



GENDER-BASED MISCONDUCT  
PREVENTION AND RESPONSE  
2016-17 ANNUAL REPORT

GENDER-BASED MISCONDUCT OFFICE  
STUDENT CONDUCT AND COMMUNITY STANDARDS

**COLUMBIA UNIVERSITY GENDER-BASED MISCONDUCT  
PREVENTION AND RESPONSE  
2016-2017 Annual Report**

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# I. INTRODUCTION

Welcome to the fourth annual Report on Gender-Based Misconduct Prevention and Response at Columbia University.<sup>1</sup> The Report’s central aim is to engage the University community – students,<sup>2</sup> faculty, administrators, and staff – in creating a climate where all can study, work, and live free from gender-based misconduct, including sexual violence.

This report includes information about many topics, including:

- Ongoing efforts by the University community to enhance **resources** and **prevention and training efforts** related to gender-based misconduct prevention and response;
- Information regarding the University’s **Gender-Based Misconduct Policy and Procedures for Students** (“Policy” and “Procedures”); and
- Data from the Gender-Based Misconduct process during the 2016-17 academic year.

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

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<sup>1</sup> Throughout this Report, references to “the University” include Columbia University and Teachers College. Barnard College adopted its own policy and procedures for addressing gender-based misconduct accusations against Barnard students; information regarding matters handled under that policy is not included here.

<sup>2</sup> The policy and resources described in this report apply to undergraduate, graduate, and professional school students of Columbia University or Teachers College. Some of the resources described here are available to Barnard College students as well.

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

This section reviews three major resources at Columbia that address gender-based misconduct prevention and response through support, education and training, and/or policy enforcement:

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

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

The following resources are confidential, meaning that they will not provide information to others without the student's permission: Counseling and Psychological Services (Morningside); Mental Health Services (CUMC); Medical Services (Morningside); Student Health Services (CUMC); Disability Services (Morningside, CUMC); Office of the University Chaplain; and the Ombuds Office.

The University also has additional non-confidential resources. These resources are required to report incidents to the University's Gender-Based Misconduct Office but will also protect students' privacy to the greatest extent possible. They include: the Department of Public Safety; Undergraduate Student Life [for Columbia College and School of Engineering and Applied Sciences (SEAS) undergraduates]; and student affairs offices across the University.

### A. Sexual Violence Response

Sexual Violence Response (SVR) is a confidential office within Columbia Health and is directly supervised by La'Shawn Rivera, Executive Director, reporting to Melanie Bernitz, Associate Vice President of Columbia Health.

SVR provides trauma-informed, confidential support focused on sexual assault, interpersonal violence, and harassment. SVR's mission is to eradicate all forms of gender-based violence. Through collective community action, SVR is committed to social change and creating a culture of accountability.

A professionally trained staff of 11, SVR works within the three-point model of Advocacy, Prevention and Outreach, utilizing all three of these approaches to address sexual and intimate partner violence, stalking, and harassment.

#### 1. Advocacy

SVR is certified by the New York State Department of Health as a Rape Crisis Center, and has been since 1995. SVR employs Survivor Advocates (SA) who assist survivors and co-survivors of sexual, intimate partner, and gender-based violence by helping them navigate resources within and outside of the University and explore their rights and options while also supporting their individual choices. Survivor Advocates engage resources that provide support to students in both short- and long-term capacities, during and after an abusive or traumatic experience. Survivor Advocates also support students who may be dealing with previous exposure to these types of issues. Advocates connect survivors with support services that they, together with the survivor, identify as being helpful to the survivor's emotional, psychological, familial, residential, and spiritual well-being.



## 2. Prevention

SVR implements prevention strategies aimed at eradicating the underlying conditions that foster unhealthy, abusive and violent behaviors. Specifically, SVR works to stop violence before it starts by cultivating healthy attitudes, actions, and norms through education and encouraging a community of accountability.

Part of SVR's prevention model includes cross-collaboration with other Columbia departments and student groups, and programs and workshops tailored to specific communities across campus.

## 3. Outreach

SVR engages, trains, and supervises students who volunteer as peer advocates and peer educators. Peer Advocates provide survivors and their supporters with confidential emotional support, accompaniment and referrals to on-campus and off-campus resources. They help survivors make informed decisions about their medical, legal, and disciplinary options.

Peer Educators lead interactive workshops and provide the campus community with information about sexual, intimate partner, and gender-based violence, campus services, and positive ways to communicate about sex. Through the Peer Education and Peer Advocacy volunteer programs, SVR works to create an informed community and supportive environment.

## 4. Locations

SVR currently has three locations accessible to students from Columbia University and its affiliate institutions. SVR's main office, located in Alfred Lerner Hall 700, serves as the primary hub for SVR operations. This location houses the majority of the SVR staff.

SVR also has a location on the Barnard campus, located in Hewitt Hall, Room 105, as well as a location on the Columbia University Medical Center Campus in Bard Hall, Room 206.

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

## 5. Training, Prevention, and Education Efforts

SVR conducted 79 sessions during New Student Orientation programming educating 10,886 new undergraduate and graduate students about sexual and gender-based violence prevention and response.

SVR facilitated 15 training sessions for undergraduate and graduate student leaders throughout the 2016-2017 academic year, reaching 739 students. To provide programming for executive board members of student groups, in compliance with New York State Enough is Enough legislation, SVR staff collaborated with the Title IX Coordinator on the development and implementation of sessions on the topic of recognizing and responding to dating and domestic violence.

SVR led 101 workshops, trainings, presentations, and outreach events for the Columbia community in addition to required programming such as New Student Orientation, student leaders training, and the Sexual Respect & Community Citizenship Initiative. These educational activities addressed the dynamics of sexual, intimate partner, and gender-based violence, crisis intervention techniques, bystander intervention skills, consent, healthy sexuality, and other topics and were held with student groups, resident advisors, departments/programs, and other groups on campus. In total, 3,386 students and 301 faculty and administrators were trained by SVR during the 2016-2017 academic year through these additional programs.

During October's Relationship Violence Awareness Month (RVAM) SVR hosted 19 outreach, awareness and educational events recognizing issues of violence in intimate relationships. The events focused on the issues of intimate partner, sexual, and gender-based violence, engaging 1,039 students, faculty and staff. In addition, to support the prevention of and intervention in relationship violence, SVR spearheaded the lighting of Alfred Lerner Hall in purple for the entire month with the support of Columbia Dining Services, Columbia University Athletics, Office of University Life, and the Office of the University Chaplain.

In April, SVR hosted 28 events, workshops, and outreach tables for Sexual Assault Awareness Month (SAAM). During this time, 1,407 students, faculty and staff participated in SVR-hosted events all centered on the theme *Spoken, Not Silent*. SAAM events included a film screening series, a lecture series, and a performance series geared towards educating the Columbia community about the dynamics of sexual assault, the barriers for coming forward, and the multiple mechanisms for healing and recovery. As part of SAAM, SVR organized an initiative for Denim Day, an international prevention education campaign to protest the misconceptions surrounding sexual assault. There were 2,300 stickers and 1,600 palm cards distributed to faculty and staff who were encouraged to wear denim in solidarity with survivors. There were 333 employees and students engaged by submitting their Denim Day photos to be posted on SVR's Facebook page. SVR hosted a Denim Day table on the Morningside campus, which resulted in 90 students and staff signing a pledge to stand together against violence, with an additional 134 completed an online pledge.

## **B. Gender-Based Misconduct Office**

The Gender-Based Misconduct Office is within Student Conduct and Community Standards and is directly supervised by Jeri Henry, Associate Vice President for Student Conduct and Community Standards, reporting to Suzanne Goldberg, Executive Vice President in the Office of University Life.

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

- Conducts investigations and administers the disciplinary process related to gender-based misconduct complaints against students from all schools within Columbia University as well as Teachers College;
- Assists students who seek to bring complaints against University employees; and
- Serves as a centralized resource to support and provide assistance to all University students who have experienced or have been accused of gender-based misconduct.

### **1. Case Management**

Case Management serves as the primary resource within the Gender-Based Misconduct Office to support students who file a complaint or respond to an accusation of a Policy violation. The Office provides Case Managers to Complainants and Respondents to ensure that students understand their rights within the Policy and the investigation and adjudication process. The Case Managers share this information during the intake session and, as needed, in subsequent meetings and communications. Case Managers are available to receive reports of concern and determine an appropriate response to assist the student.

Case Managers may also 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
- Identify campus supportive services, as well as outside agencies, to meet their needs
- Navigate the Gender-Based Misconduct process from filing a complaint to investigation, adjudication, and appeal.

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

## 2. Title IX Investigators

The Gender-Based Misconduct Office has four full-time investigators (“the Investigative Team”) whose primary responsibility is to investigate complaints made against Columbia students under the Gender-Based Misconduct Policy, make credibility assessments, and recommend findings of responsibility to hearing panelists in a written Investigative Report. Investigators work in two-person teams. All investigators receive specialized training related directly to their responsibilities. The Office is responsible for designating a two-person team of investigators to conduct each inquiry and, when appropriate, will conduct an investigation and recommend by a *preponderance of the evidence* standard whether a violation of Policy occurred.

In cases that do not involve a formal investigative process, the investigators are also responsible for working in conjunction with Case Management to facilitate alternate resolutions. Additionally, the Investigative Team provides ongoing training to students, faculty, and staff throughout the academic year to ensure that the student body is educated on the contents of the Policy and the expectations the University has of students.

## 3. Continued Training

In addition to training on Title IX investigation and adjudication, all staff involved in administering the Gender-based Misconduct process receive ongoing training on a variety of related topics, including: substance use on college campuses; resources available for victims and survivors in New York City; the role of law enforcement and the Department of Public Safety; domestic violence; diversity; and effective communication

## 4. Adjudication by Hearing Panel

Gender-based misconduct cases are adjudicated by a hearing panel, as specified by the Policy. The hearing panel is comprised of three specially-trained administrators, generally from within the University's Student Conduct and Community Standards Office (excluding the investigative team and Case Managers) and/or the University's Office of Equal Opportunity and Affirmative Action. The Complainant and Respondent are always informed of the panel's membership before the hearing process begins and may request a panelist substitution if a conflict exists. All panelists receive relevant training at least once annually. The hearing panel determines outcomes based on a

*preponderance of the evidence* standard, which is applied to consideration of the investigative report, supplementary materials, and presentations by the parties during a hearing.

### **C. Title IX Coordinator at Columbia University**

The Title IX Coordinator works to ensure a safe, welcoming and harassment-free environment for all members of the Columbia community. Associate Vice President Marjory Fisher is Columbia University's Title IX Coordinator, responsible for monitoring the University's policies and procedures for resolving sexual and gender-based misconduct, harassment, and other complaints under Title IX, the federal law that prohibits sex discrimination in federally-funded educational institutions. In addition, AVP Fisher provides guidance on investigations, oversees Deputy Title IX Coordinators at the University, and is responsible for training University staff and others on Title IX issues. AVP Fisher oversees the prompt and fair investigation and resolution of all complaints related to sexual assault, gender-based harassment, intimate partner violence and stalking, and ensures that Columbia is in compliance with Title IX and state laws prohibiting gender-based discrimination. She also participates in the investigation of complaints as needed.

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

During the 2016-17 academic year, the Office of Equal Opportunity and Affirmative Action ("EOAA") was responsible for administering the University's *Employee Policies and Procedures on Discrimination, Harassment, Sexual Assault, Domestic Violence, Dating Violence and Stalking*. The Office also monitors compliance with policies and laws that ensure equal opportunity for students, employees and applicants for employment or admission and has been designated as the University's Compliance Office for Section 504 of the Rehabilitation Act and other equal opportunity, nondiscrimination and affirmative action laws. Associate Provost Heather Parlier directly supervises the Office, reporting to University Provost John Coatsworth.

#### **1. Office Functions related to Gender-Based Misconduct**

- Manages compliance related to issues of discrimination, harassment, and gender-based misconduct in contracting and employment practices; and
- Conducts internal investigations of employees and third-party affiliates of the University for claims of discrimination, harassment, and gender-based misconduct, and recommend courses of resolution.

#### **2. Title IX Investigators**

EOAA employs three full-time investigators whose responsibility is to investigate complaints made against employees and third-party affiliates under the *Employee Policies and Procedures on Discrimination, Harassment, Sexual Assault, Domestic Violence, Dating Violence and Stalking*. Investigators serve as neutral fact-finders who make credibility assessments and determine responsibility after conducting investigations. When a respondent is found responsible, the investigative report is shared with specially trained sanctioning officers for sanctions/discipline.



### **3. Compliance Training**

EOAA is also responsible for ensuring that students, faculty and staff receive training in accordance with applicable federal, state, and local laws governing discrimination, harassment and gender-based misconduct. This is accomplished through:

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

### **D. Faculty and Staff Training**

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

During the 2016-17 academic year, EOAA and the Gender-Based Misconduct Office conducted 116 policy training sessions for faculty and staff regarding the Policies and Procedures on Discrimination, Harassment, and Gender-Based Misconduct.

As noted above, Sexual Violence Response also conducted training sessions for students, faculty and staff, designed to increase awareness of on-campus resources for survivors, the dynamics of violence, and ways to screen for sexual, intimate partner and gender-based violence.

In addition, a new training for University faculty and research officers, which further covers these policies and how to support students, will be introduced in the 2017-18 academic year.

## **E. Additional Updates, Initiatives, and Ongoing Efforts**

### **1. Sexual Respect and Community Citizenship Initiative**

All new Columbia students are required to participate in the University's Sexual Respect and Community Citizenship Initiative, which focuses on the link between sexual respect and membership in the University community. All continuing students are strongly encouraged to participate as well. This initiative was created by Columbia students, faculty and staff in 2014-15 to promote a campus climate that reinforces sexual respect and rejects sexual harassment, sexual assault, and other forms of gender-based misconduct. Students can choose to participate in professionally-facilitated workshops; film and discussion sessions; video and reflection; Independent Projects; and Resources for Healing and Resilience, which are designed for students who have experienced trauma, supported someone through trauma, or are interested in trauma and healing.

In the 2016-17 academic year, 10,500 students who were required to complete the Sexual Respect and Community Citizenship Initiative (the Initiative) did, and 88% of those who participated and completed a survey expressed satisfaction with the program. Further, 90% of survey respondents agreed that they gained knowledge about consent, healthy relationships, gender bias effects, and intervention skills, and said that the Initiative made them more aware of Columbia's values, resources, and policies.

### **2. Pre-Arrival and Haven Tutorials**

In 2016-17, all students, prior to their arrival on campus, are required to participate in online tutorials introducing Columbia policies and information about sexual assault, relationship violence, stalking, and sexual harassment, in addition to sexual respect and bystander intervention. These tutorials were developed with significant input from the Gender-Based Misconduct Prevention Task Force described below.

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

The Office of University Life convened a University-wide task force on Gender-Based Misconduct Prevention. The Task Force, which includes students, faculty and administrators, with representation from all of Columbia's schools (not including affiliates), met multiple times throughout the year as a large group and additionally in several committees that focused on pre-arrival training, peer leadership, multi-year engagement, and data analysis.

A separate report discussing the Task Force's work during the 2016-17 academic year is available on the Sexual Respect website. For more information, please visit <http://www.sexualrespect.columbia.edu>.

### III. GENDER-BASED MISCONDUCT POLICY UPDATES

The Gender-Based Misconduct Policy for Students is updated at the beginning of each academic year, usually in September, to reflect the many recommendations and comments that come from students throughout the University, including students who received support from the Gender-Based Misconduct Office's Case Management Team, students who were parties or witnesses in the disciplinary process, and other students on campus. Attorney-advisors and others who participated in the process last year also provided valuable input. The current Policy was updated on September 1, 2016. This updating process is in keeping with the University's commitment to ongoing policy review.

### IV. REPORTED VIOLATIONS OF THE GENDER-BASED MISCONDUCT POLICY FOR STUDENTS: JULY 1, 2016–JUNE 30, 2017

This is the fourth annual release of aggregate data resulting from reported violations of the University's Gender-Based Misconduct Policy for Students. The primary reasons for providing this data are:

- To improve understanding of sexual assault and other gender-based misconduct at the University;
- To increase awareness of these reported incidents and their handling by the University; and
- To encourage discussion that helps to prevent gender-based misconduct and support the creation of a campus environment that promotes sexual respect.

Consistent with the previous years' release of data, this report responds to the community's expressed interest in the release of aggregate data. The disclosure of this data is also compliant with New York State legislation and, in support of the University's goals described above, provides information beyond the annual publication of crime reports required by the Clery Act. At the same time, this Report provides only anonymous data to ensure that no information is disclosed that might indicate the identity of any students who brought or who were the subject of complaints. It is essential that students can report gender-based misconduct without concern that the University will share identifying information or comment on their individual reports.

The disclosure of aggregate data and the discussion it generates is one among many initiatives at the University to prevent gender-based misconduct and to respond to its occurrence effectively and fairly. In addition to reading this report, we urge you to visit Columbia's Sexual Respect website, <http://www.sexualrespect.columbia.edu>, to familiarize yourself with available resources and learn more about the University's efforts to prevent and respond to gender-based misconduct.

#### A. Understanding the Data

The data in this Report include alleged violations reported to the Gender-Based Misconduct Office in which a University student was the respondent. Additionally, this Report also includes alleged violations from student complainants in which the respondent was not affiliated with the University. Although these cases did not engage the disciplinary process, the student complainants received support from the Gender-Based Misconduct Office. The data discussed here includes reports filed between July 1, 2016 and June 30, 2017, and reviewed under the University's Gender-Based Misconduct Policy for Students issued in September 2016.<sup>3</sup>

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

During the period covered by this Report, additional students who experienced gender-based misconduct chose to discuss their experiences with peer counselors at the Sexual Violence Response and Rape Crisis/Anti-Violence Support Center, with University clergy, Health Services staff, University counselors, University Ombuds officers, or other “confidential” sources, but decided not to file a complaint under the Gender-Based Misconduct Policy for Students. Some students also chose to speak with friends, family, medical professionals, faith leaders and/or law enforcement outside of the University. These communications, some of which are confidential, are not included in the data reported here.

There are many reasons students may choose not to pursue disciplinary action within the University. For some, the trauma leaves them feeling unready to engage in an investigation and disciplinary process that requires further conversation with investigators and, possibly, a hearing panel. Others believe they will heal from their experience more quickly if they devote their energy to counseling and/or pursuing a complaint in the criminal justice process. Still other students are concerned about the degree to which engaging in a formal disciplinary process will distract their attention from their studies or other campus activities. **While students may choose among these alternatives, the University remains committed to providing a supportive, sensitive, and fair process to all parties, so no student feels dissuaded from reporting violations within the University system.** Accordingly, students can report gender-based misconduct they have experienced at any time during their matriculation, i.e. regardless of the period of time between the alleged incident and the decision to report. Accordingly, the data here may include incidents alleged to have occurred prior to the 2016-17 academic year.

Readers familiar with the Campus Crime Statistics Act (Clery Act) may note that the data presented in this Report differs from that released pursuant to the Clery Act, which requires the University to record and report incidents of certain crimes on or near campus. The reporting requirements of the Clery Act are different from those of the Gender-Based Misconduct Policy in several ways, including: the time frame for data collection; the geographic scope (Clery covers incidents on or near campus while Columbia’s Policy is not geographically restricted); the affiliation of the parties involved (Clery does not limit reporting to incidents involving alleged Policy violations committed by Columbia students); and other circumstances of the incident. Consequently, the numbers reported in Columbia’s Clery report for sexual assault, domestic violence, dating violence, and stalking may differ from the numbers in this Report, which covers complaints under Columbia’s Gender-Based Misconduct Policy for Students. For additional information regarding Columbia University’s Clery report, please visit: <http://publicsafety.columbia.edu/content/annual-security-report/>.

## 1. Data Related to Sexual Assault

As summarized below and described in the tables in this Report, some reported instances of gender-based misconduct did not require a final determination reached through the University adjudication process and others proceeded through an investigation and adjudication. Through Case Management and the Investigative Team, the Gender-Based Misconduct Office engaged with all complainants, regardless of the status or outcome of the investigation and adjudication process, to identify appropriate campus and other resources.

- In 44% of **sexual assault**<sup>4</sup> reports identified in the aggregate data (five cases of non-consensual intercourse, three cases of non-consensual contact, and 19 cases where the type was not specified), no further investigation could be conducted because either the complainant or third-party reporter did not know the identity of the respondent and/or the respondent was a non-affiliate. Support was provided to the complainant by a Case

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in September 2015.

<sup>4</sup> The phrase “sexual assault” has been divided into two distinct subsets within the Policy: Sexual Assault: Intercourse; and Sexual Assault: Contact. In certain cases, the assault type was not specified because the complainant did not provide sufficient detail of the alleged assault.

Manager in these instances;

- In 40% of **sexual assault reports** identified in the aggregate data (five cases of non-consensual intercourse, one case of non-consensual contact, and 19 cases where the type was not specified) the complainant declined to identify a respondent, declined to provide sufficient detail to support an investigation, and/or requested that no investigation or disciplinary process be undertaken. In these cases, the Title IX Coordinator, working with the Gender-Based Misconduct Office, evaluated the facts presented, weighed the complainant's request against the University's commitment to provide a safe and non-discriminatory environment, and determined that no further action was required (*See data table on the resolution of all sexual assault reports.*);
- In sexual assault cases involving non-consensual contact or intercourse, where a formal investigation was completed, 50% of respondents (three out of six) were found responsible; and
- Two cases were not yet resolved at the time of this report; updates on the outcomes of those matters will be included in the next release of aggregate data.

## 2. Data Related to Other Forms of Gender-Based Misconduct

Types of gender-based misconduct other than sexual assault include domestic violence, dating violence, sexual exploitation, stalking, sexual harassment, and gender-based harassment. The tables in this report consolidate the 146 reports of misconduct, other than sexual assault, made during the period July 1, 2016, to June 30, 2017, in a manner similar to the sexual assault cases described above (*see Table 4 for data on the resolution of these reports*), with two important exceptions:

- First, for these cases, the Gender-Based Misconduct Policy permits options other than investigation and adjudication for resolving the reported violation – these options are not permitted for an allegation of sexual assault. If the complainant and respondent agree to an alternate resolution option in a case not involving sexual assault, there may be no formal investigation, determination of responsibility, or disciplinary action. Instead, the resolution of these cases can take the form of a directive prohibiting contact between the complainant and the respondent (“no contact directive”), an access restriction, mediation, another accommodation to support and protect a student, and/or education for a respondent relevant to the alleged misconduct (all referred to as “alternate resolutions”). Additionally, a case may be resolved by the complainant and respondent participating in mediation or a restorative justice process, and in consultation with the Gender-Based Misconduct Office, agreeing to a resolution and outcome that will close the case. If the complainant and respondent engage in mediation or restorative justice, either may opt out of the alternate process at any time and proceed with an investigative process.
- The second point of differentiation are the 11 reports of gender-based misconduct where the complainants' allegations were accepted as true and accurate, but the Gender-Based Misconduct Office determined that the behavior described was not a violation of the Policy. These cases were referred to a partner office for adjudication and/or follow up. The parties and the Gender-Based Misconduct Office also alternately resolved 20 reports of gender-based misconduct other than sexual assault identified in this report. Additionally, 8 reports of gender-based misconduct were resolved through mediation facilitated by the Gender-Based Misconduct Office. These matters included allegations of domestic violence, dating violence, sexual harassment, gender-based harassment, and stalking; in each case, the Title IX Coordinator also deemed an alternate resolution or mediation to be consistent with preserving a safe and non-discriminatory University environment. No sexual assault allegations were resolved in this manner.

Please see the following tables for additional information.



## B. Tables

1. **Reported Violations of Gender-Based Misconduct Policy for Students: July 1, 2016 – June 30, 2017**
  - a. Reports of Sexual Assault and Other Gender-Based Misconduct by Complainant Affiliation
  - b. Reports of Sexual Assault and Other Gender-Based Misconduct by Respondent Affiliation<sup>5</sup>
  - c. Resolution of Reports of Sexual Assault with Known, Affiliated Respondents
  - d. Resolution of Reports of Other Gender-Based Misconduct with Known, Affiliated Respondents
2. **Sanctions Applied to Responsible Parties**
3. **Disposition of Appeals**
4. **Time Frames for Resolution of Reported Violations**

*Note on Cases where the Sexual Assault type was Not Specified by the Reporter:* A number of cases reported in the following tables involved a situation where the Gender-Based Misconduct Office was notified that a sexual assault occurred but the reporter declined or was unable to provide further specific information.

*Note on Cases with Multiple Charges:* Some reported cases involve more than one allegation of gender-based misconduct. In those cases, a “hierarchy of charges” was applied and the tabulations reflect the most serious charge. For example: one case that includes allegations of Sexual Assault: Intercourse and Sexual Assault: Contact would be counted as one case of Intercourse.

*Note on Affiliate/Student Currently Unenrolled:* This category in the tables that follow includes students who recently graduated or are currently on leave from the University (the disciplinary process may be suspended while a student is on leave and away from campus; if the student re-enrolls, the disciplinary process continues).

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<sup>5</sup> Although Barnard College utilizes its own policy and procedure, Case Management facilitates support for Barnard student complainants between Columbia University and Barnard College resources. As such, Barnard College complainants are included within the total number of Morningside Undergraduate Complainants but Barnard College respondents are not included.

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

### Data Related to Known, Affiliated Complainants

	Undergraduate (Morningside)	Graduate & Non-degree Programs (Morningside)	Graduate & Non-degree Programs (CUMC)	Faculty, Staff, or Unenrolled/ Former Student
Sexual Assault: Intercourse	11	5	-	-
Sexual Assault: Contact	3	2	-	-
Sexual Assault: Type Not Specified by Reporter	28	3	3	-
Domestic Violence	6	7	-	-
Dating Violence	15	4	1	1
Sexual Exploitation	4	1	-	-
Sexual Harassment	39	18	5	-
Gender-Based Harassment	3	6	1	-
Stalking	6	8	2	3

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

	Non-affiliate	Undisclosed	Unknown
Sexual Assault: Intercourse	2	-	-
Sexual Assault: Contact	-	-	-
Sexual Assault: Type Not Specified by Reporter	2	4	-
Domestic Violence	1	1	-
Dating Violence	1	-	-
Sexual Exploitation	-	-	-
Sexual Harassment	8	4	1
Gender-Based Harassment	-	-	-
Stalking	-	-	-

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

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

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## 1b. Reports of Sexual Assault and Other Gender-Based Misconduct by Respondent Affiliation

### Data Related to Known, Affiliated Respondents

	Undergraduate (Morningside)	Graduate & Non-degree Programs (Morningside)	Graduate & Non-degree Programs (CUMC)	Unenrolled/Former Student
Sexual Assault: Intercourse	6	4	-	-
Sexual Assault: Contact	2	-	-	-
Sexual Assault: Type Not Specified by Reporter	1	1	-	-
Domestic Violence	2	1	1	1
Dating Violence	9	2	-	-
Sexual Exploitation	3	2	-	-
Sexual Harassment	24	14	3	-
Gender-Based Harassment	1	3	1	-
Stalking	6	5	-	-

## Data Related to Non-affiliate, Undisclosed<sup>8</sup>, or Unknown<sup>9</sup> Respondents

In addition to the reports in the previous table, there were also instances of sexual assault and other gender-based misconduct where the respondent was not affiliated with the University, where a complainant did not know the identity of the respondent, and where a complainant did not disclose the identity of the respondent to the Gender-Based Misconduct Office. In all of these instances, the disciplinary process was not initiated and the complainant was offered support from Gender-Based Misconduct Office Case Management. The following table provides information about these reports:

	Non-affiliate	Undisclosed	Unknown
Sexual Assault: Intercourse	5	2	1
Sexual Assault: Contact	3	-	-
Sexual Assault: Type Not Specified by Reporter	10	16	12
Domestic Violence	7	3	-
Dating Violence	5	6	-
Sexual Exploitation	-	-	-
Sexual Harassment	22	8	4
Gender-Based Harassment	2	2	1
Stalking	3	3	2

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<sup>8</sup>An undisclosed respondent is a student whose identity is known by the complainant or a third-party reporter, but is not disclosed to the Gender-Based Misconduct Office.

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



## 1c. Resolution of Reports of Sexual Assault with Known, Affiliated Respondents

	Sexual Assault: Intercourse	Sexual Assault: Contact
Respondent accepted responsibility (Disciplinary Action Agreement) or indicated No Contest to the recommended findings	-	-
Complaint resolved after a finding of responsibility	3	-
Complaint resolved after a finding of no responsibility	2	1
Investigation and disciplinary proceedings ongoing <sup>10</sup>	2	-

There were no cases where a complainant recanted and stated that the respondent had not engaged in conduct that violates the University's policy or where a respondent was not currently enrolled or was suspended for a violation of accommodations (interim measure).

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<sup>10</sup> Resolutions for reports received by June 30, 2017 but not resolved prior to the release of this report will be reflected in the next annual report.

## 1d. Resolution of Reports of Other Gender-Based Misconduct with Known, Affiliated Respondents

	Domestic Violence	Dating Violence	Sexual Exploitation	Sexual Harassment	Gender-Based Harassment	Stalking
Behavior described by reporting individual did not meet the definition of a violation of the Gender-Based Misconduct Policy for Students; case referred to a partner office for adjudication and/or follow up.	1	1	-	6	2	1
Behavior described by reporting individual may be a violation of the Gender-Based Misconduct Policy for Students but not a sexual assault; case resolved via an Alternate Resolution.	3	2	-	10	2	3
Behavior described by reporting individual may be a violation of the Gender-Based Misconduct Policy for Students but not a sexual assault; case resolved via Restorative Justice and/or Mediation.	-	1	-	5	1	1
Respondent not currently enrolled at the University.	-	-	1	1	-	-
Complaint resolved after a hearing: finding of responsibility.	-	3	1	2	-	-
Complaint resolved after a hearing: finding of no responsibility.	-	-	-	1	-	1
Investigation and disciplinary proceedings ongoing. <sup>11</sup>	-	-	2	3	-	-

There was one case where a complaint of gender-based misconduct (not sexual assault) was reported by a third party but the identified complainant did not corroborate the complaint.

<sup>11</sup> Resolutions of reports received by June 30, 2017 but not resolved prior to the release of this report will be reflected in the next Gender-Based Misconduct Prevention and Response Annual Report.

## 2. Sanctions Applied to Responsible Parties

The University releases aggregate data in a way that aims to avoid the identification of specific students involved with individual cases. The reason for this is that the Gender-Based Misconduct Office is a University resource committed to protecting students' privacy to the greatest extent possible. Linking sanctions to hearing outcomes or cases where students accepted responsibility raises the risk that others may be able to determine who was involved in a particular case and what the outcome was because the number of such cases is relatively small. Therefore, case-by-case sanction information is not provided in this Annual Report. However, this Report does provide data on sanctions as described below. In all cases where there were findings of responsibility, respondents lost their good disciplinary standing at the University (i.e. Disciplinary Probation, Disciplinary Suspension, or Expulsion, depending on the case) and were subjected to other loss of privileges (e.g., alumni privileges, ability to enroll at Columbia in the future, etc.); sanctions also included education and/or training related to the gender-based misconduct for which the respondent was found responsible.

**Sanctions for Sexual Assault:** The determination to suspend or expel a student found responsible for any type of sexual assault takes into account numerous factors, including (1) the specific gender-based misconduct at issue; (2) the circumstances accompanying the lack of consent; (3) the respondent's state of mind at the time of the gender-based misconduct; (4) the impact of the offense on the complainant; (5) the respondent's prior disciplinary history; and (6) the safety of the University community.

The category of Sexual Assault: Intercourse includes any form of vaginal, anal, or oral penetration, however slight, by a penis, object, tongue, or finger without a person's affirmative consent. *There were three findings of responsibility in this category, one that resulted in **Disciplinary Suspension** and the other two in **Expulsion**.*

The category of Sexual Assault: Contact includes any sexual contact, including sexual touching for the purpose of sexual gratification of either party, without a person's affirmative consent. Sexual touching includes contact under or over clothing with the breasts, buttocks, genitals, groin or inner thigh, or touching another with any of these body parts; making another person touch any of these body parts under or over clothing; or the emission of ejaculate on the clothing or body of another person without that person's consent. *There were no findings of responsibility in this category.*

**Sanctions for Other Gender-Based Misconduct:** For the broad range of Policy violations identified as gender-based misconduct other than sexual assault, sanctions issued during this reporting period included Policy education, disciplinary probation, registration hold, access restriction, *persona non grata*<sup>12</sup> status, loss of alumni privileges, and ineligibility for future enrollment in any University program.

## 3. Disposition of Appeals

Either party can file an appeal challenging the underlying hearing panel determination and/or the sanction. For cases reported during the time period covered by this report, appeals were filed in nine cases: Seven cases where an appeal was filed by a respondent, no cases where an appeal was filed by a complainant, and two cases where an appeal was filed by both involved parties. Of all of the appeals, one finding of responsibility was overturned.

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

#### 4. Time Frames for Resolution of Reported Violations

Numerous factors impacted the time frame for resolving reports of Sexual Assault that met the definition of a violation under the Gender-Based Misconduct Policy for Students, were fully investigated, and then resolved via a hearing or administrative resolution. These factors included:

- The complainant initially opted for a mediation in lieu of investigation but then changed this decision;
- The complainant or respondent was out of the country and unable to participate in the investigation;
- There was difficulty contacting the parties and/or witnesses;
- There were a large number of witnesses required for interview;
- There was difficulty in the parties' process of obtaining private attorney-advisors and securing that advisor's presence for investigative interviews and other meetings;
- The complainant and/or respondent were on leave from the University.

Taking these factors into account, the median length of time to resolve the six reports of Sexual Assault that met the definition of a violation under the Gender-Based Misconduct Policy for Students, were fully investigated and then resolved via a hearing or administrative resolution was 204 days (not including the appeal)<sup>13</sup>. Cases that resulted in longer timeframes had multiple factors at issue.

The median length of time for resolving all 37 reports of Gender-Based Misconduct where a respondent was a known affiliate and the allegation(s) met the definition of a violation other than Sexual Assault under the Gender-Based Misconduct Policy for Students was 38 days. The median length of time to resolve all reports of Gender-Based Misconduct, regardless of respondent affiliation, was 21 days.

	0-60 Days	61-120 Days	121-180 Days	181-240 Days	241-300 Days
Sexual Assault: Intercourse	-	-	-	4	1
Sexual Assault: Contact	-	-	-	1	-
Domestic Violence	2	1	-		-
Dating Violence	2	3	-	1	-
Sexual Exploitation	-	2	-	-	-
Sexual Harassment	15	1	1	-	1
Gender-Based Harassment	2	1	-	-	-
Stalking	4	-	-	1	-

<sup>13</sup> The time frames above do not included cases with ongoing precedings.

## V. ADDITIONAL INFORMATION ABOUT THE SCOPE OF THE DATA

The data in the preceding tables is based on reports of gender-based misconduct from July 1, 2016-June 30, 2017 to the Gender-Based Misconduct Office in which the respondent was a Columbia University or Teachers College student. If the respondent was a Columbia, Barnard, or Teachers College employee, or other person doing business with Columbia, Barnard, or Teachers College, a different set of investigation and disciplinary processes applied. The Columbia, Barnard, and Teachers College processes now in effect can be viewed at their respective links:

<http://eoaa.columbia.edu>

<http://barnard.edu/doc/titleix>

[http://www.tc.edu/policylibrary/protection\\_from\\_harassment](http://www.tc.edu/policylibrary/protection_from_harassment)

As noted earlier, the designated time period of July 1, 2016-June 30, 2017 for this Report refers to the period for the filing of the report of gender-based misconduct, rather than the time period of the alleged incident. Some of the reports filed during the July 1, 2016-June 30, 2017 period were for incidents that occurred prior to July 1, 2016. The University does not limit the time for submitting a report of gender-based misconduct. Additional data tables in Appendix A reflect reports of gender-based misconduct filed prior to July 1, 2016 that were concluded during the July 1, 2016-June 30, 2017 period.

Also as discussed above, reports of gender-based misconduct often contain allegations of more than one category of gender-based misconduct within a single report (e.g., Sexual Harassment and Sexual Assault: Intercourse). For reporting purposes, complaints involving more than one allegation are listed only once, and the data tables reflect the more severe allegation under University policy.

## VI. DEFINITIONS OF VIOLATIONS; RESOLUTIONS, AND OTHER WORDS AND PHRASES

### A. Definitions of Gender-Based Misconduct Violations<sup>14</sup>

**Sexual Assault: Intercourse:** Any form of vaginal, anal, or oral penetration, however slight, by a penis, object, tongue, or finger without a person's affirmative consent.

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

**Domestic Violence:** The use or threat of physical or sexual violence that is directed toward (1) a current or former spouse or intimate partner; (2) a person with whom one shares a child; or (3) anyone who is protected from the Respondent's acts under the domestic or family violence laws of New York. This violation includes behavior that seeks to establish power and control over another person by causing fear of physical or sexual violence. Domestic violence can be a single act or a pattern of behavior, based on the frequency, nature, and severity of the conduct.

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



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

**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.

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

**Sexual Harassment:** Unwelcome sexual advances, requests for sexual contact, and other verbal, physical, or visual conduct of a sexual nature constitute sexual harassment when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's academic, co-curricular, or student life activities;
- Submission to or rejection of such conduct by an individual is used as the basis for academic or student life decisions affecting that individual;
- Such conduct is intentional, serves no legitimate purpose, and involves contact with parts of another individual's body that may cause that person to feel degraded or abused;
- When the behavior is for the purpose of gratifying the actor's sexual desire; or
- Such conduct has the effect of unreasonably interfering with another person's academic performance or creating an intimidating, hostile, demeaning, or offensive campus or living environment.

**Gender-Based Harassment:** Acts of aggression, intimidation, stalking, or hostility based on gender or gender stereotyping constitute gender-based harassment. Gender-based harassment can occur if students are harassed either for exhibiting what is perceived as a stereotypical characteristic of their gender or for failing to conform to stereotypical notions of masculinity or femininity. To constitute harassment, the conduct must unreasonably interfere with another person's education or participation in educational programs or activities or create an intimidating, hostile, demeaning, or offensive academic or living environment.

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

- All individuals and groups of individuals, not just a Respondent or Complainant, are prohibited from engaging in retaliation. Retaliation can refer to actions or threatened actions by any individual, including students and others who are not engaged with the Office..
- Retaliation includes threatening, intimidating, harassing, or any other conduct that would discourage a reasonable person from engaging in activity protected under this Policy, such as seeking services; receiving protective measures and accommodations; reporting gender-based misconduct; or participating in an

investigation or adjudication as a Complainant, Respondent, Witness, Third-Party Reporter or Advisor.

- Retaliation includes maliciously and purposefully interfering with, threatening, or damaging the academic or professional career of another individual, before, during or after the investigation and resolution of a report of gender-based misconduct under this Policy..
- Retaliation may also include violations of a no contact directive and/or other interim measures put in place during the course of an investigation.
- This provision does not apply to reports made or information provided in good faith, even if the facts alleged in the report are determined not to be accurate.
- If the alleged retaliation occurs during the course of an investigation and occurs between the Complainant and the Respondent, these allegations may be investigated separately through the Dean's Discipline process or folded into the pending investigation, based on the circumstances of the allegation.
- Allegations of retaliation by other parties, i.e., not between the Complainant and the Respondent, will be investigated separately by the Office when the allegations involve gender-based misconduct. Any other allegations of retaliation will be investigated and adjudicated through the Dean's Discipline process.

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

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

## B. Resolutions

This section provides additional information about the types of resolutions discussed beginning on page 17.

**Complainant declined to identify a respondent and/or declined to provide significant detail to support an investigation; no further investigation was conducted – complainant offered support by the Gender-Based Misconduct Case Manager:** In these cases the Gender-Based Misconduct Office evaluated the facts presented, weighed the complainant's request with the University's commitment to provide a safe and non-discriminatory environment, and determined that no further action was required. Case Management continued to assist the complainant in identifying appropriate campus and other resources.

**Complainant did not know the identity of a respondent and/or the respondent was a non-affiliate; no further investigation was conducted – complainant offered support by the Gender-Based Misconduct Case Manager:** In these cases the Gender-Based Misconduct Office evaluated the facts presented, weighed the complainant's request with the University's commitment to provide a safe and non-discriminatory environment, and determined that no further action was required. Case Management continued to assist the complainant in identifying appropriate resources, on and off campus.

**A complaint was submitted by a third party but the identified complainant reported that no sexual assault occurred and/or did not corroborate this complaint; no further investigation was conducted – complainant offered support by the Gender-Based Misconduct Case Manager:** A third-party report was submitted to the Gender-Based Misconduct Office by someone who was not the complainant. This may have been a faculty member, residential-life staff member, advising dean, student, etc. In these cases the Gender-Based Misconduct Office evaluated the facts presented, weighed the complainant's request with the University's commitment to provide a safe and non-discriminatory environment, and determined that no further action was required. Case Management continued to assist the complainant in identifying appropriate resources, on and off campus.

**Behavior described by reporting individual did not meet the definition of a violation of the Gender-Based Misconduct Policy for Students:** This category describes reports where, after accepting the complainant's report as true and accurate, the Gender-Based Misconduct Office determined that the behavior described was not gender-based misconduct under the Policy. The complainant was notified of the Gender-Based Misconduct Office determination, including that no further action would be taken and that the matter would be closed. These matters were referred to a partner office for adjudication and/or follow up.

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

**Mediation:** For a case to be resolved in this manner, the complainant, respondent, and the Gender-Based Misconduct Office must agree that mediation is appropriate for resolving the allegations. If there is an agreement by all involved parties that is approved by the Gender-Based Misconduct Office, the matter would be closed. Case Management continued to assist the complainant and respondent in identifying appropriate resources, on and off campus. Examples of resolutions are: a "no contact" directive, letter of apology, an accommodation to support or

protect a student, education of a respondent relevant to the alleged misconduct, restriction from extra-curricular activities, and change in housing assignment. Complainants and respondents may opt out of participating at any time and engage the investigative process. As noted earlier, reported allegations of sexual assault cannot be resolved through alternate resolution or mediation.

**Respondent accepted responsibility for the violation of the Policy or indicated no contest of the recommendations of the Investigative Team:** Under the terms of the September 2016 Policy, after a review of the Investigative Report, the respondent was given the opportunity to respond to the alleged violation(s) of Policy in the following ways: (1) no response; (2) not responsible; (3) responsible; or (4) no contest. If the respondent accepted responsibility or indicated no contest of the findings, the Sanctioning Officer of the respondent's school was notified and determined the appropriate sanction based on the evidence provided in the Investigative Report. The complainant and respondent were informed of the sanctioning decision and the respondent and complainant then had the opportunity to appeal the sanctioning. The acceptance of responsibility or indication of *no contest*, however, is not appealable.

### C. Other Words and Phrases

**Accommodations/Interim Measures:** The accommodations discussed in this Report are measures that were put into place by the Gender-Based Misconduct Office to support and protect a student after a report of an incident of gender-based misconduct. Students may request an accommodation outside of the investigative and disciplinary process. (The term "interim measures," sometimes used interchangeably with "accommodations," refers to measures effectuated during the course of an investigation or disciplinary proceeding.) Under appropriate circumstances, accommodations may include, but are not limited to: moving a student's residence; adjusting a student's work schedule for University employment; changing a student's academic schedule; allowing a student to withdraw from or retake a class without penalty; providing access to tutoring or other academic support; and issuing a "no contact" directive. The Gender-Based Misconduct Office will evaluate any request for accommodations in light of the circumstances and information available at the time of the request. The University will reveal information about the accommodations only to those who need to know in order to make them effective. Failure to comply with the parameters of any accommodation by a party is a violation of University policy and may lead to additional disciplinary action. The policy also has procedures in place so that students may challenge or adjust the terms of any accommodations, as appropriate.

**Appeals:** Under the terms of the September 2016 Policy, an appeal is a request, by either the respondent or the complainant, to a panel of deans including the dean of the respondent's school to review and change the responsibility determination of the hearing panel and/or the sanction(s) applied. The three grounds for appeal are: 1) A procedural error affecting the determination or sanction; 2) New information that was not available at the time of the investigation or hearing and that may change the determination or sanction(s); and 3) Excessiveness or insufficiency of the sanction(s). Disagreement with the finding or sanction(s) is not, by itself, a ground for appeals. If the three-dean panel concludes that a change in the hearing panel's determination is warranted, the panel may enter a revised determination, reconvene the panel to reconsider the determination, or return the matter for additional investigation. The panel may also change the sanction.

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

**Hearing panel:** The hearing panel determines whether the respondent is responsible or not responsible for a violation of the Gender-Based Misconduct Policy for Students. If the respondent declines responsibility or chooses not to respond after receiving the investigative report, a hearing panel is convened.

**Investigation:** An investigation is the fact-finding process that commences following the receipt of a report of gender-based misconduct by the Gender-Based Misconduct Office.

**Preponderance of the evidence/Findings of responsibility:** The Investigative Team and Hearing Panel uses “preponderance of the evidence” as the standard of proof to determine whether a Policy violation has occurred. Preponderance of the evidence means that a panel must determine, based on the information provided, that a Policy violation was more likely than not to have occurred in order to find a student responsible for violating the Policy. The Hearing Panel will find a student responsible or not responsible based on a majority vote. The Hearing Panel’s decision includes an explanation of the basis of the decision.

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

**Sanctions:** Sanctions are disciplinary actions taken when a student is found responsible or accepts responsibility for violating the Gender-Based Misconduct Policy for Students. A student found responsible for violating the Policy may be subject to sanctions including, but not limited to, reprimand/warning, disciplinary probation, suspension, and expulsion. A student may also be barred from certain University facilities or activities, or required to participate in educational programming.

**Student Currently Unenrolled:** A currently unenrolled student is a matriculated student at the University who is on leave (e.g., personal, medical, academic, disciplinary leave) from the University.

**Undisclosed student:** An undisclosed student is a student whose identity is known by the complainant or a third-party reporter, but is not disclosed to the Gender-Based Misconduct Office.

**Unknown student:** An unknown student is a student whose identity is not known to the complainant or a third-party reporter.



## VII. UPDATE TO 2015-16 CASES

The Gender-Based Misconduct Office resolved a number of cases that were designated as “ongoing” in the 2015-16 Report. The table below is from pages 17-18 of the 2015-16 Report and is updated here to reflect these resolutions.

	Sexual Assault: Non-Consensual Sexual Intercourse	Sexual Assault: Non-Consensual Sexual Contact	Sexual Assault: Type Not Specified by Complainant
Respondent accepted responsibility or indicated no contest to the recommended findings	1	1	-
Respondent not currently enrolled at the University <sup>15</sup>	-	-	1
Complaint formally resolved: finding of responsibility	2	1	-
Complaint formally resolved: finding of no responsibility	6	1	-

	Domestic Violence	Dating Violence	Sexual Exploitation	Sexual Harassment	Gender- Based Harassment	Stalking <sup>16</sup>
Behavior described by reporting individual did not meet the definition of a violation of the Gender-Based Misconduct Policy for Students; case referred to a partner office for adjudication and/or follow up.	1	2	1	5	2	-
Behavior described by reporting individual may be a violation of the Gender-Based Misconduct Policy for Students but not a sexual assault; case resolved via an alternate Resolution and/or Mediation.	-	3	-	10	3	4
Respondent not currently enrolled at the University.	-	-	-	1	-	-
Complaint resolved after a hearing: finding of no responsibility	-	1	-	-	-	-

<sup>15</sup> The respondents in these cases are not present on campus. Investigation and disciplinary proceedings will be reinstated if any of these respondents were to return to the University.

<sup>16</sup> There was one ongoing allegation of Stalking noted in the prior year’s report. Ultimately, the complainant did not provide sufficient detail to support an investigation, therefore a formal investigation was not conducted.

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