the next section, "Available Options for the

Resolution of Reports of Prohibited Conduct."

The determination of the Title IX Coordinator is final. Failure to meet the deadline for appeal will result in waiver of the right to appeal.

Consolidation of Title IX Formal Complaints

The University may consolidate Title IX Formal Complaints against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against the other Party, where the allegations arise out of the same facts or circumstances.

D. Available Options for the Resolution of Reports of Prohibited Conduct Under the Gender-Based Misconduct Policy and Interim Title IX Policy

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

- The investigation and adjudication of allegations under the Gender-Based Misconduct Policy are reviewed through the Gender-Based Misconduct Investigation and Hearing Procedure.

- The investigation and adjudication of allegations under the Interim Title IX Policy are reviewed through the Interim Title IX Investigation and Hearing Procedure.
- Complaints that include allegations of both Gender-Based Misconduct and misconduct under the Interim Title IX Policy will be investigated and adjudicated under the Interim Title IX Investigation and Hearing Procedure.

At any time after a report is filed and before a hearing or procedure is scheduled, either Party may request a different form of resolution. The Office will review a requested resolution in light of its initial assessment of the available information and will determine if such a resolution is appropriate. The Office will make the final determination regarding the appropriate resolution process and can require the investigation and adjudication of a matter even if the Parties request to engage in a different resolution process.

Three of the four types of resolution (administrative resolution, mediation, and restorative justice) do not involve potential disciplinary or punitive action. These options are available when the Parties do not wish to proceed with an investigation and adjudication process, and instead seek the Office's assistance

to resolve allegations of misconduct without taking disciplinary or punitive action.²³

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

While a student may request to engage in a particular resolution process, the decision to pursue these resolution processes will be made after the Office conducts an initial assessment of a complaint or report, including an assessment of whether there is sufficient information to conduct an investigation and of the nature and scope of the alleged misconduct. Ultimately, the Office will determine which resolution is appropriate. If both Parties agree to one of the non-punitive resolution processes, and the Office agrees that this is an appropriate resolution process, the Office can take next steps to engage the Parties in the agreed-upon process.

As discussed above, the University also has the authority to take immediate and corrective action to address all alleged misconduct and any additional alleged Policy violations that have occurred. The Office, in consultation

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

²³ Should statements made during administrative resolution, mediation, or restorative justice highlight aspects of the reported conduct not previously known to the Office, or detail additional violations of the Policy, the Office reserves the right

with the appropriate Title IX Coordinator(s), may determine that additional action is appropriate without the participation of the Parties, and may insist upon an investigation to ensure a safe campus environment.

If a Party requests the initiation of a non-punitive resolution option of a Title IX Formal Complaint and the Office determines that the matter is appropriate for such resolution, the University will provide to each Party a written notice that discloses:

- The allegations;
- The requirements of the non-punitive resolution process including the circumstances under which it precludes the Parties from resuming an investigation and adjudication arising from the same allegations;
 - As noted below, the University generally permits Parties to withdraw from a non-punitive resolution process and initiate or re-initiate an investigation and adjudication process at any time before a non-punitive resolution process is completed and any resolution is agreed to in writing by the Parties; and
- Any consequences resulting from participating in the non-punitive resolution process, including the records that will be maintained.

Administrative Resolution

This form of resolution can include no-contact directives, no-contact terms mutually agreed

upon by the Parties, implementation of safety measures, referrals to counseling, and targeted education and training. Administrative resolution can take place for example when a Complainant does not want to engage in other resolution processes, or where the Office, at its discretion and based on the available information, determines that an administrative resolution is necessary to ensure the safety of the University community.

Mediation

The purpose of mediation is for the Parties who are in conflict to identify the implications of a student's actions and, with the assistance of a trained facilitator, identify points of agreement and appropriate remedies to address them. Either Party can request mediation to seek resolution; mediation will be used only with the consent of both Parties, who will be asked not to contact one another during the process. The Office will also review any request for mediation and may decline to mediate based on the facts and circumstances of the particular case. Either Party has the right to terminate the mediation process and choose or resume another option for resolution at any time.

The mediation process will typically commence within 10 business days after the Office receives consent to mediate from both Parties and will continue until concluded or terminated by either Party or the Office. During mediation, any potential investigation and calculations for time frames will be stayed. If the mediation results in a resolution, the

disciplinary process will be concluded and the matter will be closed. If a resolution cannot be reached, the matter will be referred to the Senior Director of Title IX Investigations for Gender-Based Misconduct Office to re-evaluate other options for resolution, including investigation.

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

At the conclusion of the mediation, the facilitator will memorialize the agreement that was reached between the Parties. The Office will monitor adherence to the proposed solution and close the matter when compliance is satisfactory.

Restorative Justice

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

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

The RJ Conference proceeds only if all Parties agree to participate willingly. Upon doing so, the RJ process typically commences within 10 business days after the Office receives written agreements from all involved Parties. The conference will continue until the conference is successfully concluded or until the Office determines that the conference will not be successful. If successful, an agreeable resolution is reached by all involved Parties, at which time the process is concluded, and the matter is resolved. If a resolution cannot be reached, the matter will be referred to the Senior Director of Title IX Investigations for the Gender-Based Misconduct Office to re-evaluate other options for resolution.

The Office will monitor the Parties’ adherence to their proposed solution and reserves the

right to close the matter when compliance is satisfactory.

Investigation and Adjudication

Another option for resolution is investigation and adjudication. As stated above:

- The investigation and adjudication of allegations under the Gender-Based Misconduct Policy are reviewed through the Gender-Based Misconduct Investigation and Hearing Procedure.
- The investigation and adjudication of allegations under the Interim Title IX Policy are reviewed through the Interim Title IX Investigation and Hearing Procedure.
- Complaints that include allegations of both Gender-Based Misconduct and misconduct under the Interim Title IX Policy will be investigated and adjudicated under the Interim Title IX Investigation and Hearing Procedure.

1. Gender-Based Misconduct Investigation and Hearing Panel Procedure

After the initial intake with a Case Manager, the University will notify the Complainant and the Respondent, in writing, that an investigation will proceed. This initial outreach will describe the allegations in the report, summarize the disciplinary process, and include a scheduling form for the Complainant and the Respondent to meet separately with the Office. The Complainant and the Respondent must confirm receipt of the notice and meet

with the Investigative Team within one week of receiving this notice. Requests to postpone meetings and interviews, for a limited period of time, may be granted, provided that the request is based on a compelling reason. When possible, Complainants and Respondents should request a postponement no less than 24 hours before the scheduled meeting or interview. In order to avoid undue delay, if a Complainant, Respondent, or advisor is unable to be physically present for any stage of the investigative process, including for reasons related to public health guidance or generally-related University protocols, accommodations will be made for their participation by other means.

Requests Not to Investigate

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

- Circumstances that suggest there is a risk of the Respondent committing additional acts of gender-based misconduct, such as: whether there have been other gender-based misconduct complaints and/or escalation of conduct known to the Office by the same Respondent; whether the Respondent has threatened further gender-based misconduct against the Complainant

or others; and other circumstances that suggest there is an increased risk of similar future acts of gender-based misconduct by the Respondent;

- Whether the alleged gender-based misconduct was committed by multiple perpetrators;
- Whether there was use of a weapon or force in connection with the gender-based misconduct;
- Whether the University possesses other means to obtain relevant evidence, such as security cameras, witnesses and/or physical evidence; and
- If the Complainant is under 17 years old.

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

Notices

The Office will provide notice in writing to both the Complainant and Respondent at many points in the process. Notice from the Office will be sent via University e-mail or *Maxient* (the University's reporting system and database) and may include information, such as: a written explanation of the allegation(s), Complainants' and Respondents' rights and options, interim measures, supportive

accommodations, initiation of a particular resolution option, and the range of possible sanctions should the Respondent be found responsible for a Policy violation as a result of an investigation and Hearing Panel, if applicable. The Office will also ensure that the Complainant and Respondent are updated throughout the process, including timely notice of meetings in which either or both the Complainant and the Respondent may participate, and/or if there are updates to the alleged violation(s) that will be investigated and/or adjudicated based on information learned during the investigation.

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

Importantly, the initial allegations reported to the Office may not be the final charges

submitted to the Hearing Panel for adjudication. The notice of final charges is dependent on the information gathered during the investigation. Whenever there are additional or modified allegations, notice will be provided to both Parties.

Investigation Procedures

The Office will designate an 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 University may, in its sole discretion, assign appropriate non-Gender-Based Misconduct Office investigators to a matter.

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

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

Any documents submitted to the Investigative Team for consideration may become part of the Investigative Report in redacted form. During the investigation, the Investigative Team will adhere to the following protocols:

Statements

All Parties and witnesses are obligated to be honest and act in good faith. Any person who knowingly makes a false statement in connection with the investigation may be subject to separate disciplinary action.²⁴

²⁴Reports or denials of gender-based misconduct made in good faith are not considered knowingly false solely because the

outcome of an investigation and adjudication is contrary to those reports or denials.

Evidence²⁵

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

Witnesses

The Complainant and the Respondent have the right to identify any individuals who may be witnesses to the conduct alleged. The Parties should be aware it is possible for both the Respondent and the Complainant to list the same people as witnesses. Any attempt to

threaten, intimidate or otherwise improperly influence the testimony of a witness may result in disciplinary action. The Investigative Team will attempt to contact and interview any witnesses it deems to have relevant information, including those identified by the Parties. The Investigative Team will afford the highest weight to credible evidence of first-hand knowledge by Parties and witnesses regarding their own memory of specific facts that occurred. If the Investigative Team determines that expertise on a topic will assist the Hearing Panel in making its determination(s), the Investigative Team may include in the investigative record medical, forensic, technological, or other expert testimony and materials (such as writings and recordings) that the Investigative Team deems relevant and reliable. A Party may also request that a topic be considered by an expert, but a Party is not permitted to retain their own expert to consider a topic or submit testimony and/or reports as part of the investigation. In the limited circumstance that the Investigative Team grants a Party's request for an expert to consider a topic, then the Investigative Team will retain an appropriate expert.

- The Investigative Team has the discretion to determine the relevance and reliability of

²⁵ In the event any evidence is gathered during the course of an investigation that is in a language other than English, the Office will procure an official translation via University resources. Where the University procures a translation through University resources, or an outside company or agency, the translation received will be the official translation for the Investigative Team and Hearing Panel to consider, however the Parties may offer their own clarifications of any evidence if

relevant. The Investigative Team may ask the providing party for a translation into English, at its discretion and in limited circumstances, such as when the text to be translated is not substantively related to the investigation but will assist the Investigative Team or a Hearing Panel with better understanding the material.

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

Questions

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

Advisors

During any meeting, interview or hearing, the Complainant and Respondent may be accompanied by an advisor. In order to avoid undue delay, if a Complainant, Respondent, or advisor is unable to be physically present for any stage of the investigative process, including for reasons related to public health guidance or generally-related University protocols, accommodations will be made for their participation by other means.

Sexual History

Either the Complainant or the Respondent may provide information regarding their shared sexual history. Questions and evidence regarding the Complainant’s and the Respondent’s prior sexual behavior are generally irrelevant and prohibited, subject to two limited exceptions: (1) where evidence of prior sexual behavior is offered to prove someone other than the Respondent committed the alleged offense, or (2) where prior sexual behavior evidence is specifically about the Parties’ shared sexual history and is offered to prove consent.

Mental Health Treatment/Diagnosis

Each Party has the right to request that evidence regarding their mental health diagnosis and/or treatment be excluded from consideration when responsibility is being determined. However, if an individual wishes to present evidence of their *own* mental health diagnosis and treatment, they may do so in limited circumstances, to be determined by the Investigative Team based upon relevance.

Prior Bad Acts/Character Evidence

The Investigative Team will evaluate all relevant evidence, including the Respondent’s and the Complainant’s relevant prior bad acts and relevant character evidence, if presented with such information during an investigation. However, the Investigative Team may consider the weight or credibility of such evidence. The weight of evidence is based on the believability

or persuasiveness of evidence. Particular evidence has different weight in inducing belief with respect to the facts and circumstances to be proved. Evidence that is indefinite, vague, or improbable will be given less weight than evidence that is direct and unrefuted. Evidence given by a witness who testifies credibly from personal observation is of greater weight than evidence offered by a witness who is testifying from general knowledge alone.

Prior Gender-Based Misconduct Violations

Prior determinations of responsibility for gender-based misconduct will not be considered in determinations of responsibility (see the following pages) and will therefore not be addressed in an Investigative Report. The University is committed to ensuring each Party a meaningful opportunity to be heard in any given case; for this to occur the investigation and adjudication of one complaint must be based on facts relevant to that complaint and may not be influenced by reports or determinations from another, separate complaint. However, prior determinations of responsibility for allegations of the same type of gender-based misconduct may be admissible in the sanctioning stage of the process.

Credibility Assessment

The Investigative Team may consider the following factors when assessing the credibility of Parties and witnesses: consistency or inconsistency of accounts of events over time; potential for bias in favor of a specific party or outcome; any corroborating evidence; and

reasonable and logical statements, including statements about details associated with the allegations.

Burden of Proof

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

Prohibition on Recording

The unauthorized recording of any part of the disciplinary process or unauthorized copying of any documents in the disciplinary process by any means is prohibited. Copying includes but is not limited to: audio or video recording, streaming, photographing, scanning, transcribing, or any other form that conflicts with the spirit of this directive. Allegations of non-compliance will be reviewed through the

Dean's Discipline process and may result in disciplinary action.

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

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

The Investigative Team will then prepare a factual summary 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 factual summary to the Complainant, Respondent, and their respective advisors for their review, if applicable. Media exhibits such as video recordings and photographs of individuals will be available for individual review, at a prearranged time. The Investigative Team retains sole discretion over redactions consistent with this Policy.

Pre-Determination Conference

After the Parties have had the opportunity to review the factual summary of the Investigative Report, a Pre-Determination Conference will be scheduled. During the conference, the Investigative Team will review available options for resolution, if applicable, with each of the Parties (see Available Options for Resolution above). If the Parties or the University determines that a post-investigation Hearing Panel is the appropriate resolution option, each Party will be asked if they would like to provide additional information or

clarification to their own portion of the factual summary.

The Pre-Determination Conference is each Party's opportunity to provide corrections to typos in the factual summary, including correction of names and/or dates, or other minor factual errors. They also can argue that the factual summary is inaccurate; identify additional witnesses to be interviewed; and request that relevant information be included.

The Pre-Determination Conference is the final opportunity for the Complainant and Respondent to offer evidence or information to be included as an exhibit in the Investigative Report. The Complainant and Respondent will be required to submit any proposed corrections to the Factual Summary and/or additional witnesses to be interviewed or evidence to be reviewed no later than three (3) business days before the scheduled Pre-Determination Conference, so that these submissions can be considered in advance and discussed during the Conference. If the Complainant or Respondent suggests evidence at this stage that had previously been requested by the Investigative Team more than one month prior, the newly submitted evidence will not be accepted except under exceptional circumstances. The Investigative Team will review all requests and make the appropriate changes to the factual summary, which may be reviewed by each Party.

While the Parties may suggest questions during any stage of the investigative process, the Pre-

Determination Conference will be each Party's final opportunity to provide questions for the Investigative Team to ask of any other individual involved, including witnesses. The Complainant and Respondent will be required to submit a written list of all proposed questions to the Investigative Team no later than three (3) business days before the scheduled Pre-Determination Conference, so the questions can be considered in advance and discussed during the Conference. Questions should be related to the factual summary and should not be duplicative or seek a restatement of a fact that has already been included in the factual summary. The Investigative Team will inform each Party if any of the questions they proffered are outside the scope of the Policy or are unrelated to the case and, as such, may be denied. Questions may be modified for appropriateness or clarity by the Investigative Team prior to being asked of the other individual. Following the conference, the Investigative Team will pose additional questions and document responses as appropriate.

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

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

Hearing Panel Process

The process described here will be used in all matters where the Parties choose this process or do not achieve a resolution through another available process.

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

After the investigation is completed, the Investigative Team schedules a Pre-Hearing Conference with each Party. During the Pre-Hearing Conference, the Investigative Team will discuss the analysis and recommendation of responsibility for each alleged charge, and provide to each Party a copy of this section of the Investigative Report, which contains a credibility assessment and analysis of the charges.

At the Pre-Hearing Conference, the Investigative Team will ask each Party to complete a Disciplinary Action Agreement. The Disciplinary Action Agreement asks whether the Party would like the matter referred to a Hearing Panel for adjudication (i.e., a formal decision about whether the alleged charge(s) occurred). In addition, the Disciplinary Action Agreement asks the Respondent to respond in writing to the alleged charge(s) in one of the following ways: Responsible; Not Responsible; No Contest; or No Response. Each Party must submit their respective Disciplinary Action Agreement to the Office in writing within three (3) business days of receipt. Each Party will be notified of the other Party's response.

Should neither Party request a hearing within three (3) business days, the Investigative Team's recommended finding(s) will stand, with each Party retaining their right to appeal the sanction if applicable (see, "Appeal Process").

If the Respondent accepts responsibility or responds "No Contest" on the Disciplinary Action Agreement, or the Investigative Team recommends a finding of responsibility and neither Party requests a hearing, the matter will be referred directly to the Sanctioning Officer (see, "Sanctions and Other Remedies"). A hearing will not be conducted and neither Party can appeal the finding(s) of responsibility for Policy violation(s). Both Parties retain the right to appeal the sanction issued by the Sanctioning Officer (see, "Appeal Process"). Any appeal of the sanction must be submitted within three (3) business days of receipt of the sanction notice issued by the Sanctioning Officer.

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

Hearing Panel

The Hearing Panel is tasked with evaluating and analyzing all relevant information in the Investigative Report, including the credibility assessment and recommendation of responsibility provided by the Investigative Team, as well as any relevant additional submissions and information presented by the

Parties in the hearing process (see Preparing for the Hearing below). The panel determines whether a violation of Policy occurred based on the preponderance of evidence standard.

If the Hearing Panel reviews the Investigative Report and determines that additional investigation needs to be conducted, it may request that the Investigative Team conduct additional interviews or address any concerns. Any additional information collected by the Investigative Team at this stage will be provided to the Hearing Panel, the Complainant, and the Respondent in the form of a post-investigation addendum to the Investigative Report.

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

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

Preparing for the Hearing

In preparation for the hearing, the Complainant and the Respondent should review the Investigative Report and any supplemental materials. The Parties may prepare a written statement in response to the Investigative Report addressing their agreement or disagreement with the recommendation(s).

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

Hearing Procedures

The Office, whenever possible, will give the Complainant and the Respondent at least five (5) business days advance notice of the hearing. The hearing is a closed proceeding; no one other than the Hearing Panel members, the Respondent, the Complainant, their respective advisors, the Investigative Team, and necessary University personnel may be present in the hearing room or rooms during the proceeding. If a Party is unable to appear at the Office for the hearing, accommodations may be made for the Party's appearance by other means. Requests to postpone the hearing may be granted at the discretion of the Office based on a compelling reason. Where possible, Parties should make a postponement request no less than 24 hours prior to the time of the hearing.

The Complainant, the Respondent, and the Investigative Team are afforded the opportunity to participate in the hearing. Witnesses are not involved in the hearing process. Each Party and the Investigative Team will be placed in a separate room for the duration of the hearing and may view the proceedings via video conference. When it is their turn to appear before the Hearing Panel, the Complainant, the Respondent, and/or the Investigative Team will appear separately before the panel. Each Party may have their advisor in the room with them at all times. During the hearing, the Hearing Panel may pose questions to a Party and/or the Investigative Team to better clarify or

understand and analyze the Investigative Report. The Complainant and Respondent will not be permitted to submit additional questions at the hearing. Additionally, in the event a student makes a statement containing inaccurate facts or information outside the scope of the Policy, a curative instruction may be given to the Hearing Panel. In general, hearings will proceed as follows:

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

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

applicable), and any written submissions from the Complainant and/or Respondent.

Additional hearing rules include:

- Statement via Video Conference: Only the person giving a statement (and that person's advisor, if applicable) is in the hearing room with the panelists and necessary administrator(s) during their statement. The Complainant, the Respondent, and the Investigative Team will each have the opportunity to view and listen to statements from a separate, private room via video conference.
- Questioning: Only the Hearing Panel may ask questions of the Complainant, Respondent, and/or Investigative Team. Questions generally will focus on statements made by the Parties and the analysis of the information provided by the Parties and the Investigative Team, including the Investigative Team's recommendation. The Complainant and the Respondent will not be permitted to ask or submit questions at the hearing.
- Information Regarding Sexual History: The same standards that apply to considerations of sexual history by the Investigative Team also apply to the Hearing Panel. In addition, only information included in the Investigative Report will be considered by the Hearing Panel and may be discussed at the hearing.
- Prior Bad Acts/Character Evidence: The same standards that apply to considerations

of the Respondent's and the Complainant's relevant prior bad acts and relevant character evidence by the Investigative Team, also apply to the Hearing Panel. The Hearing Panel may consider the weight or credibility of such evidence. The weight of evidence is based on the believability or persuasiveness of evidence. Particular evidence has different weight in inducing belief with respect to the facts and circumstances to be proved. Evidence that is indefinite, vague, or improbable will be given less weight than evidence that is direct and unrefuted. Evidence given by a witness with personal observation is of greater weight than evidence offered by a witness with general knowledge alone.

- Prior Gender-Based Misconduct Violations: In cases involving allegations of gender-based misconduct, prior findings of responsibility for allegations of the same type of misconduct will not be considered by the Hearing Panel. However, these prior findings may be admissible in determining the appropriate sanction for a particular violation of Policy.
- Cell Phones and Recording Devices: Cell phones and recording devices may not be used in the hearing room(s) unless approved by the Hearing Panel in advance.

Determining Responsibility

Following the investigation and conclusion of the hearing, the Hearing Panel will render a determination of whether the Respondent is

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

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

2. Interim Title IX Policy Investigation and Hearing Procedure

Notices

The Office will provide notice to the Complainant and Respondent at many points in the process. Notice from the Office will be sent via University e-mail. The initial notice will occur as soon as practicable after the institution receives a Title IX Formal Complaint, absent extenuating circumstances.

The Notice of Allegations will include the following:

- The Gender-Based Misconduct and Interim Title IX Policies and Procedures, which includes information about the Interim Title IX Investigation and Hearing Procedure.
- Information about the allegations potentially constituting the violation and sufficient details known at the time of the Notice of Allegations. Sufficient details include the identities of the Parties involved in the incident, if known, including the Complainant; the conduct allegedly constituting a violation, and the date and location of the alleged incident(s), if known.
- A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding a violation of the Interim Title

IX Policy is made at the conclusion of the Interim Title IX Investigation and Hearing Procedure.

- A statement that informs the Parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney.
- A statement that before the conclusion of the investigation, the Parties and their advisors may inspect and review evidence obtained as part of the investigation that is directly related to the allegations raised in the Title IX Formal Complaint, including the evidence on which the University does not intend to rely in reaching a determination regarding responsibility, and evidence that both tends to prove or disprove the allegations, whether obtained from a Party or other source.
- A statement that any person who knowingly makes a false statement in connection with the investigation may be subject to separate disciplinary action.
- The range of possible sanctions should the Respondent be found responsible for a violation as a result of an investigation and the Interim Title IX Investigation and Hearing Procedure, if applicable.

If, in the course of an investigation, the University decides to investigate allegations about the Complainant or Respondent that are not included in the Notice of Allegations

and are otherwise covered under the Interim Title IX Policy or covered under the Gender-Based Misconduct Policy, the institution will notify the Parties accordingly.

Notice of Meetings and Interviews

The Office will provide, to a Party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews, hearings, or other meetings with a Party, with sufficient time for the Party to prepare to participate.

Delays

Each Party may request a one-time delay in the Interim Title IX Investigation and Hearing Procedure of up to five (5) business days for good cause (granted or denied in the sole judgment of the Senior Director of Title IX Investigations for the Gender-Based Misconduct Office or Title IX Coordinator or Designee) provided that the requestor provides reasonable notice and the delay does not overly inconvenience the other Party.

For example, a request to take a five day pause made an hour before a hearing for which multiple witnesses, the other Parties and their advisor have traveled to and prepared for will generally not be granted, while a request for a five day pause in the middle of investigation interviews to allow a Party to obtain certain documentary evidence will generally be granted.

The Title IX Coordinator or Designee or Associate Vice President reserves the ability to consider and grant further pauses in the process, upon request of a Party or otherwise.

Investigation Procedures and Protocols

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 University may also, in its sole discretion, assign appropriate non-Gender-Based Misconduct Office investigators to a matter.

The Investigative Team will be impartial and unbiased. The University ensures that investigators receive training on University policies and procedures, including the Interim Title IX Policy; the scope of the University's education program or activity; how to conduct an investigation, hearing, appeal, and informal resolution processes, as applicable; and how to serve impartially, including by avoiding prejudging the facts at issue, conflicts of interest, and bias. Training also includes as applicable the use of any technology necessary at a hearing and training on issues of relevance of questions and evidence.

The Parties will meet separately with the Investigative Team. The Investigative Team will discuss with each Party the nature of the

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

The Investigative Team will speak to each Party in detail about the allegation(s) and ask each Party to provide a list of witnesses and/or any relevant documents or evidence to be considered. The Investigative Team, and not the Parties, has the burden of proof and the burden of gathering evidence, i.e., the responsibility of showing a violation of the Interim Title IX Policy has occurred. This burden does not rest with either Party, and either Party may decide not to share their account of what occurred or may decide not to participate in an investigation or hearing. This does not shift the burden of proof away from the Investigative Team and does not indicate responsibility.

Advisors

During any meeting, interview or hearing, the Complainant and Respondent may be accompanied by an advisor. In order to avoid undue delay, if the Complainant, Respondent, or advisor is unable to be

physically present for any stage of the investigative process, including for reasons related to public health guidance or generally related University protocols, accommodations will be made for their participation by other means.

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.²⁶

Evidence

The Investigative Team will direct the Complainant, Respondent, witnesses, and other interested individuals to preserve any relevant evidence. Examples include, but are not limited to, electronic messages (e.g., e-mails, text messages, social media and digital app messages, and other relevant writings and photographs). Any documents submitted to the Investigative Team for consideration may become part of the Investigative Report. Intentional manipulation, editing, or other forms of fabricating evidence may result in disciplinary action.

The Investigative Team cannot access, consider, or disclose medical records or

privileged communications without a waiver from the respective Party.

The Investigative Team will objectively evaluate all evidence gathered through the course of the investigation.

Relevant and Directly Related Evidence

The Complainant, Respondent, witnesses, and other individuals may provide information to the Investigative Team. The Investigative Team retains sole discretion in determining whether statements or other evidence are relevant and/or directly related to the allegation(s). Only relevant evidence will be summarized in the Investigative Report. Evidence that is irrelevant but directly related to the allegations will be included in the appendices to the Investigative Report.

Witness statements and information are relevant if they help to show that the allegation is more or less likely to be true. The Parties must articulate a reasonable basis to the Investigative Team regarding why the statements of their proposed witnesses or other suggested evidence are relevant before the Investigative Team will consider such proposals.

²⁶Reports or denials of gender-based misconduct made in good faith are not considered knowingly false solely because the

outcome of an investigation and adjudication is contrary to those reports or denials.

Irrelevant Evidence Not Directly Related to the Allegations

Evidence obtained in the investigation that is determined in the reasoned judgment of the Investigative Team to be irrelevant and not directly related to the allegations in the Title IX Formal Complaint will not be included in the Investigative Report nor will it be provided to the Parties or the Hearing Panel.

Inspection and Review of Evidence

Prior to the completion of the investigation, the Parties will have an equal opportunity to inspect and review the evidence obtained through the investigation. The purpose of the inspection and review process is to allow each Party the equal opportunity to meaningfully respond to the evidence prior to conclusion of the investigation. All Parties must submit any evidence they would like the Investigative Team to consider prior to when the Parties' time to inspect and review evidence begins.

Evidence that will be available for inspection and review by the Parties will be any evidence that is (1) relevant evidence; and (2) irrelevant evidence that is directly related to the allegations raised in the Title IX Formal Complaint. Irrelevant evidence not directly related to the allegations will not be available for inspection and review by the Parties or provided to the Hearing Panel. The Investigative Team has the discretion to

determine whether evidence falls under any of the above categories.

Prior to obtaining access to any evidence, the Parties and each advisor must sign an agreement not to:

- Disseminate any of the evidence submitted by another Party or witness or obtained from any source other than the Party themselves, and that is provided through the inspection and review process;
- Disseminate testimony heard or evidence obtained during the Interim Title IX Policy Investigation and Hearing Procedure; and
- Use such testimony or evidence for any purpose unrelated to the Interim Title IX Policy Investigation and Hearing Procedure that would knowingly or recklessly compromise the integrity of the Interim Title IX Policy Investigation and Hearing Procedure.

Once signed, this Agreement may not be withdrawn, including if a Party withdraws from the Interim Title IX Policy Investigation and Hearing Procedure.

The University will make the evidence available for each Party and each Party's advisor, if any, to inspect and review through an electronic format. The University is not required to use any specific process or technology to provide the evidence and will

have the sole discretion to determine the format and any restrictions or limitations on access.

The Parties will have ten (10) business days to inspect and review the evidence and submit a written response to the Investigative Team. The Investigative Team will disclose that written response to the other Party and consider the Parties' written responses before completing the Investigative Report.

The Investigative Team will provide each Party five (5) business days after the initial inspection and review of evidence, and before the Investigative Team completes their Investigative Report, to provide additional evidence in response to their inspection and review of the evidence, and then provide the Parties five (5) business days to inspect, review, and respond to the other Party's written response and/or additional evidence through a second written response to the Investigative Team. The second written response will be provided to the Parties and the Hearing Panel, as part of an Appendix to the Investigative Report, if applicable.

Any evidence subject to inspection and review will be available at any hearing, including for purposes of cross-examination.

Witnesses

The Complainant and the Respondent have the right to identify any individuals who may be witnesses to the conduct alleged,

including fact, expert, or character witnesses. 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 may possess relevant information, including those identified by the Parties.

Expert Witnesses

If the Investigative Team determines that expertise on a topic will assist the Hearing Panel in making its determination(s), the Investigative Team may include in the investigative record medical, forensic, technological, or other expert testimony and materials (such as writings and recordings) that the Investigative Team deems relevant and reliable.

Any Complainant or Respondent may also submit a witness to be interviewed by the Investigative Team as an expert. In the circumstance that the Investigative Team interviews an expert witness, then the Investigative Team will determine what, if any, expert testimony and materials will be included in the Investigative Report. In order for an expert report or testimony to be considered as part of an Interim Title IX Policy Investigation and Hearing, the expert must be available for questioning at the

hearing for the matter on which the expert opined.

Sexual History

Either the Complainant or the Respondent may provide information regarding their shared sexual history. Questions and evidence regarding the Complainant's prior sexual behavior are generally irrelevant and prohibited, subject to two limited exceptions: (1) where evidence of prior sexual behavior is offered to prove someone other than the Respondent committed the alleged offense, or (2) where prior sexual behavior evidence is specifically about the Parties' shared sexual history and is offered to prove consent. If either Party offers such information, the other will have the right to respond.

Prior Bad Acts/Character Evidence

The Investigative Team will evaluate all relevant evidence, including the Respondent's and the Complainant's relevant prior bad acts and relevant character evidence, if presented with such information during an investigation. However, the Investigative Team may consider the weight or credibility of such evidence. The weight of evidence is based on the believability or persuasiveness of evidence. Particular evidence has different weight in inducing belief with respect to the facts and circumstances to be proved. Evidence that is indefinite, vague, or improbable will be given

less weight than evidence that is direct and unrefuted. Evidence given by a witness who testifies from personal observation is of greater weight than evidence offered by a witness who is testifying from general knowledge alone.

Medical Information

Any Party's medical, psychological, or similar records cannot be accessed, considered, disclosed, or otherwise used as part of this investigative process without the Party's voluntary, written consent. Each Party has the right to request that evidence regarding their mental health diagnosis and/or treatment be excluded from consideration on the basis that it is not relevant to the allegations. Further, such information that is included in an otherwise-relevant record that is not directly related to the allegations may be redacted from any documents shared with the other Party and their advisor for their inspection and review.

Legally Recognized Privilege

Any information protected by a legally recognized privilege (e.g., attorney-client) is deemed irrelevant and will not be considered in the Interim Title IX Policy Investigation and Hearing Procedure, unless properly waived by the Party who holds the privilege.

Credibility Assessment

"The Investigative Team may consider the following factors when assessing the

credibility of Parties and witnesses; consistency or inconsistency of accounts of events over time; potential for bias in favor of a specific party or outcome; any corroborating evidence; and reasonable and logical statements, including statements about details associated with the allegations. The Investigative Team considers the following factors when assessing the credibility of Parties and witnesses: consistency or inconsistency of accounts of events over time; motive to lie; any corroborating evidence; and reasonable and logical statements, including statements about details associated with the allegations.

Burden of Proof

The Investigative Team applies “preponderance of the evidence” as the standard of proof to determine a recommended finding of whether a violation of the Interim Title IX Policy occurred. Preponderance of the evidence means that the Investigative Team must determine, based on the evidence presented, whether the Respondent was more likely than not to have engaged in the conduct at issue. During the investigation and adjudication process, the Respondent is presumed not responsible. The Investigative Team bears the burden of showing evidence to support its recommendation regarding responsibility. The burden is not on the Respondent to

prove that they did not engage in gender-based misconduct.

Prohibition on Recording

The Office may record investigative interviews and such recordings are subject to the expectations for the Inspection and Review of Evidence. Parties are prohibited from recording any part of the disciplinary process or unauthorized copying of any documents in the disciplinary process by any means. Copying includes but is not limited to: audio or video recording, streaming, photographing, scanning, transcribing, downloading, or any other form that conflicts with the spirit of this directive. Allegations of non-compliance will be reviewed through the Dean’s Discipline process and may result in disciplinary action.

The University’s process for responding to, investigating and adjudicating misconduct under the Interim Title IX Investigation and Hearing Procedure will ordinarily continue during any law enforcement investigation or proceeding. The Office may need to temporarily delay an investigation while law enforcement is gathering evidence, generally no longer than 10 business 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 from 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.

Conclusion of Investigation

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

The Investigative Team will then prepare a report based on interview summaries, witness statements and other documents gathered during the investigation. In accordance with the Family Educational Rights and Privacy Act ("FERPA"), the Investigative Team will redact names and other identifying information of other students from the report and related materials, except to the extent that doing so would interfere with the purpose of Title IX to eliminate sex-based discrimination. The Office will provide a redacted and watermarked copy of the report

to the Complainant, Respondent, and their respective advisors for their review, if applicable. The Investigative Team retains sole discretion over redactions consistent with this Policy.

Investigative Report

Only relevant and directly related evidence (including both inculpatory and exculpatory – i.e., tending to prove and disprove the allegations) will be referenced in the Investigative Report. The Investigative Team may redact irrelevant information from the Investigative Report when that information is contained in documents or evidence that is otherwise relevant.

The Investigative Team will create an Investigative Report that fairly summarizes relevant evidence and provides a credibility assessment and analysis of the charges. The Investigative Report is not intended to catalog all evidence obtained by the investigator, but only to provide a fair summary of the relevant evidence. The Investigative Team retains the right to make recommended findings or conclusions in the Title IX Investigative Report. However, the Investigative Team does not make the final determination of responsibility.

Prior to obtaining access to the Investigative Report, the Parties and each advisor must sign an agreement not to:

- Disseminate, in whole or in part, the Investigative Report;
- Disseminate testimony heard or evidence obtained during the Interim Title IX Policy Investigation and Hearing Procedure; and
- Use the Investigative Report or testimony for any purpose unrelated to the Interim Title IX Policy Investigation and Hearing Procedure that would knowingly or recklessly compromise the integrity of the Interim Title IX Policy Investigation and Hearing Procedure.

Once signed, this Agreement may not be withdrawn, including if a Party withdraws from the Interim Title IX Policy Investigation and Hearing Procedure.

A copy of the Investigative Report will be provided to the Parties, and their Title IX Party Advisors, if the Parties so choose, at least ten (10) business days prior to a Title IX Hearing or any other date when Respondent's responsibility may be determined. The Title IX Investigative Report will be sent to the Parties in digital form and neither the Parties nor Title IX Party Advisors shall download, copy, publish, distribute or forward the Title IX Investigative Report. Copy includes but is not limited to: audio or video recording, streaming, photographing, scanning, transcribing, or any other form that conflicts with the letter and spirit of this directive.

The Parties will have ten (10) business days to inspect and review the Investigative Report prior to the Title IX Hearing and submit a written response to the Investigative Team. The written response must be prepared by the student and be no more than 10 single-spaced typed pages, using size 12-point Times New Roman font and 1-inch margins. Responses submitted that include information outside the scope of review by the Hearing Panel may be redacted. The Investigative Team will disclose that written response to the other Party and the Hearing Panel, as part of an Appendix to the Investigative Report.

Interim Title IX Policy Pre-Hearing Conference

Following the release of the Investigative Report, the Parties will be informed of the assignment of a Hearing Chair. The Hearing Chair is a voting member of the Hearing Panel and is responsible for the facilitation and moderation of the hearing process.

In order to promote a fair and expeditious hearing, the Parties and their advisors will attend a pre-hearing conference with the Hearing Chair. The other hearing panelists may also be in attendance, although the Hearing Chair is responsible for directing the pre-hearing conference. The pre-hearing conference assures that the Parties and their advisors understand the parameters of the

hearing and allows for significant issues to be addressed in advance of the hearing.

At the pre-hearing conference, the Hearing Chair will address the conduct expectations for the Parties and advisors at the hearing (see Appendix C for the Rules of Decorum). Additionally, the Parties must provide the Hearing Chair with a list of the witnesses they intend to question and exhibits they intend to present at the hearing. All references to witnesses and exhibits will be made to those contained in the investigative file.

Submission of Proposed Evidence: The Hearing Chair will also ensure that no evidence regarding prior sexual history of the Parties is considered, unless the Hearing Chair determines at the pre-hearing conference that the evidence meets at least one of the permitted exceptions.

The Hearing Chair may, only in exceptional circumstances, grant requests to present evidence not already in the investigative file and retains complete authority to determine how such new evidence may impact the hearing (e.g., if the hearing must be continued until a later date for the Investigative Team to review and present the new evidence to the Parties).

Interim Title IX Policy Hearing

The Office will not issue a disciplinary sanction arising from an allegation without holding a hearing. The hearing may be

conducted with all Parties physically present in the same geographic location, or, at the Office's discretion, any or all Parties, witnesses, and other participants may appear at the hearing virtually. All proceedings will be recorded through audiovisual recording and transcribed. That recording and transcript will be made available to the Parties for inspection and review.

Participants in the hearing: The Complainant, the Respondent, their respective advisors, witnesses, and the Investigative Team are afforded the opportunity to participate in the hearing. The hearing also includes a Hearing Chair and the Hearing Panel and, when appropriate, the Title IX Coordinator or designee. Each participating individual will have access to a private room for the duration of the hearing, if the hearing is in-person, and may choose to participate in the proceedings via video conference. When it is an individual's turn to appear before the Hearing Panel, that person will appear separately before the panel and may bring notes for their reference. The Hearing Panel may ask any individual for a copy or inspection of their notes. The Complainant and Respondent may be accompanied by or may otherwise be in contact with their advisor at all times. If the hearing is conducted wholly or partially through video conference, an administrator will ensure that each Party has the opportunity to appear

before or speak directly to the hearing panel and appropriately participate in the questioning process.

Live hearings are not public, and the only individuals permitted to participate in the hearing are as follows:

- Complainant and Respondent (The Parties): Here are important points about the Parties' participation:

- The Parties cannot waive the right to a hearing. This means that a hearing is required in cases that are resolved by an investigation and adjudication under the Interim Title IX Policy.
- The Office may still proceed with the hearing in the absence of a Party, and may reach a determination of responsibility in their absence. The Hearing Panel Chair may at their discretion consider statements of a party made before or at a hearing and/or other information, and give the weight to such information as they determine is appropriate under the circumstances, regardless of whether the party appears at or answers some or all cross-examination questions at a hearing.²⁷ Hearing Panels will not draw an inference about the determination

regarding responsibility based solely on a party's absence from the live hearing or refusal to answer cross-examination or other questions. However, the Hearing Panel may consider evidence created by the Party where the evidence itself constituted the alleged prohibited conduct. Such evidence may include, by way of example but not limitation, text messages, e-mails, social media postings, audio or video recordings, or other documents or digital media created and sent by a Party as a form of alleged sexual harassment, or as part of alleged course of conduct that constitutes stalking.

- The Office will not threaten, coerce, intimidate or discriminate against a Party in an attempt to secure the Party's participation.
- As stated earlier, formal rules of evidence do not apply to hearings conducted by the University.
- The Parties are subject to the University's Rules of Decorum (see Appendix C for the Rules of Decorum).

²⁷ On August 24, 2021, the U.S. Department of Education sent the following update on a court ruling about the Department of Education's Title IX Regulations regarding the

Exclusionary Evidence
Rule:<https://www2.ed.gov/about/offices/list/oct/blqp/20210824.html>.

- The Hearing Chair: The Hearing Chair is a voting member of the Hearing Panel and is responsible for the facilitation and moderation of the hearing process. The Hearing Chair is also responsible for the oversight of the Rules of Decorum and has the authority to remove a hearing participant for egregious or repeated violations of the Rules of Decorum. The University may, in its sole discretion, assign an appropriate non-Gender-Based Misconduct Office Hearing Chair to a matter.

- The Hearing Panel: In addition to the Hearing Chair, the Hearing Panel will generally include two members drawn from specially trained administrators, excluding the Investigative Team and other administrators responsible for the report. The University may, in its sole discretion, assign appropriate non-Gender-Based Misconduct Office/non-EOAA Panelists to a matter.

All panelists receive relevant training at least once a year. In addition to training on how the adjudicatory process works, the training will include specific instruction on how to evaluate evidence impartially, bias and conflict of interest, how to approach people about sensitive issues that may arise in the context of alleged gender-based misconduct, issues of relevance, including how to apply the rape shield protections provided for

Complainants, and any technology to be used at the hearing.

No member of the Hearing Panel will have a conflict of interest or bias for or against Complainants or Respondents generally, or for or against a Party in a particular case.

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

- Advisor: The advisor must conduct any cross-examination; the Parties are not permitted to do so. If a Party does not select an advisor, the University will select an advisor to serve in this role for the limited purpose of conducting the cross-examination at no fee or charge to the Party.

The advisor is not prohibited from having a conflict of interest or bias for or against Complainants or Respondents generally, or for or against a Party in a particular case. The advisor is also not prohibited from being a witness in the matter.

If a Party does not attend the hearing, the Party's advisor may appear and conduct cross-examination on the Party's behalf. If neither a Party nor their advisor appear

at the hearing, the Office will provide an advisor to appear on behalf of the non-appearing Party.

Advisors are subject to the institution's Rules of Decorum and may be removed upon violation of those Rules (see Appendix C for the Rules of Decorum).

- **Witnesses:** Witnesses cannot be compelled to participate in the hearing and have the right to be free from retaliation if they do not participate in the hearing. However, witnesses possessing relevant information are strongly encouraged to participate in the hearing.

Formal rules of evidence do not apply to hearings conducted by the University. The Hearing Panel Chair may at their discretion consider statements of a witness made before or at a hearing and/or other information and give the weight to such information as they determine is appropriate under the circumstances, regardless of whether the witness appears at or answers some or all cross-examination questions at a hearing. Hearing Panels will not draw an inference about the determination regarding responsibility based solely on a witness's absence from the live hearing or

refusal to answer cross-examination or other questions.²⁸

Witnesses are subject to the institution's Rules of Decorum (see Appendix C for the Rules of Decorum).

Interim Title IX Policy Hearing Procedures

In general, all Interim Title IX Policy Hearings will proceed as follows:

- Hearing Chair will open and establish rules and expectations for the hearing
- Complainant's opening statement
- Respondent's opening statement
- Hearing Chair conducts an initial round of questioning
- Parties' cross-examination
 - The Hearing Chair has the authority to assess any questions presented by the advisors, for relevancy. The Hearing Chair will make a determination regarding relevance before any Party or witness is expected to provide an answer.
 - The Hearing Chair has the authority to pause cross-examination at any time for the purposes of asking the Hearing Chair's own follow up questions; and at any time as necessary to enforce the established

²⁸ On August 24, 2021, the U.S. Department of Education sent the following update on a court ruling about the Department of Education's Title IX Regulations regarding the

Exclusionary Evidence Rule:
<https://www2.ed.gov/about/offices/list/ocr/blog/20210824.html>.

Rules of Decorum (see Appendix C for the Rules of Decorum).

- If a Party or the Party's advisor chooses not to cross-examine another Party or witness, the Party must affirmatively waive cross-examination of that Party or witness through a written or oral statement to the Hearing Chair. A Party's waiver of cross-examination does not eliminate the ability of the Hearing Chair to use statements made by that Party or witness.
- Hearing Panel poses follow-up questions to Parties and witnesses
- Complainant's closing statement
- Respondent's closing statement
- ***
- Opening Statements: The Complainant and the Respondent may provide opening statements to the Hearing Panel. If they choose to do so, the presentation of the opening statement may not exceed seven (7) minutes. The Parties' advisors may assist them with drafting an opening statement and the Parties may read from a written document. However, the Parties' advisors may not present the opening statement on their behalf. Unless explicitly requested by the Hearing Panel, the Complainant and the

Respondent may not submit such a written document as additional evidence for consideration.

- Questions by the Hearing Panel: The Hearing Panel may ask questions of the Complainant, Respondent, and witnesses, including the Investigative Team. Generally, questions will focus on statements made by the Parties or witnesses, information contained in the investigative report, the Investigative Team's recommendation, and any other information provided to the Hearing Panel. The Hearing Panel will pose any questions they have to the hearing participants prior to the advisors' questioning of the participants and may ask any necessary follow up questions after questions from the advisors.
- Questions by the Advisors: Each Party's advisor may pose relevant questions to the opposing Party and witnesses (including the Investigative Team). Relevant questions include those questions that tend to prove or disprove an element of the allegation(s) being considered by the Hearing Panel. Before a Complainant, Respondent, or witness answers a question, the Hearing Panel Chair will determine whether the question is irrelevant and therefore can be answered. If the Hearing Panel Chair decides to exclude a question, the Hearing Panel Chair will provide an

explanation as to why the question is not relevant. The advisor will have the opportunity to offer a brief explanation in response as to why they believe their question is relevant. The Hearing Chair may accept or reject that explanation without any additional explanation required.

The Parties may not pose questions to each other or the witnesses. If a Party does not have an advisor, the University will provide an advisor for the hearing without fee or charge to that Party. The advisor will be selected by the University and is not required to be an attorney even if the opposing Party's advisor is an attorney. A Party should let the Hearing Chair know as early as possible if the Party needs the University to appoint an advisor, so that the arrangements can be made and the process can continue to progress in a timely manner. If neither the Party nor their advisor attends, the University will supply an advisor for the purpose of cross examination of the opposing Party or their witnesses.

If a Party waives questioning a witness or a Party, in writing, the opposing Party will not be considered to have refused to submit to cross examination, and their prior statements can be considered by the Hearing Panel.

- Closing Statements: At the conclusion of the cross-examination and questioning by the Hearing Panel, the Complainant and Respondent will have the opportunity to present closing statements to the Hearing Panel. Closing statements may not exceed seven (7) minutes, and, similar to the opening statements, the closing statements must be presented by the Parties, not their advisors. The advisors may assist in the preparation of the closing statement and the Parties may read from a written document. Unless explicitly requested by the Hearing Panel, the Complainant and the Respondent may not submit such a written document as additional evidence for consideration.
- Review of Recording and Transcript: The Office will record the hearing and provide a written transcript. The recording and transcript of the hearing will be available for review by the Parties within five (5) business days, unless there are any extenuating circumstances. The recording and transcript of the hearing will be provided for review and inspection only. As stated above, any other recording is prohibited.

Determining Responsibility

Following the investigation and conclusion of the hearing, the Hearing Panel will render a determination regarding 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. If the Hearing Panel determines that the Respondent violated the Interim Title IX Policy, the Hearing Chair will forward the determination to the Sanctioning Officer to decide upon the appropriate discipline.

While the opportunity for cross-examination is required in all Title IX hearings, determinations regarding responsibility may be based in part, or entirely, on documentary, audiovisual, and digital evidence, as warranted in the reasoned judgment of the Hearing Panel. 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 not draw inferences regarding a Party or witness’ credibility based on the Party or Witness’ status as a Complainant, Respondent, or Witness, nor

will it base its judgments in stereotypes about how a Party or witness would or should act under the circumstances.

Generally, credibility judgments will rest on the plausibility and consistency of individuals’ testimony and the reliability of testimony in light of corroborating or conflicting testimony or evidence. However, credibility judgments will not rest on whether a Party or witness’ testimony is non-linear or incomplete, or if the Party or witness is displaying stress or anxiety.

- The Hearing Panel will afford the highest weight relative to other testimony to first-hand testimony by Parties and witnesses regarding their own memory of specific facts that occurred. All evidence will be weighed in equal fashion.
- Except where specifically barred by the May 2020 Title IX regulations, a witness’ testimony regarding third-party knowledge of the facts at issue will be allowed but will generally be afforded lower weight than testimony regarding direct knowledge of specific facts that occurred.
- While expert witnesses who are deemed to have potentially relevant information will be allowed to testify and be cross-examined, the Hearing Panel affords lower weight to non-factual testimony of the expert relative to fact witnesses, and

any expert testimony that is not directed to the specific facts that occurred in the case will be afforded lower weight relative to fact witnesses, regardless of whether the expert witness testimony is the subject of cross examination and regardless of whether all Parties present experts as witnesses.

- While relevant prior bad acts of a Complainant or Respondent may be considered, the Hearing Panel may consider the weight or credibility of such evidence. The weight of evidence is based on the believability or persuasiveness of evidence. Particular evidence has different weight in inducing belief with respect to the facts and circumstances to be proved. Evidence that is indefinite, vague, or improbable will be given less weight than evidence that is direct and unrefuted. Evidence given by a witness who testifies from personal observation is of greater weight than evidence offered by a witness who is testifying from general knowledge alone.
- While character witnesses will be allowed to testify and be cross-examined, the Hearing Panel affords very low weight to any non-factual character testimony of any witness.
- While polygraph tests, the processes and testimony about them are permitted, the Hearing Panel affords lower weight to

such processes relative to the testimony of fact witnesses.

- Where a Party or witness' conduct or statements demonstrate that the Party or witness is engaging in retaliatory conduct, including but not limited to witness tampering and intimidation, the Hearing Panel may draw an adverse inference as to that Party or witness' credibility or an adverse inference as to the testimony of any witness whose testimony appears to have been influenced by such intimidation or witness tampering.

Impact Statement

Following the hearing, both the Complainant and the Respondent may provide a written impact statement discussing how the alleged misconduct has impacted them. The written statement must be prepared by the student and be no more than five single-spaced typed pages, using size 12-point Times New Roman font and one-inch margins. The statement must be submitted within three (3) business days following the hearing. The statement will only be considered by a Sanctioning Officer if there is a finding of responsibility.

Written Determination

The Hearing Panel will generally render a determination decision within fifteen (15) business days after the conclusion of a hearing, which will be delivered

simultaneously to the Parties' Columbia E-mail address via Maxient, and will include the following explanation of the basis for the decision:

- Identification of the allegations potentially constituting prohibited conduct under the Interim Title IX Policy;
- A description of the procedural steps taken from the receipt of the Title IX Formal Complaint through the determination, including any notifications to the Parties, interviews with Parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- Findings of fact supporting the determination;
- Conclusions regarding which section of the Policies, if any, the Respondent has or has not violated.
- For each allegation:
 - A statement of, and rationale for, a determination of responsibility;
 - A statement of, and rationale for, any disciplinary sanctions the University imposes on the Respondent²⁹; and
 - A statement of, and rationale for, whether remedies designed to restore

²⁹ See Section E., "How Sanctions Are Determined" on page 82.

or preserve equal access to the University's education program or activity will be provided by the University to the Complainant; and

- Columbia University's procedures and the permitted reasons for the Complainant and Respondent to appeal (described below in "Appeal Process").

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 Office³⁰, will impose sanctions that are:

- Fair and appropriate, given the facts of the particular case;
- Adequate to promote the safety of the campus community; and
- Reflective of the seriousness of gender-based misconduct.

When a student is found responsible for a Policy violation, relevant factors will be considered when imposing a sanction, including but not limited to, if applicable: the specific gender-based misconduct at issue (such as penetration, touching under clothing,

³⁰ Under the Interim Title IX Policy, the Sanctioning Officer of the Respondent's school, in consultation with the Office, will impose a sanction.

touching over clothing, unauthorized recording, etc.); the circumstances accompanying the lack of consent (such as force, threat, coercion, incapacitation, etc.); the Respondent's state of mind (intentional, knowing, bias-motivated, reckless, negligent, etc.); sanctions imposed on the Respondent in other matters involving similar conduct; the impact of the offense on the Complainant; the Respondent's prior disciplinary history; and the safety of the University community.³¹

In addition, prior to the imposition of a sanction, both the Complainant and the Respondent may provide a written impact statement discussing how the alleged gender-based misconduct has impacted them. The written statement must be prepared by the student and be no more than five single-spaced typed pages, using size 12-point Times New Roman font and one-inch margins. The statement will only be considered by a Sanctioning Officer if there is a finding of responsibility by a Hearing Panel or if, through the Gender-Based Misconduct Procedure, the Respondent has accepted responsibility or responded "No Contest" to the alleged violation(s) in the Disciplinary Action Agreement.

Any impact statement must be submitted to the Office within three (3) business days following: (i) the completion of any hearing panel process; or (ii) the submission of a

Disciplinary Action Agreement answering "Responsible" or "No Contest."

The Sanctioning Officer from the Respondent's school, in consultation with the Office, will render a sanctioning decision within three (3) business days following the receipt of the impact statements (or, if no Impact Statements are submitted, within three (3) business days following the date that the Impact Statements were due to be submitted).

Time frames for sanctioning decisions may be adjusted based on the availability of the Sanctioning Officer.

As noted above, the sanctioning decision and the rationale will be issued as part of the written determination following an Interim Title IX Procedure Hearing Panel.

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

³¹ These same principles apply to sanctioning under the Interim Title IX Policy and Procedures.

List of Sanctions

The University may impose one or more of the following sanctions on a student determined to have violated either the Gender-Based Misconduct Policy or the Interim Title IX Policy:

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

If a sanction of disciplinary probation, disciplinary suspension, expulsion, withholding of degree, or revocation of degree is issued, the student will be considered not in good disciplinary standing.

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

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

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, if a student receives a sanction of expulsion, they will be permanently

separated from the University and will not be permitted to return at any time.

Transcript Notations

Upon conclusion of the appeal process, a transcript notation will be indicated on the Respondent's record for cases resulting in suspension, expulsion or in cases where the Respondent withdraws from the University during the investigation or the hearing process. Notations on transcripts will be indicated as follows: disciplinary suspension; disciplinary expulsion; or withdrawn with disciplinary action pending. For more information on transcript notations please visit: <http://www.essential-policies.columbia.edu/university-regulations-including-rules-conduct#standard> or <http://www.tc.columbia.edu/policylibrary/associate-provost-enrollment-services/transcript-notations/> for Teachers College.

Ongoing Supportive Accommodations for Students

Whatever the outcome of the investigation, hearing or appeal, the Complainant and the Respondent may request ongoing or additional supportive accommodations, and the Office, in consultation with the designated administrator of the student's school, will determine whether such measures are appropriate. Ongoing supportive accommodations that do not unreasonably burden a Party may be considered and provided even if the Respondent is found not responsible for violating this Policy. These supportive

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 ongoing supportive accommodations include:

- Issuing or maintaining a No-Contact directive or No-Contact Agreement;
- Providing an escort for the student;
- Moving the student's residence;
- Changing the student's academic schedule;
- Adjusting the student's work schedule;
- Allowing the student to withdraw from or retake a class without penalty; and
- Providing access to tutoring or other academic support, such as extra time to complete or re-take a class.

Additional Responses

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

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

- Climate surveys regarding gender-based misconduct.

F. Appeal Process

Respondents and Complainants may appeal a Gender-Based Misconduct Hearing Panel decision, an Interim Title IX Policy Hearing Panel decision, and/or the sanction(s) within five (5) business days after receipt of the finding and sanctioning notice (if applicable), respectively, by filing an appeal in writing to the Office.

Appeals are decided by an Appellate Panel majority vote. The Appellate Panel consists of three Deans of schools: the Dean of the Respondent's school, the Dean of the Complainant's school, and a Dean from another school. Should the Complainant and the Respondent attend the same school or should the Dean from a Party's school have a conflict of interest, two Deans will be added from other schools. Should the Parties both be students of a graduate or professional school, Deans from graduate or professional schools will comprise the panel. Should one Party be an undergraduate student and another Party a graduate or professional student, the Appellate Panel will consist of the Dean of the Respondent's school, the Dean of the Complainant's school, and a Dean of School from the academic level of the Respondent. All Deans will receive relevant training at least once a year on how the adjudicatory and appeal process works, the elements essential to a fair

and balanced review, and the sensitive issues in reviewing gender-based misconduct cases.

The four grounds for appeal are:

- Procedural irregularity: An appeal based on procedural irregularity must identify with specificity each alleged irregularity within the investigative and/or hearing process and the ways in which the specified irregularity or irregularities substantially affected the decision of the Hearing Panel and/or Sanctioning Officer to the detriment of the appealing Party. Disagreement with the finding or sanction is not, by itself, a ground for appeal; and/or
- New information: An appeal based on new information must explain why this information was not available or not provided to the Investigative Team in a timely manner, and how this information would have substantially altered the decision by the Hearing Panel. If a Party declined to participate or withdrew from the process, the panel will not consider information that the Party could have provided if they had fully participated in the process. This includes situations where a student declines to participate on the advice of their advisor or due to a concurrent criminal investigation; and/or
- Conflict of Interest/Bias: An appeal based on conflict of interest or bias must explain how the Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against

Complainants or Respondents generally, or the individual Complainant or Respondent, that affected the outcome of the matter. Complainants and Respondents are afforded multiple opportunities throughout the process to appeal based on potential conflicts of interest or alleged bias. Students must indicate a potential conflict of interest or alleged bias through these opportunities (e.g., during Notice of the Investigators assigned to the case, Notice of the Hearing Panelists, etc.) so that they are immediately addressed before the process moves forward. As such, only newly known or newly apparent conflicts of interest or bias will be considered; and/or

- Excessiveness or insufficiency of the sanction: An appeal based on the imposed sanction must explain why the sanction is inappropriate based on the weight of the information provided during the investigation, hearing and/or sanction.

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

materials included with the Investigative Report.

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

The purpose of an appeal is not to initiate a review of substantive issues of fact, or for a new determination of whether a violation of the Policy has occurred. The Appellate Panel is strictly limited to determining if an appeal should be granted based on the above four grounds for appeal. In making a determination, the Appellate Panel will have access to and the ability to review all applicable documents, including the complete Investigative Report, all exhibits, written statements submitted to the Hearing Panel, impact statements, and a recording of the hearing (if applicable). The Appellate Panel may also request additional information from the Investigative Team and/or Hearing Panel regarding issues of

procedural irregularity or new evidence. Additionally, in the event a student submits an appeal containing inaccurate facts or information outside the scope of the Policy, those portions of the information may be redacted and/or the Title IX Coordinator may provide a curative instruction to the Appellate Panel. The Appellate Panel may take the following actions:

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

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

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

G. University Records

Records Retention and Disclosure

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

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

Any information gathered by the Office may be subpoenaed by law enforcement authorities as part of a parallel or subsequent investigation into the same conduct or required to be

produced through other compulsory legal processes.

Unless otherwise specified by the student, the University will respond to third-Party requests for a student's disciplinary records (e.g. requests by graduate schools or employers) by disclosing only records of disciplinary matters that result in the change of a student's good disciplinary standing at the University. Matters that resulted in Disciplinary Probation are reported for seven years from the date that the student was found responsible for a violation of University policy. Matters that result in a Disciplinary Suspension or Expulsion from the University are reported as a part of the student's permanent education record. Matters where students maintained good disciplinary standing are not reported unless otherwise specified by the student. This disclosure includes the student's violation(s), the corresponding sanction(s), and the date of determination.

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

<https://studentconduct.columbia.edu/> or
<http://bit.ly/scsbsgcheck/>.

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")³² 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

³² For purposes of the Clery Act, Columbia University, Barnard College, and Teachers College separately report Clery data.

do not contain information identifying individual student participants.

V. UNIVERSITY AUTHORITY/ AMENDMENTS

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

If any portion of the Title IX Final Rule, (May 19, 2020), is stayed or held invalid by a court of law, through an applicable order, or should

the Title IX Final Rule be withdrawn or modified to not require some or all of the elements of this Policy, the elements of this Policy that are no longer required by the Final Rule will be deemed revoked as of the publication date of the opinion, order, withdrawal or modification, and for all after such a date, as well as any elements of the process that occur after that date if a case is not complete by that date. Should the Interim Title IX Policy be revoked in this manner, any conduct covered under the Interim Title IX Policy will be investigated and adjudicated under the Gender Based Misconduct Policy.

VI. APPENDICES

- A. *New York State Students' Bill of Rights*
- B. *Resource Guide for Students*
- C. *Rules of Decorum*

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

GENDER-BASED MISCONDUCT OFFICE

GENDER-BASED MISCONDUCT RESOURCES FOR STUDENTS

ON-CAMPUS RESOURCES

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

CONFIDENTIAL

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

- **Morningside:** Alfred Lerner Hall, Suite 700
- **CUIMC:** 60 Haven Ave, Bard Hall, Suite 206
- **Barnard:** 105 Hewitt Hall, 1st Floor
- **Helpline:** 212-854-HELP (4357) (*Available 24 hours a day year-round*)

Ombuds Office

- **Morningside:** 660 Schermerhorn Ext. 212-854-1234
- **CUIMC:** 154 Haven Ave, Room 412 212-304-7026

Medical Services

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

University Counseling and Psychological Services


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

University Pastoral Counseling

- **Office of the University Chaplain: (Ordained Clergy)** W710 Lerner Hall 212-854-1493
- **Columbia Religious Life: (Ordained Clergy)** 303 Earl Hall 212-854-2184

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

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

 Indicates that facility supports Teachers College.

*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.

ADDITIONAL RESOURCES (NON-CONFIDENTIAL)

Gender-Based Misconduct Office ("GBMO")

- Case Management and Community Engagement
conductcm@columbia.edu 212-854-1717

Equal Opportunity and Affirmative Action ("EOAA")

- eoaa@columbia.edu 212-854-5511

University Title IX Coordinators

- **Columbia University:** Marjory Fisher, Associate Vice President 201A Kent Hall mdf2166@columbia.edu 212-853-1276
- **Barnard:** Dr. Elizabeth Scott-Francis, Director of Nondiscrimination and Title IX Elliott Hall, 1st Floor escottfr@barnard.edu 212-854-0037
- **Teachers College:** Janice Robinson, Vice President for Diversity and Community Affairs Zankel 128 jsr167@tc.columbia.edu 212-678-3391

University Public Safety

- **Morningside:** 212-854-2797
- **Manhattanville:** 212-853-3301
- **CUIMC:** 212-305-8100
- **Barnard:** 212-854-3362
- **Teachers College:** 212-678-3333

International Students and Scholars Office ("ISSO")

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

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

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

OFF-CAMPUS RESOURCES**

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

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

Off-Campus Advocacy, Counseling and Health Services

- **Safe Horizon**
Sexual Assault Hotline: 212-227-3000
Domestic Violence Hotline: 800-621-HOPE (4673)
 -) **Mt. Sinai St. Luke's Hospital Crime Victims Treatment Center** 1-212-523-4728 *by appointment only* (sexual assault advocates available 24 hours a day).
 - **New York-Presbyterian/CUIMC Emergency Room**
1-212-305-6204
 - **New York City Anti-Violence Project**
1-212-714-1184
 - **New York State Office of Victim Services** 1-800-247-8035
 - **New York State Office of Campus Safety** 1-518-474-6460
 - **New York State Office for the Prevention of Domestic Violence** 1-800-942-6906
 - **It's On Us** 1-202-908-5226 www.itsonus.org
- 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 113rd Street between Amsterdam and Morningside Avenues) and New York-Presbyterian Hospital/CUIMC Emergency Room at 630 West 168th Street (at Broadway) can provide treatment for injuries and for potential exposure to sexually transmitted infections, emergency contraception, and other health services. They can assist in preserving evidence or documenting any injuries and have personnel who are specially trained to collect evidence.

Off-Campus Law Enforcement

- **New York City Police Department (NYPD)**
Emergency: 911
26th Precinct: 212-678-1311
 - **New York County District Attorney's Office**
Domestic Violence Unit: 212-335-4308
Sex Crimes Unit: 212-335-9373
 - **New York Campus Sexual Assault Victims Unit**
Hotline 1-844-845-7269
 - **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**
<https://www1.nyc.gov/site/ocdv/programs/family-justice-centers.page>
212-602-2800 80 Centre St New York, NY 10013
 -) **New York State Office of Victims Services**
<https://ovs.ny.gov/> 1-800-247-8035
 -) **U.S. Department of Education, Office for Civil Rights** <http://www.ed.gov/ocr>
646-428-3800 New York - Region II, 32 Old Slip, 26th Floor OCR.NewYork@ed.gov
 -) **U.S. Department of Justice, Office on Violence Against Women** <https://www.justice.gov/ovw>
202-307-6026 145 N St, NE, Suite 10W.121 Washington, D.C. 20530
 - **National Domestic Violence Hotline**
1-800-799-SAFE
 -) **National Crime Victim Center**
<http://www.ncvc.org> 855-484-2846 (8:30 am - 7:30 pm)
- Overseas Services**
- In an emergency, contact the nearest U.S. Embassy or Consulate, or call these numbers:
- From Canada: 1-888-407-4747
 - From Overseas: +1-202-501-4444-4747

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

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

CONFIDENTIALITY PROTECTIONS & REPORTING OBLIGATIONS

Confidential resources will not share information with some exceptions. Exceptions to confidentiality are listed below.

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)
	University Ombuds Offices	<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, 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)

CONFIDENTIALITY PROTECTIONS & REPORTING OBLIGATIONS

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
ADDITIONAL RESOURCES (NON-CONFIDENTIAL)	Gender-Based Misconduct Office Title IX Coordinators	<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
	Equal Opportunity and Affirmative Action	
	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 Disability Services <i>Barnard and Teacher's College</i>	<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.

APPENDIX C.

RULES OF DECORUM FOR GENDER-BASED MISCONDUCT HEARINGS & INTERIM TITLE IX GRIEVANCE PROCEDURE HEARINGS

The University's resolution processes are designed to be educational. Hearing Participants are expected to act in accordance with their role as it is described above, and in accordance with the Rules of Decorum set out here.

The Hearing Chair is responsible for conducting the hearing and maintaining decorum so that the hearing takes place fairly and effectively. If the Hearing Chair determines that decorum is broken and the hearing has become disorderly the Hearing Chair may recess or pause proceedings to address the behavior. Misconduct during the hearing can take many forms, both minor and egregious. It is within the Hearing Chair's discretion to discourage or penalize Parties, Witnesses or advisors who demonstrate a lack of decorum.

The following rules apply equally to all hearing participants, including Parties, witnesses and advisors regardless of sex, gender, or other protected class, and regardless of whether they are in the role of Complainant, Respondent, or Witness.

Rules of Decorum

1. If an advisor, Party or witness is referencing another person, including the hearing

participants, as much as possible the person's name or role (i.e. Complainant, Respondent) should be used.

2. Anyone referring to another person should refer to that person by their gender as they identify it. No participant may intentionally mis-gender another person.
3. During cross-examination, the Hearing Chair must approve all questions before the Party or witness responds. As much as possible, the Hearing Panel and advisors are expected to restrict the use of irrelevant questions (e.g. questions that are redundant, compound, or do not seek relevant information).
4. In posing questions to a Party or witness, the advisor may not use profanity or make ad hominem attacks. Questions are meant to be interrogative statements used to test knowledge or understand a fact; they may not include accusations.
5. Hearing participants are prohibited from:
 - Interrupting other participants;
 - Using profanity directed toward another participant;
 - Using objectively offensive or aggressive gestures;
 - Harassing another participant;
 - Yelling, screaming, badgering;
 - Physically "leaning in" to the personal space of another participant;

- Approaching a participant without the express permission of the Hearing Chair;
- Taking any action that a reasonable person would see as intended to intimidate a participant or to meaningfully modify someone's participation in the process.
- Engaging in any other behavior to deliberately disrupt the hearing.

The Hearing Chair has sole discretion to pause or interject during the process and all hearing participants are expected to comply with any direction provided. If a hearing participant violates the Rules of Decorum or proceedings otherwise become disorderly the hearing officer may recess or pause proceedings to address the behavior.

If a hearing participant violates the Rules of Decorum, the Hearing Chair may issue a penalty to that hearing participant. Specifically, the Hearing Chair may give a verbal warning, pause the hearing process, or remove a hearing participant. If an advisor is removed for egregious or repeated violations of the Rules of Decorum, the respective Party may have the opportunity to immediately replace the advisor or the Office will assign an advisor to the Party for the purpose of completing cross-examination. Reasonable delays, including the temporary adjournment of the hearing, may be anticipated should an advisor be removed. A Party cannot pose cross-

examination questions themselves in such a circumstance.

If the Hearing Chair determines that an advisor violated the Rules of Decorum in the course of asking a relevant question, the violation will not affect the question's relevancy. The Hearing Chair will notify the advisor of the violation and permit the question to be re-asked (or permit a replacement advisor to ask the question in cases where the advisor has been removed for the violation of the Rules of Decorum).

Notification of Rules-of-Decorum Violation and Removal Process

If the Hearing Chair determines that a participant has violated the Rules of Decorum, the Hearing Chair will first notify the offending person of the violation. Upon a second or further violation, the Hearing Chair has the discretion to remove the offending participant. The Hearing Chair will document any decision to remove a participant as part of the written determination regarding responsibility.

Appendix N: Student Conduct Code: Academic Integrity and General Misconduct

This policy on student conduct has been adopted to comply with Education Law § 6450 for the maintenance of public order on college campuses.

INTRODUCTION

Teachers College (TC or the College) expects students to observe traditional norms of scholarly discourse, academic integrity, and fairness. All students should engage in responsible social conduct and model good civil conduct and citizenship. Thus, activities that disrupt the regular and essential operations of the College or Columbia University are not permitted.

Members of the College community may charge students with violating these standards of conduct. Students found responsible for violating these standards may be subject to appropriate disciplinary action ranging from reprimand to disciplinary probation, suspension and/or expulsion from the College.

When students are accused of gender-based misconduct including but not limited to sexual assault, domestic violence, dating violence, and stalking, the Gender-Based Misconduct Policy and Procedures for Students found at <http://www.tc.columbia.edu/policylibrary/diversity-and-community-affairs/gender-based-misconduct-policy-for-students/> applies. All other academic and general misconduct involving students falls under this student conduct code.

Nothing in these standards of conduct shall replace professional codes of ethics applicable to students in various programs.

1. DEFINITIONS AND ORGANIZATION OF THE DISCIPLINARY SYSTEM

1.1 Student: For purposes of this Code, any person currently enrolled in a degree program as a matriculated student and any person currently enrolled in a non-degree program in a for-credit course (including an online course) at TC is a student.

Non-credit offerings may be instructional programs or stand-alone courses that do not require extensive assessment or examinations and do not offer academic credit. Non-credit programs are a *series* of non-credit courses that may lead to a culminating non-credit certificate of attendance. Non-credit courses are usually offered as a 1 or 2-day course, workshop, or conference. For purposes of this Code, any person currently participating in a non-credit program at TC is a student subject to all of the provisions of this Code. Any person currently participating in a non-credit course, as defined above, must abide by Sections 2. Academic Integrity and 3. General Misconduct, but is not entitled to a Student Conduct Committee Hearing. Instead, alleged Academic Integrity and General Misconduct by persons participating in non-credit courses will be reviewed by the Associate Vice President (AVP) and Chief Student Affairs Officer, who will be responsible for determining the outcome.

1.1.1 Students who also serve as TC employees may be subject to separate disciplinary proceedings by virtue of their employment status. TC has other policies that relate to staff and faculty as well as policies that apply to all members of the community. All TC policies may be found in the [Policy Library](#). Nothing in this Code shall prevent an investigation or discipline under other applicable College policies.

1.1.2 If an accused student is also enrolled at another institution, that student may be referred to that student's primary institution at the discretion of TC.

1.2 Jurisdiction: This Code addresses misconduct committed by students including:

1.2.1 Any alleged violation that is committed by a student that adversely affects the safety and security of the College (or Columbia University), College (or Columbia University) property or an individual member of the College (or Columbia University) community;

1.2.2 Any alleged violation that is committed by a student that substantially disrupts the functions or operations of the College (or Columbia University).

1.3 The (AVP) and Chief Student Affairs Officer has the overall responsibility for overseeing proceedings and all matters related to the enforcement of this Code but may identify a designee to carry out any of these responsibilities.

1.3.1 The duties of the (AVP) and Chief Student Affairs Officer include: determining whether to resolve complaints by voluntary agreements, determining whether complaints warrant referral to the Student Conduct Committee (SCC), bringing charges of violations to the SCC for disciplinary hearing, monitoring and enforcing the fulfillment of sanctions imposed, maintaining records of all disciplinary matters, providing administrative support for all aspects of the disciplinary process (including hearings), preparing reports, and compiling statistics. In cases of admission fraud, the (AVP) and Chief Student Affairs Officer will work with Enrollment Services and other offices as necessary to discipline those who violated the College's admission certification of accuracy statement.

1.3.2 Interim Measures: In cases where the (AVP) and Chief Student Affairs Officer determines that a student's presence on campus endangers the health, safety and/or well-being of self or any person, or of the College property, or disrupts the normal operations of the College, including classes or events, the (AVP) and Chief Student Affairs Officer has the authority to take immediate interim measures before the start of any formal or informal discipline process. Interim measures may include, but are not limited to, restricting a student from contacting another person or persons; restricting a student from accessing the residence halls or other buildings on campus; or suspending a student from participation in classes or events and/or organizations within the campus community.

1.3.3 Investigations: In cases in which the (AVP) and Chief Student Affairs Officer determines it necessary, a pre-hearing investigation may be undertaken in order that appropriate evidence is obtained, and witnesses are identified that may be presented at a Hearing. The (AVP) and Chief Student Affairs Officer will initiate an investigation for all serious or repeated Code violations including but not limited to any allegations involving actual or threatened injury to College Community members or visitors and allegations of theft or fraud covered under this Code. In the event that the investigation concludes that the allegations are unfounded, the (AVP) and Chief Student Affairs Officer may decide not to proceed. Neither an investigation nor a hearing is required in the event of a criminal conviction related to alleged Code violations. The College may rely on such conviction as a finding of responsibility and the (AVP) and Chief Student Affairs Officer may apply an appropriate sanction without a Hearing.

1.4 Student Conduct Committee (SCC): The SCC is responsible for conducting hearings related to alleged violations of this Code.

1.4.1 The jurisdiction of the SCC extends to both areas of the TC disciplinary system: Academic Integrity and General Misconduct.

1.4.2 The SCC shall be comprised of three students, three professional staff members, and three faculty members. Its members shall serve staggered terms to ensure continuity as members of the SCC rotate on and off the Committee.

1.4.3 SCC hearings are conducted by a three-member panel of the SCC convened by the (AVP) and Chief Student Affairs Officer.

1.5 Complainant and Respondent. Any member of the TC or Columbia University community who alleges an academic or general misconduct violation is called a complainant. Students accused of academic or general misconduct violations under this Code are called respondents.

1.6 Advisors: Advisors can assist students involved in disciplinary proceedings to understand the disciplinary process, respect and comply with the provisions of this Code, and manage all aspects of the process.

1.6.1 An advisor may accompany any complainant or respondent to a meeting regarding a disciplinary complaint. Advisors also may accompany complainants or respondents at hearings, and in both cases, may quietly advise but may not participate in such meetings or hearings.

1.6.2 An advisor must be either a TC faculty member, staff member or student and must be in good academic and disciplinary standing.

1.6.3 Generally, the student must select an advisor whose schedule allows attendance at the scheduled hearing dates and times. Delays will not be allowed due to advisor scheduling conflicts.

1.7 Any member of the TC or Columbia University community may bring a complaint about student conduct to the attention of the (AVP) and Chief Student Affairs Officer. Doing so in no way limits the complainant's rights or obligations to bring such matters to the attention of College offices, officers, or resources, including the Office of the Ombuds or to seek recourse outside TC through civil or criminal legal proceedings.

1.8 All time periods and deadlines referred to in this Code are intended as guidelines and may be, at the discretion of the (AVP) and Chief Student Affairs Officer, extended for a reasonable period of time as circumstances warrant, with due consideration of fairness and equity.

2. ACADEMIC INTEGRITY

2.1 TC is an academic community whose fundamental purpose is the pursuit of knowledge. High principles of academic integrity are essential to the functioning and continued growth of this community. Students, as well as faculty, are responsible for adhering to these principles, and TC will not tolerate failure to adhere to the College's principles of academic integrity. Students who intentionally or recklessly submit work either not their own or without clear attribution to the original source, fabricate data or other information, engage in cheating, misrepresent academic records or other violations noted below are subject to discipline under this Code. Those who engage in academic misconduct should expect sanctions up to and including dismissal from TC.

2.2 Responsibilities of Community Members: Every member of the TC academic community is responsible for upholding the standards of academic integrity declared in this Code.

2.2.1 If a student is unsure whether actions might constitute academic misconduct, the student has the responsibility to consult with the instructor in advance about any ambiguities.

2.3 Academic misconduct includes but is not limited to:

2.3.1 Cheating: using or attempting to use unauthorized assistance, technology (including the uncited use of generative artificial intelligence), material or study aids in examinations or other academic work;

2.3.2 Plagiarism: using the ideas, data or language of another without specific and proper acknowledgement;

2.3.3 Fabrication: submitting contrived or altered information in any academic exercise such as making up data, citing nonexistent articles, contriving events and sources of information;

2.3.4 Duplicate submissions: submitting any work submitted to fulfill another assignment without appropriate revision to meet the instructional goals of the current course. In cases of uncertainty or ambiguity, a student should check with the student's instructor;

2.3.5 Misrepresentation of academic records or attempting to tamper with transcripts of any portion of a student's academic record;

- 2.3.6 Facilitating academic dishonesty by knowingly helping another student to engage in academic misconduct;
- 2.3.7 Unfair advantage through attempting to gain unauthorized access to examination or other course-related materials or obstructing another student's efforts.

3. GENERAL MISCONDUCT

3.1 Violations of general misconduct include but are not limited to:

3.1.1 Obstruction or disruption of teaching, research, administration, TC procedures and activities, or other authorized activities;

3.1.2 Physical abuse, verbal abuse, threats, intimidation, harassment, coercion or other conduct that may endanger the health and/or safety of others. This includes threats of violence against another person and physical or verbal intimidation that unreasonably impairs the security or privacy of another person;

3.1.3 Discrimination and harassment. Prohibited discrimination is adverse treatment of any student on the basis of race, color, religion, creed, sex, sexual orientation, national origin, ancestry, age, marital status, citizenship status, veteran status, disability, pregnancy, gender expression or any other criterion specified by federal, state, or local laws. Prohibited discrimination is subjecting an individual to humiliating, abusive, or threatening conduct, whether verbal or physical, that creates an intimidating, hostile, or abusive work, educational or living environment; alters the conditions of employment, education, or residential life; or unreasonably interferes with an individual's work or educational performance or living environment on the basis of race, color, religion, creed, sex, sexual orientation, national origin, ancestry, age, marital status, citizenship status, veteran status, disability, pregnancy, gender expression or any other criterion specified by federal, state or local laws.

Please see the [TC Policy on Protection from Harassment](#);

3.1.4 Unauthorized entry or use of TC facilities or unauthorized possession or use of TC property assigned to others;

3.1.5 Disorderly conduct or highly offensive conduct or expression;

3.1.6 Forgery, alteration or misuse of TC documents, records or identification, furnishing false information to TC or Columbia University or use of any false identification or identification belonging to another person;

3.1.7 Identity theft: possessing or using another person's name, address, Social Security Number (SSN), bank or credit card account number, or other identifying information without that person's knowledge and/or with the intent to commit fraud or other crimes;

3.1.8 Theft or other abuse of computer facilities and resources including but not limited to: any violation of TC or Columbia University Computer Use Policy, using computing facilities and resources to send offensive or abusive messages or other unauthorized use of computing facilities and resources;

3.1.9 Violations of copyright law by unlawful copying, distributing, sharing or storing copyright-protected information or material, including but not limited to music, film and internet video;

3.1.10 The unlawful manufacture, possession, use, or distribution of illicit drugs, unlawful drug paraphernalia, and alcohol. Please see the [TC Drug-Free Campus Policy](#);

3.1.11 Failure to comply with authorized directions of or furnishing false information to TC or Columbia University officials or representatives of the SCC acting in performance of their duties;

3.1.12 Failure to engage in responsible social conduct and to model good civil conduct and citizenship;

3.1.13 Violations of any other TC or Columbia University policy, rule or regulation, or of federal, state, or local law that reflect upon or are related to the Student's activities or status as a TC student.

4. INFORMAL PROCEDURES

4.1 When an issue arises involving the academic or general misconduct of a student, the Code provides informal avenues by which the complaint may be resolved.

4.2 Personal Resolution:

4.2.1 Academic Integrity: A faculty member or other instructor who believes that a student has engaged in academic misconduct will apprise the student of the suspected academic misconduct and refer the student to the Student Conduct Code and the (AVP) and Chief Student Affairs Officer. The instructor shall also provide the student with the opportunity to meet with the instructor to discuss the nature and validity of the allegations and the possible institutional responses. After a discussion with the student, the instructor will decide whether the alleged violation was intentional or unintentional. The instructor will then propose a resolution to the student and discuss possible sanctions with the (AVP) and Chief Student Affairs Officer, as appropriate. If a resolution is agreed to that involves the imposition of sanctions, these will be issued by the (AVP) and Chief Student Affairs Officer.

4.2.2 General Misconduct: A complainant may wish to communicate directly with the person against whom the complaint is being made in order to address the issues involved. However, a complainant may bypass personal resolution if the complainant would feel uncomfortable or unsafe doing so. In particular, individuals who believe that they were threatened or who was injured by a student are encouraged to speak with the (AVP) and Chief Student Affairs Officer or visit the TC Ombuds to seek assistance before pursuing personal resolution. Such an individual may wish to pursue other options such as a facilitated conversation, mediation or to file a request for a formal resolution.

4.3 Facilitated Conversation:

4.3.1 TC encourages a facilitated conversation whenever practical and appropriate. A facilitated conversation may take place only if the complainant and respondent both agree to participate. A matter is resolved through a facilitated conversation only if all parties agree on the resolution.

4.3.2 Academic Integrity: If, after following the procedure for personal resolution above, a resolution is not reached, the instructor and student may approach the Program Director (or Department Chair if the instructor is the Program Director) following their discussion and decide to move forward with a facilitated conversation. The Program Director or Department Chair may then facilitate a conversation between the instructor and the student to discuss the allegations and a possible resolution of the matter. If as part of the facilitated conversation, a resolution is agreed to that involves the imposition of sanctions, these will be issued by the Program Director or Department Chair and should be communicated in writing to the student.

4.3.3 General Misconduct: In situations involving alleged general misconduct, any involved party may contact the (AVP) and Chief Student Affairs Officer with a request for a facilitated conversation. The (AVP) and Chief Student Affairs Officer may then facilitate a conversation between the parties to discuss the allegations and a possible resolution of the matter. If as part of the facilitated conversation, a resolution is agreed to that involves the imposition of sanctions, these will be issued by the (AVP) and Chief Student Affairs Officer.

4.3.4 Ombuds Office Mediation: The parties may ask the TC Ombuds to mediate a dispute. The mediation must be agreed to by both parties. The TC Ombuds is independent from the College's administration and determines the procedures under which the mediation will take place.

5. FORMAL PROCEDURES

5.1 If attempts at personal resolution, facilitated conversation or mediation fail or are inapplicable due to the nature of the alleged violation, and if any party involved wishes file a formal complaint, that complainant shall notify the (AVP) and Chief Student Affairs Officer in writing. The (AVP) and Chief Student Affairs Officer will then convene a Hearing Panel from the members of the SCC. The (AVP) and Chief Student Affairs Officer will provide

notice of the hearing and a statement of the allegations to the complainant and the respondent within 10 calendar days of receipt in writing of the complaint by the (AVP) and Chief Student Affairs Officer. A primary hearing date will be scheduled along with a follow-up date, about seven days later. This follow-up date is to be used, should it be necessary, for the Hearing Panel to review additional evidence or witnesses if additional evidence or witnesses are requested by the Hearing Panel.

5.2 The statement of the allegations will identify the reasons for calling the hearing with sufficient particularity and rationale to ensure the parties have an opportunity to prepare for the hearing. The statement of the allegations also will contain the names of the proposed hearing panelists. Either party should notify the (AVP) and Chief Student Affairs Officer of any hearing panelist that is known to them and/or who could present a conflict in the case. The (AVP) and Chief Student Affairs Officer will review the potential conflict and decide whether or not the hearing panelist should be replaced. No member of the Hearing Panel who is otherwise interested in the particular case shall sit on the Hearing Panel for that case.

5.3 A hearing may be expedited in appropriate circumstances, including disciplinary matters involving students who have been placed on mandatory temporary suspension or conditional attendance, graduating students, or students who are about to take a leave of absence or to leave campus to study elsewhere.

5.4 The SCC Hearing Panel will be comprised of one student, one professional staff member, and one faculty member, one of whom will serve as Chair. The Chair, in consultation with the (AVP) and Chief Student Affairs Officer, is responsible for ensuring that the hearing process occurs in a timely fashion.

5.5 All members of the TC community are required to cooperate with these formal procedures. Individuals who are interviewed or called as witnesses (including complainants and respondents) are obligated to provide honest and complete statements during the process.

5.6 Disciplinary hearings are not trials or legal in nature, and they are not governed by rules of legal procedure, evidence, or judicial formality. They are designed to encourage open discussion among the participants to promote the Hearing Panel's understanding of the facts, the individuals involved, and the circumstances under which the alleged incident occurred, the nature of the conduct, and the attitudes and experiences of those involved. Information, including hearsay evidence, may be considered if it is relevant, not unduly repetitious, and the sort of information on which responsible persons are accustomed to relying upon in the conduct of serious affairs.

5.7 These procedures and standards apply to all hearings:

5.7.1 The complainant and respondent in the process may be accompanied by advisors as described in the section on advisors above.

5.7.2 At least three (3) business days prior to the hearing, or as otherwise instructed by the (AVP) and Chief Student Affairs Officer, the parties shall submit to the (AVP) and Chief Student Affairs Officer all documents to be submitted as evidence and the names and anticipated areas of testimony of any witnesses.

5.7.3 Witnesses and Additional Documentation: The Hearing Panel has the discretion to determine which witnesses if any, they wish to interview during the hearing and may request additional documentation or witnesses when the Hearing Panel determines it is necessary for their decision.

5.7.4 Both the complainant and the respondent may make opening and closing remarks of not more than five minutes each.

5.7.5 The Hearing Panel's findings are based on the statements of the complainant, respondent, and/or witnesses and any evidence submitted.

5.7.6 The Hearing Panel will determine a violation of the Code by a preponderance of the evidence.

5.7.7 All documents presented to the SCC Hearing Panel shall become the official property of TC.

5.7.8 If either the complainant or the respondent fails to appear at the hearing, proceedings will continue. Evidence may be presented and considered even if a party is absent

5.7.9 After the hearing concludes the SCC Hearing Panel shall deliberate in private.

5.7.10 All findings of the Hearing Panel require a majority vote. At the conclusion of the deliberations, the SCC Hearing Panel shall deliver a brief written statement of their findings and any recommended sanctions to the (AVP) and Chief Student Affairs Officer.

5.7.11 The (AVP) and Chief Student Affairs Officer shall communicate to the respondent the Hearing Panel's decision and any sanctions imposed. The (AVP) and Chief Student Affairs Officer shall also inform the complainant of the decision. These communications shall be in writing.

5.8 Appeals. Both parties have the right to appeal. The appeal must be submitted to the Vice Provost for Student Affairs within seven (7) business days following written notification of the decision from the Vice Provost for Student Affairs. Grounds for appeal include (1) Substantive procedural error, (2) the adequacy or severity of the recommended sanction or, (3) additional evidence or information if it is not possible to reconvene the Hearing Panel. Appeals must be in writing, must state the ground for appeal, and must provide evidence to support the appeal.

5.8.1 The Provost of the College, or their designee, acts as the appellate officer and shall be provided with all information regarding the case. After review, the designated appellate officer may (1) render a decision, or (2) remand the case back to a Hearing Panel for additional consideration. The designated appellate officer will notify both parties in writing of the appeal decision.

5.8.2 If the Provost is the complainant, a witness, or has any other significant conflict of interest with respect to the case, the appellate officer function shall be discharged by an unconflicted faculty member.

5.8.3 Subject to the special provision for emergency or other extraordinary situations, there shall be no change in the status of the respondent until the appeals process is complete.

5.9 In an emergency or other extraordinary situation, the (AVP) and Chief Student Affairs Officer shall take such interim disciplinary action as is necessary to appropriately manage an incident pending a hearing by the SCC or a decision on appeal.

6. DISCIPLINARY SANCTIONS

6.1 Disciplinary sanctions may include, but are not limited to, one or more of the following:

6.1.1 Reprimand: a verbal admonition and an official written warning, course or grade failure;

6.1.2 Restitution: repair or replacement of property when loss or damage is part of the offense;

6.1.3 Training: formal or informal training, coaching or instruction relevant to the violation;

6.1.4 Restriction: loss of privileges that are consistent with the offense and the rehabilitation of the student, except that in cases involving assault, personal injury or other disruptive or threatening behavior, the College retains the independent right to limit campus access or to restrict a student's activities to those that are essential to a student's academic progress;

6.1.5 Disciplinary Probation: the student is no longer in good disciplinary standing for a specified period of time;

6.1.6 Suspension: dismissal from TC and/or its residence halls for a specified time. Suspension, pending a hearing, maybe imposed when there is reason to believe the action is necessary to maintain TC operations and/or to protect the safety of individuals;

6.1.7 Expulsion: permanent dismissal from TC and/or its residence halls;

6.1.8 Revocation: withholding or repealing admission, course credit or a degree award;

7. COUNSELING, EVALUATION, AND TREATMENT

7.1 In some cases of misconduct, such as those committed under the influence of alcohol or other drugs, participation in an evaluation and/or treatment program by an approved counseling service may be a condition of readmission to TC or a condition of continued enrollment.

8. DISCIPLINARY RECORDS AND CONFIDENTIALITY

8.1. Records of disciplinary proceedings are maintained by the (AVP) and Chief Student Affairs Officer. No record of the disciplinary proceedings shall be entered in the student's official College file until a final decision, and if appropriate disciplinary sanctions are rendered and any appeals are concluded. Disciplinary records shall be maintained as specified in TC's [Document Retention Policy](#).

8.2. All disciplinary proceedings, the identity of individuals involved in particular disciplinary matters, and all disciplinary files, testimony, and findings shall be kept confidential to the extent possible.

9. STUDENT ORGANIZATIONS

9.1. There are several recognized and approved student organizations at TC in any academic year. To assume a student leadership role in any student organization, a student, as defined above, must be enrolled in a degree program and must be in good academic and conduct standing.

9.2. The (AVP) and Chief Student Affairs Officer has the authority to restrict any student from membership in a student organization for academic or general misconduct.

9.3. Student organizations are collectively responsible for any action committed by members on behalf of the organization that violates TC policy. Disciplinary action against student organizations is separate from actions taken against individuals. An incident may necessitate action against both a student organization and the individual members of that organization who were found to have violated TC policy. Disciplinary sanctions against a student organization may include but are not limited to, the dissolution of the student organization.

Responsible Office: Associate Vice President (AVP) and Chief Student Affairs Officer

Effective Date: July 23, 2020

Last Updated: July 2023