

**Columbia University Student Affairs Network**  
**Title IX: Sexual Misconduct and Dating Violence**  
**Required Reporting**

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- Title IX Coordinator, Columbia University since June 2016
- Consultant to colleges and universities on the issues of sexual assault and domestic violence from 2013-2016
- Served as Bureau Chief of the Queens District Attorney's Office Special Victims Bureau for over 23 years
- Investigated and supervised thousands of sexual assault, abuse and harassment cases and trained and educated innumerable attorneys, law enforcement officers, students, parents, faculty, health care professionals and the public at large
- Published The Prosecutor's Manual for Sex Crimes, a how-to guide for investigating and prosecuting sexual assaults
- Served on the New York State Children's Justice Task Force, the New York City Mayor's Committee on Child Abuse and the Mayor's Sex Crimes Task Force
- Adjunct Professor of Law at St. John's University Law School
- Graduate of Indiana University and George Washington University's National Law Center
- National consultant on Title IX issues



How did we become  
“responsible  
employees” with a  
“Duty to report?”

Anyone know what  
Title IX is?



## A review: Title IX. . . *The Beginning*



## For example...Title IX and the Women's World Cup in Soccer



Between the year Title IX was passed (1972) and the first Women's World Cup (1991), the sport saw a 17,000% increase in U.S. girls playing on high school soccer teams, according to the National Federation of High School Assns.



## Title IX, from Obama until 2017

- Title IX required that university policies prohibit certain behaviors and requires that colleges and universities do their best to ensure a “harassment-free environment.”
- “When a school knows or reasonably should know of possible sexual violence, it must take immediate and appropriate steps to investigate or otherwise determine what occurred. Investigations must be prompt, thorough, fair, impartial and equitable.
- If the investigation reveals...a hostile environment, the school must then take prompt and effective steps reasonably calculated to end the sexual violence, eliminate the hostile environment, prevent its recurrence, and, as appropriate, remedy its effects.

Now? **She is gone, but her rules are still here.**

Education

## Betsy DeVos announces new rules on campus sexual assault, offering more rights to the accused



*DeVos's Rules Bolster Rights of Students  
Accused of Sexual Misconduct*

The New York Times

The Washington Post  
Democracy Dies in Darkness

## Title IX 2.0...

### AN INTRODUCTION TO COLUMBIA'S GENDER-BASED MISCONDUCT & INTERIM TITLE IX POLICIES FOR STUDENTS

#### An Introduction to 2 Policies

On May 19, 2020, the U.S. Department of Education issued new regulations that restrict the types of gender-based misconduct prohibited under Title IX, the federal law that prohibits sex discrimination in education. These regulations do not cover all types of gender-based misconduct 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** and the **Gender-Based Misconduct Policy**.

- The Interim Title IX Policy covers the conduct and procedures addressed by the federal regulations.
- The Gender-Based Misconduct Policy has been in place at Columbia for many years; it has now been updated to cover gender-based misconduct that falls outside of the new federal regulations.
- Both are effective as of August 14, 2020.

#### HOW TO REPORT AN INCIDENT

You can make a report online at [sexualrespect.columbia.edu](https://sexualrespect.columbia.edu), in person, by mail, email ([titleix@columbia.edu](mailto:titleix@columbia.edu)), or phone. You do not need to know which policy might apply; Columbia's Title IX team will handle that.

#### IMPORTANT POINTS ABOUT THE POLICIES



**Off-Campus Gender-Based Misconduct** will continue to constitute a violation of University policy under the Gender-Based Misconduct Policy.



**Supportive Measures**, including no-contact directives, housing changes, and other accommodations, will continue to be available with or without an investigation or adjudication.



**Resolutions** that are not punitive or disciplinary in nature will continue to be available options under each of the Policies.



Students who are parties in any gender-based investigation or adjudication will have **access to attorneys to serve as advisors at no cost**.



**Live hearings**, including the use of remote technology, will continue to be provided for the adjudication of any gender-based misconduct cases and will be required for any case reviewed under the Interim Title IX Policy.



**Questioning** during an investigation and adjudication will take the form of live cross examination under the Interim Title IX Policy. The questioning will be monitored by a Hearing panel and must follow our Rules of Decorum. Questioning will continue to occur through an Investigative Team or Hearing Panel under the Gender-Based Misconduct Policy.



## From 2020, ....

- All types of gender-based misconduct are prohibited and addressed at Columbia, both on and off campus.
- Faculty and staff still are responsible for connecting students who may have experienced gender-based misconduct to our resources by reporting incidents via the Sexual Respect or EOAA websites or to [titleix@columbia.edu](mailto:titleix@columbia.edu). In other words, we are still mandatory reporters.
- Specially trained staff in SCCS and EOAA provide individualized assistance to help students, faculty, and staff understand the options available for addressing concerns and incidents, as well as supportive resources on and off campus.
- Supportive measures, such as no-contact directives, housing changes for students, and other accommodations, continue to be available with or without a formal complaint.
- Mediation and other non-disciplinary resolutions will continue to be available when appropriate.

Biden won.

NEWS

DECISION2020

GA Special

GA Senate

Senate

State results

President

House

2020 ELECTION

## Biden wants to scrap Betsy DeVos' rules on sexual assault in schools. It won't be easy.

The Trump administration's Title IX regulations prioritize students accused of sexual misconduct instead of their accusers, victims' advocates say.

HIGHER ED DIVE Deep Dive Opinion Library Events Topics

## Biden said he wants to undo DeVos' Title IX rule. How would he replace it?

Revoking the regulation would not be easy, and colleges would need guidance for addressing campus sexual assault in the interim.



The Harvard Crimson

## Biden Administration Expected to Reverse DeVos's Title IX Regulations, Legal Experts Say

*In early May 2020, former Secretary of Education Betsy D. DeVos released a controversial Title IX rule that drummed up controversy, criticism, and confusion at Harvard and beyond. How will the incoming Biden administration deal with the rule?*

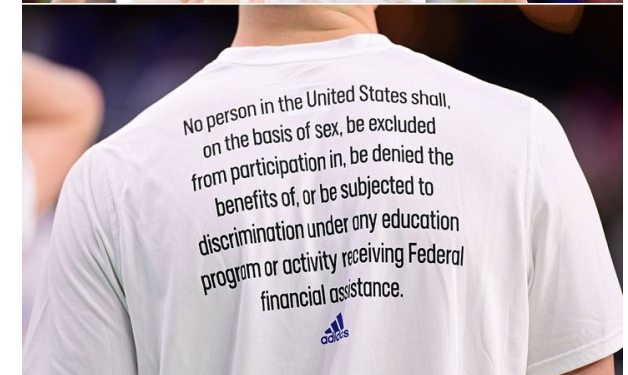
BY JESSICA LEE AND CHRISTINA T. PHAM

8 hours ago





## Proposed Title IX 3.0 announced on the Anniversary of Title IX....





By –  
**Collin  
Binkley,**  
**Associated  
Press**

Leave your  
feedback

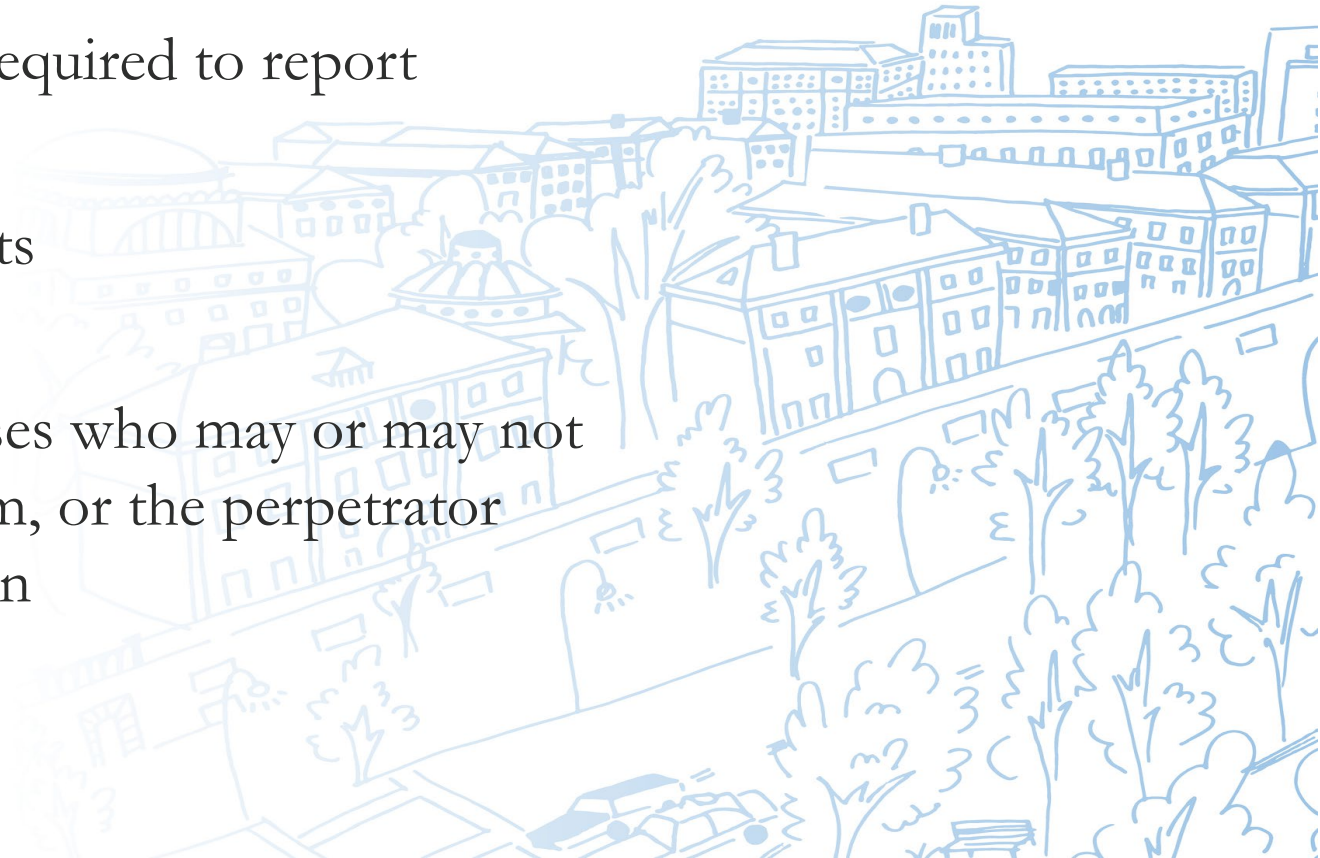
Share ...

# Biden administration proposed new Title IX protections for campus sexual assault

Upshot:  
Even with Trump regs,  
we still have “The Duty  
to Report:”  
What you need to know.

## How do we find out when these things happen?

- Reports by victim
- Reports by those required to report
- Anonymous reports
- Reports by witnesses who may or may not have told the victim, or the perpetrator what they have seen





## Columbia's Policy: Reporting Misconduct when Students are Involved

### →Duty to Report

- The University **requires Columbia employees** to report to EOAA any instance or allegation of prohibited conduct involving **any undergraduate or any graduate student** that is disclosed to, observed by, or otherwise known to that employee whether or not the student is a potential Complainant or Respondent and whether or not the student has any formal connection to the employee.
- Faculty, Officers of Administration, Research Officers, Officers of the Libraries, coaching staff and other staff who work directly with students (e.g. teaching assistants, advising staff, and residential program staff) have an obligation to immediately report harassment, discrimination, and gender- based misconduct involving undergraduate and graduate students.
- This requirement to report is in place to help ensure that students are provided appropriate resources and to allow the University to mitigate harm to our community. Failure to report is a violation of University Policy.

## Who?

- Who Exactly?



Who?

The Egg guy? The custodian?

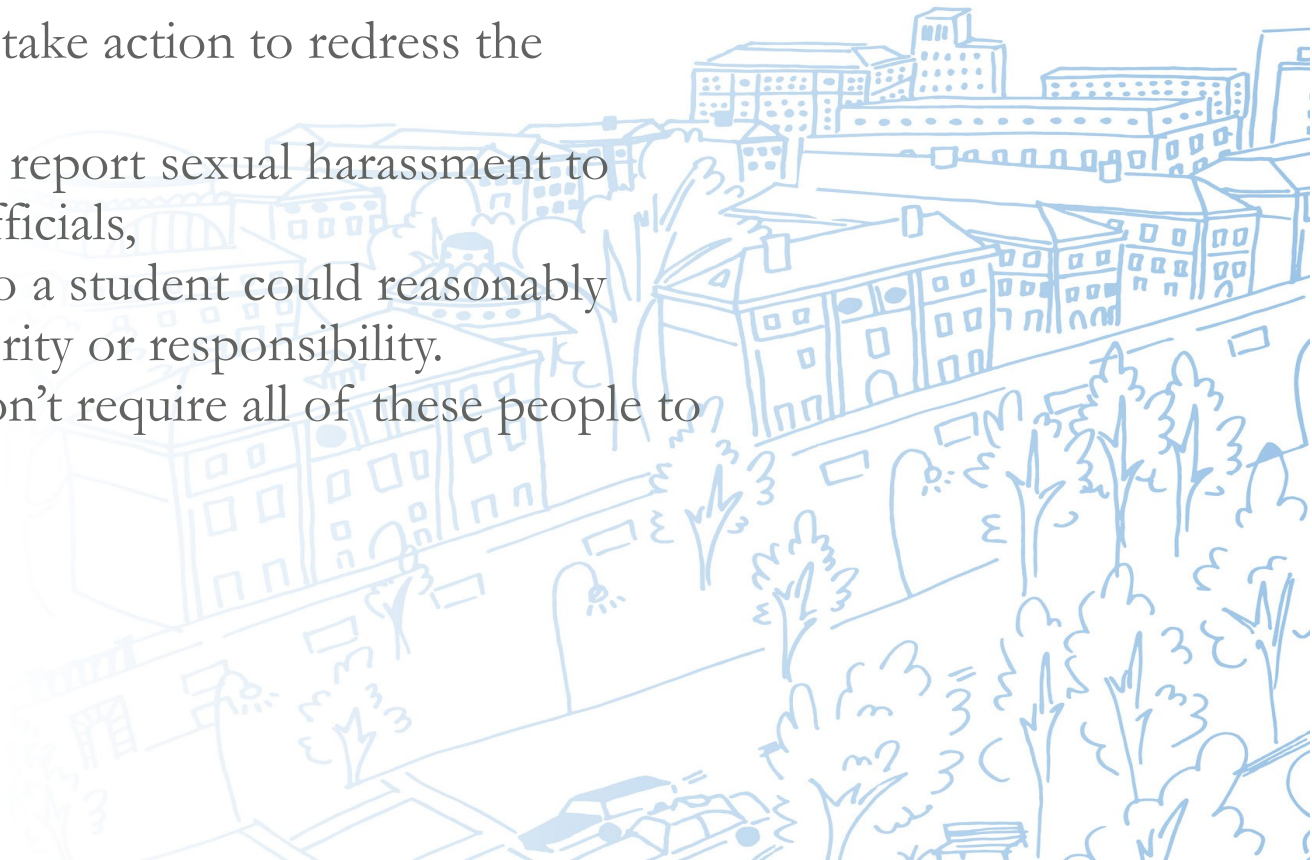
The President of a University?





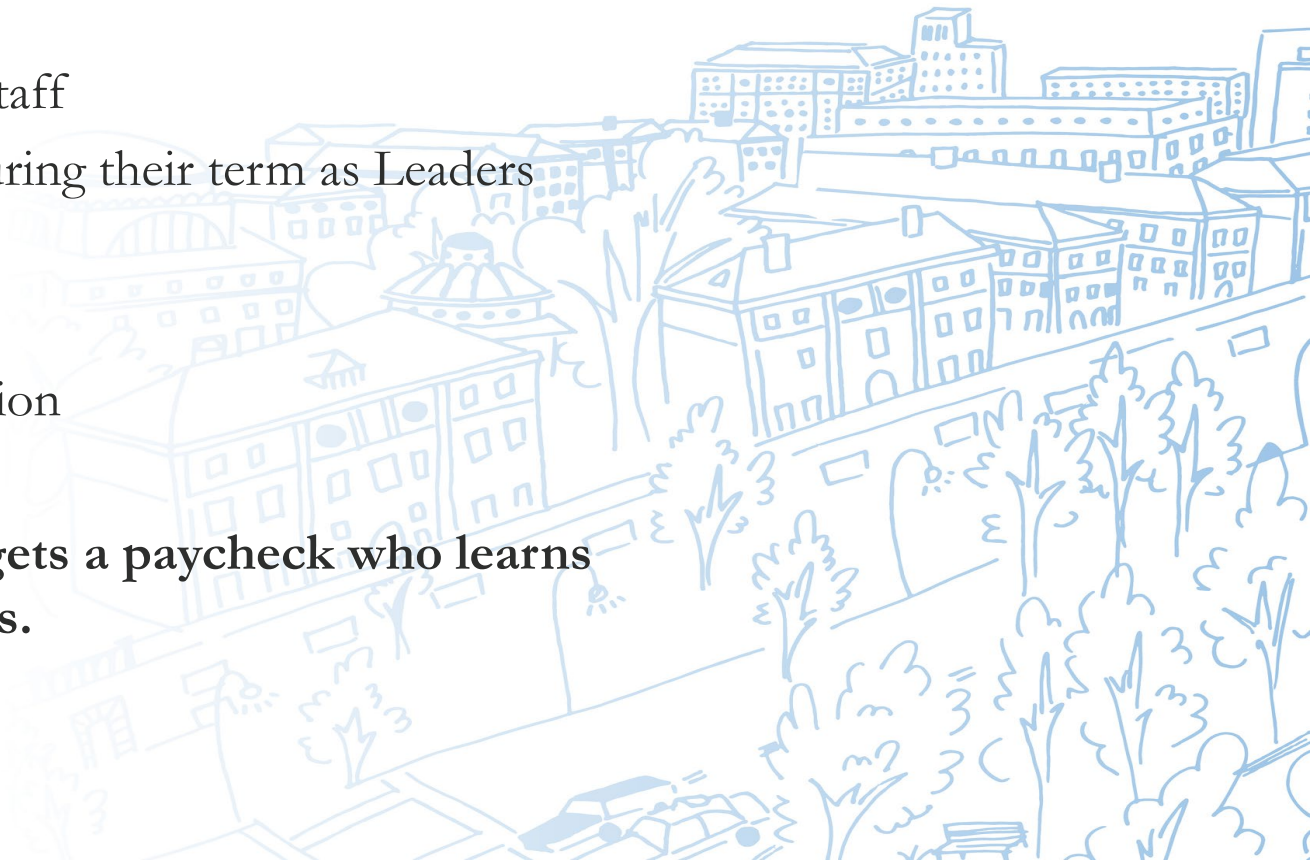
## Those student facing employees are called “Responsible Employees”

- At Columbia, Responsible employees include any employees **who:**
  - have the authority to take action to redress the harassment,
  - who have the duty to report sexual harassment to appropriate school officials,
  - or are individuals who a student could reasonably believe has this authority or responsibility.
  - DeVos regulations don’t require all of these people to report.
  - **We do.**



## Who are Responsible Employees?

- Academic Advisors
- Student affairs staff
- RAs
- Student Peer Mentor Staff
- Orientation Leaders during their term as Leaders
- Admissions Staff
- Deans
- Officers of the institution
- **Faculty and TAs**
- **Or anyone else who gets a paycheck who learns of something like this.**



In your capacity as an Student Affairs Professional, you have a duty to report any instance or allegation of discrimination, discriminatory harassment, or gender-based misconduct you encounter, or are made aware of.





# Columbia's policies: What type of behavior, exactly, is prohibited and therefore reportable?

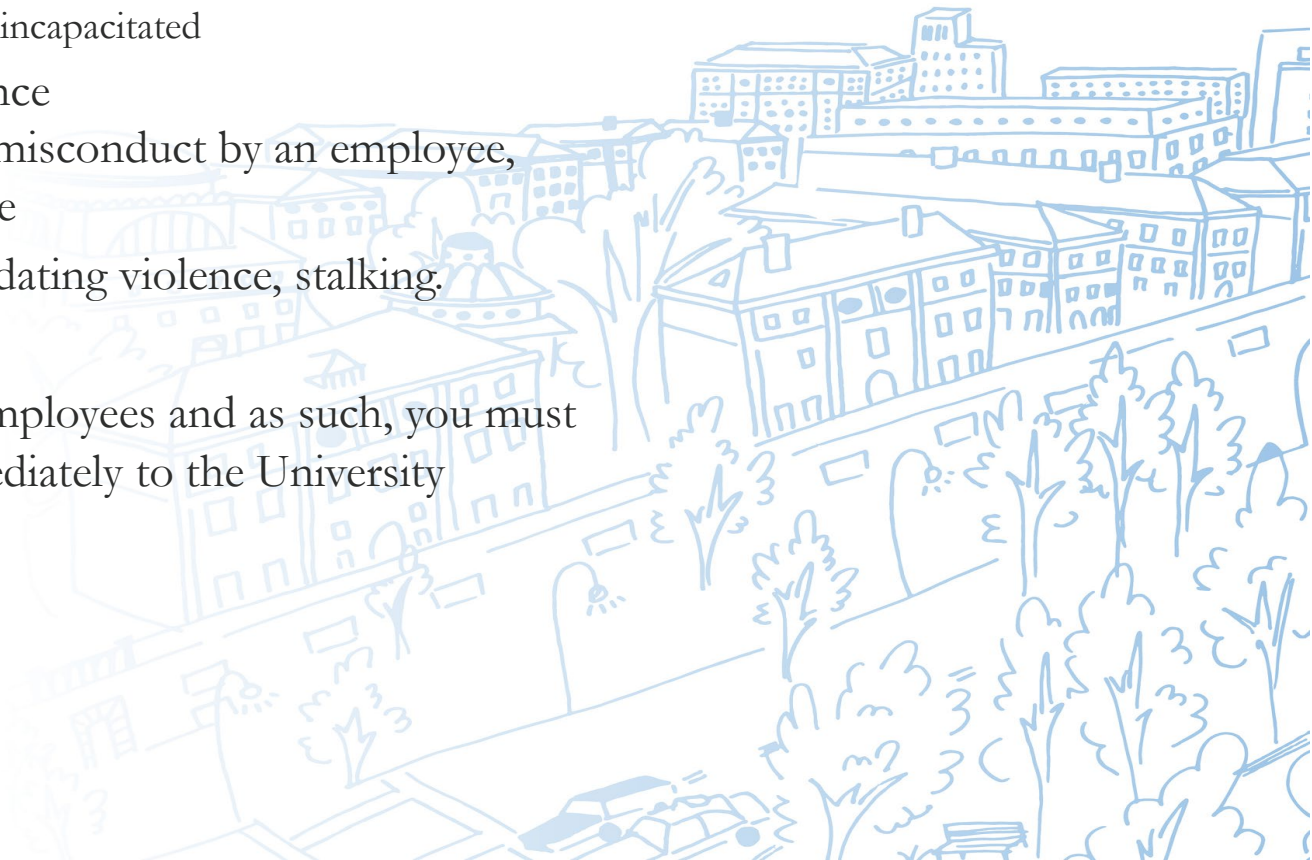
You can find all policies – and the GBM/ Interim Title IX Policy--and all resources and policies on Columbia's Sexual Respect website

[www.sexualrespect.columbia.edu](http://www.sexualrespect.columbia.edu)



## What must be reported?

- Any of the following cases involving students:
  - Sexual assault
    - Without affirmative consent
    - When someone is incapacitated
  - Gender-based violence
  - Sexual harassment/misconduct by an employee, towards and employee
  - Domestic violence, dating violence, stalking.
  - Discrimination
- You are responsible employees and as such, you must refer these cases immediately to the University





# Sexual Respect

Get Help  
& Support

Sexual Respect  
Initiative

University Policy

Learn More

Get  
Involved

Report an Incident

## Sexual Respect is a **commitment**.

It is a commitment to communicating and acting with integrity and respect for others.



The Sexual Respect and Community  
Citizenship Initiative (SRCCI)

## Resources, and definitions too.



### Sexual Violence Response (24/7/365)

**Call (212) 854-4357 (HELP)** to connect with survivor advocates for trauma-informed rape crisis/anti-violence support, including accompaniment to the hospital, police, or to other resources. SVR also offers prevention education.

[Learn more.](#)

**Confidential**



### Counseling Services

Get trauma support and short-term counseling, referral for ongoing mental health services, and/or introduction to student support groups.

[Learn more.](#)

**Confidential**



### Public Safety (24/7/365)

**Call (212) 854-5555** when you need emergency response, security escorts or assistance with law enforcement.

[Learn more.](#)

**Not Confidential**



### Student Conduct and Community Standards

Receive help in seeking academic and other accommodations, and guidance through the complaint, investigation and adjudication process.

[Learn more.](#)

**Not Confidential**

For more resources, click [here](#).

## Terms and Definitions

### Affirmative Consent

Affirmative consent is a knowing, voluntary and mutual decision among all participants to engage in sexual activity. The definition of consent does not vary based on a participant's sex, sexual orientation, gender identity, or gender expression.

### Incapacitation

A person who is incapacitated cannot make a rational, reasonable decision, lacks the ability to understand his or her decision, and may be unconscious, asleep, involuntarily restrained, or have a disability that impedes consent. Under New York State law, a person under the age of 17 lacks the capacity

### Confidential/Non-Confidential Resources

Confidential resources do not share identifying information with anyone. Non-confidential resources disclose information only when necessary to get students additional services or to protect community safety.

### Bystander Intervention

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.

What do I do when a student approaches me and I think they may want to confide something like this?





**A student comes to me, tearful, says they need a few minutes to talk about something that happened last night...**

- You can anticipate what is coming
- Explain your responsibility to report
- Complainant says he/she wants confidentiality...direct the victim to confidential resources here.
- If the victim says he/she wants to report, and wants something done, but wants confidentiality, tell the victim that their request will be considered, but no guarantees.
- Private, but may not be totally confidential.





## Confidentiality....From our Policy

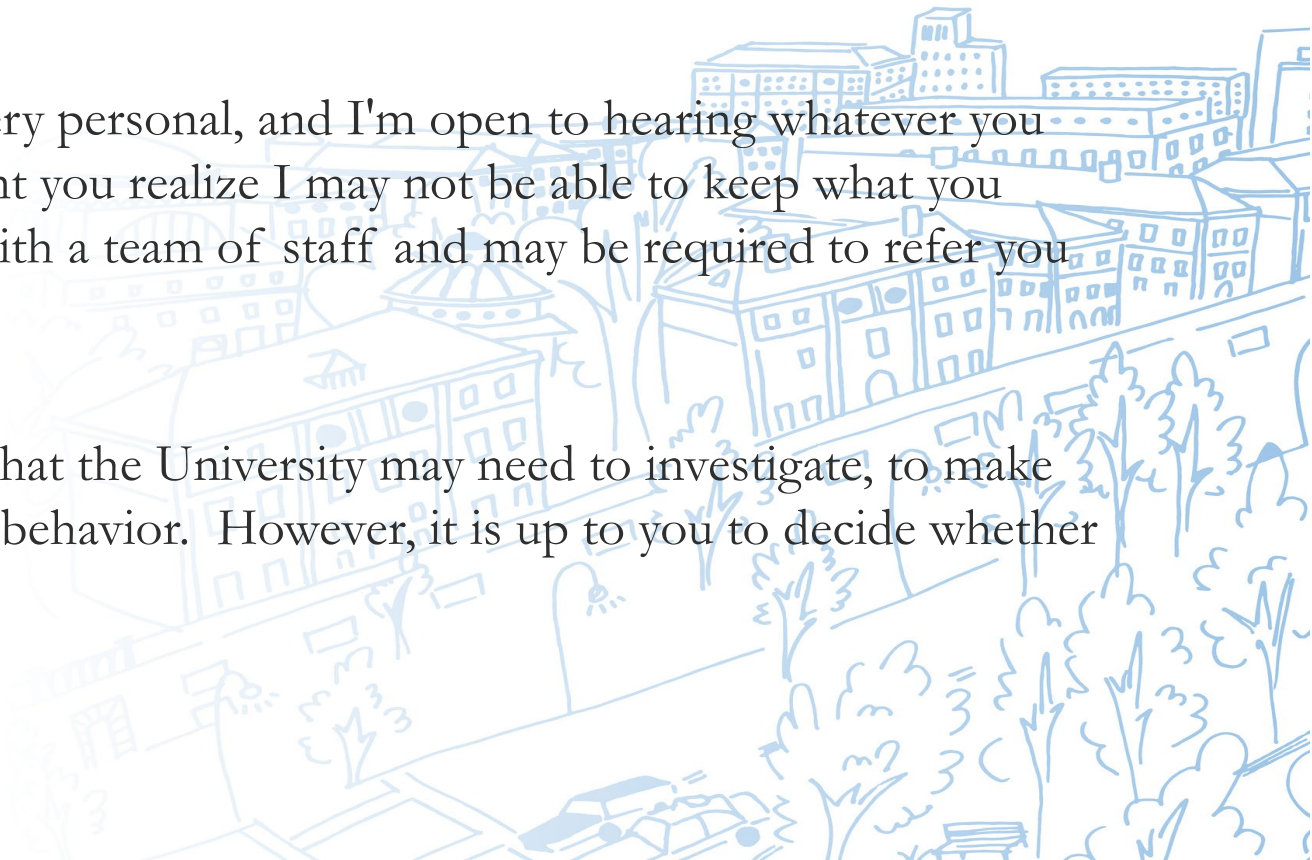
We are not confidential..... but will protect students' privacy to the greatest extent possible and share information with other staff only on a need-to-know basis.

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.

- 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.

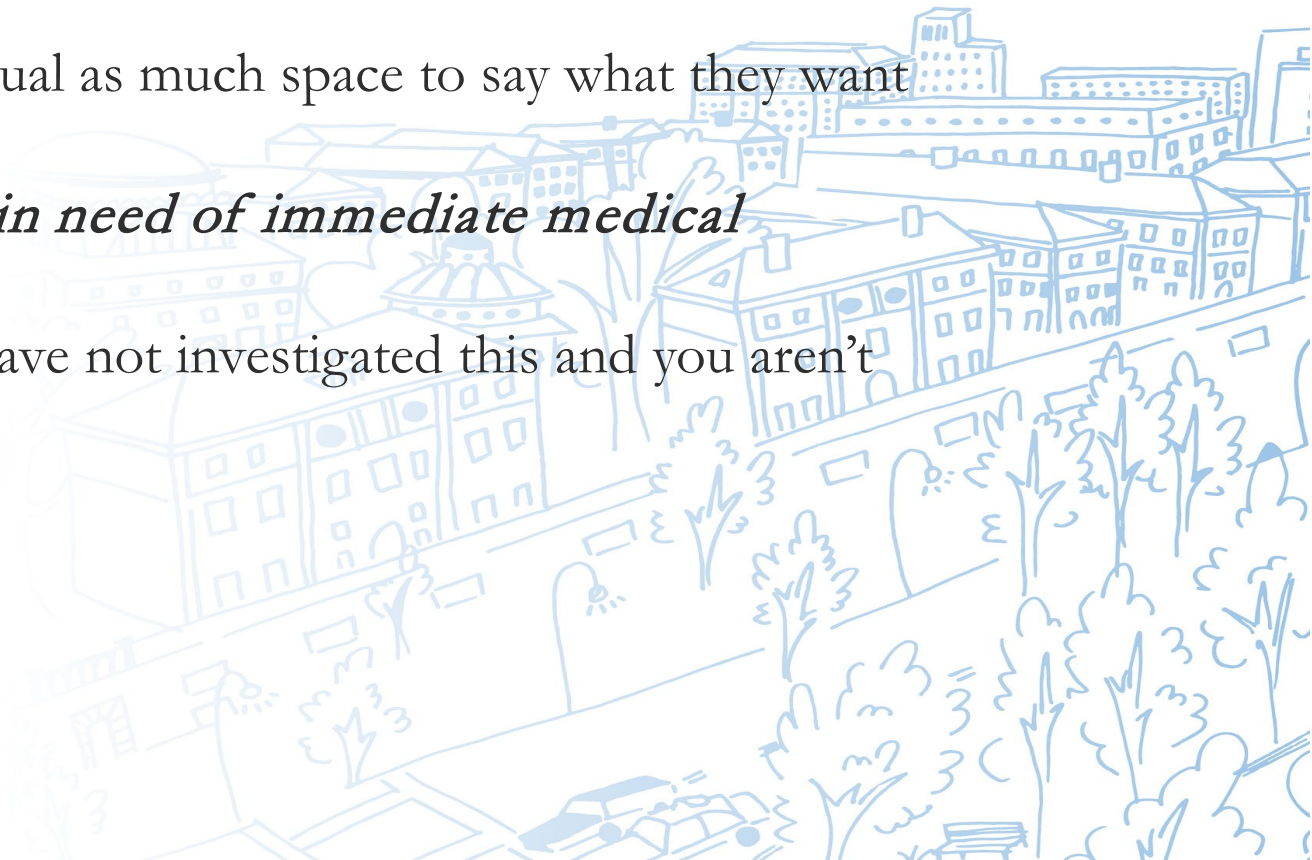
## How do we explain this?

- As you get to know me as [your role] it's important that you understand my role with respect to this information. I am someone who is required to share information when disclosed to me about gender based misconduct or harm to self or others. I'll share with my supervisor or program advisor on a "need to know" basis in the hopes of getting you the most appropriate referral or resources."
- "It seems you may be about to share something very personal, and I'm open to hearing whatever you are comfortable sharing with me- it's just important you realize I may not be able to keep what you share with me just between you and me. I work with a team of staff and may be required to refer you to appropriate resources."
- "Depending upon what you tell me, it is possible that the University may need to investigate, to make certain that you, and others are not at risk for this behavior. However, it is up to you to decide whether or not to participate."



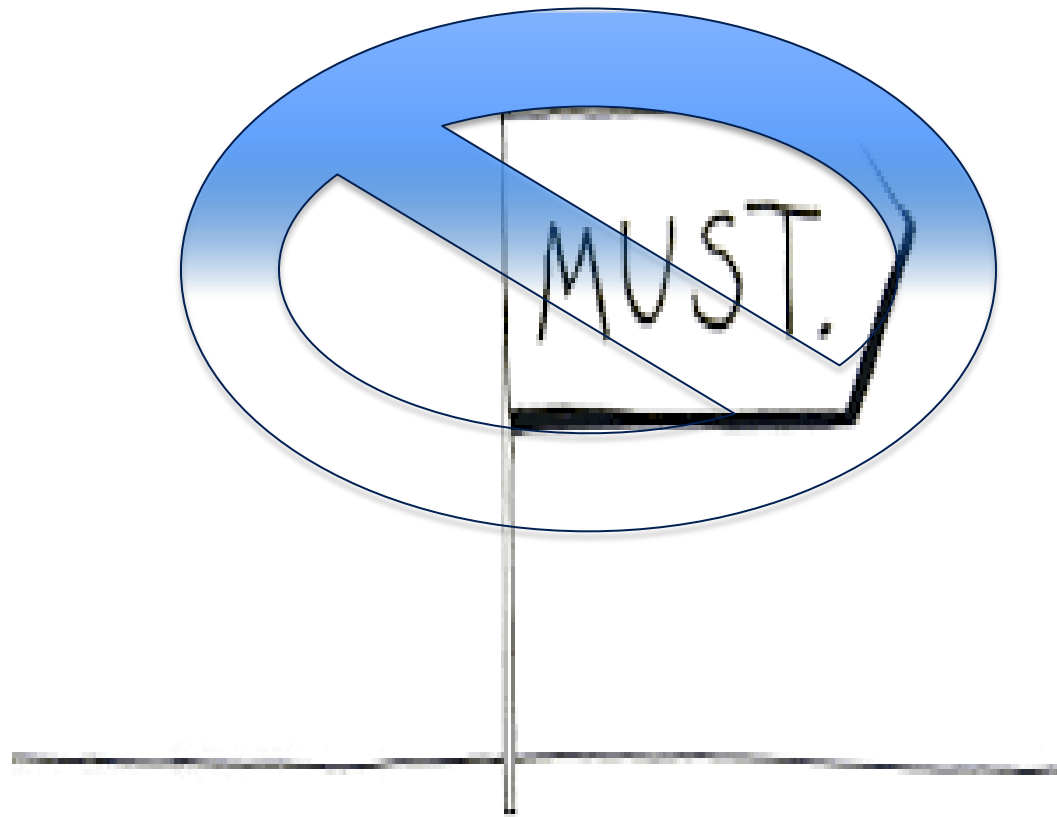
## Support

- ***Be patient***, as it may be difficult for someone to talk about what has happened.
- ***Be compassionate*** even if you do not fully comprehend all that someone is trying to tell you.
- ***Be encouraging*** and give the individual as much space to say what they want and need to say in their own way.
- ***If you encounter someone who is in need of immediate medical attention***, call Public Safety or 911.
- ***Make the report***, even though you have not investigated this and you aren't certain....





**DO NOT** tell them **THEY** must report!



## Don't.....

- Refuse to share names of those who say they have been harmed.
- Promise confidentiality.
- Decide not to share because you are worried about taking away “agency.”

## Check Your Assumptions at the Door



The story makes no sense

I know this guy, he's no rapist

I could tell she was making up the whole story just from the way she was acting

YOU ARE NOT THERE TO DO A FULL BLOWN INVESTIGATION!!

Not there to pass judgment.



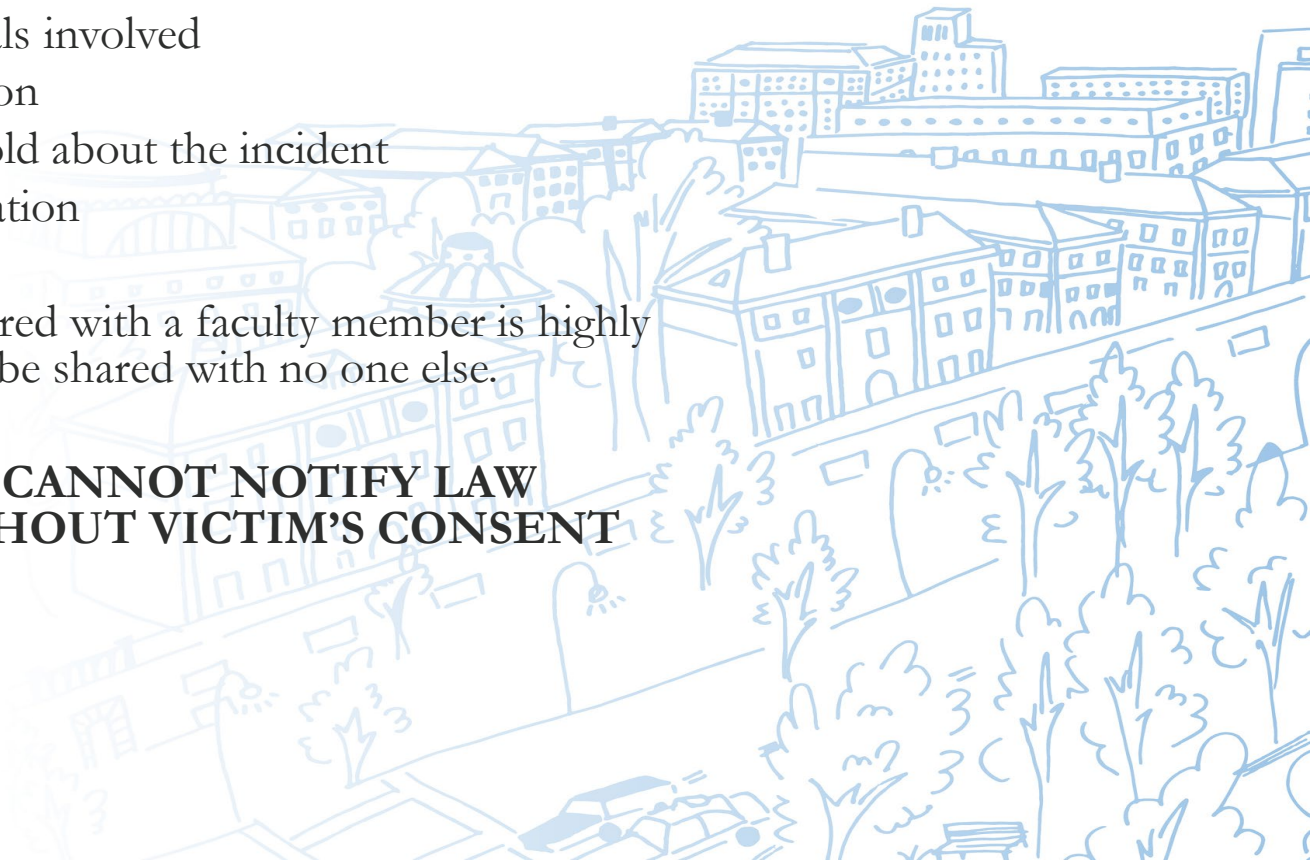


## Make the Call

- **MAKE A REPORT** ([sexualrespect.columbia.edu](https://sexualrespect.columbia.edu)) as soon as possible and no later than 24 hours after you receive the information and relate what you know:
  - Name(s) of individuals involved
  - Date, time and location
  - Anything you were told about the incident
  - Your contact information

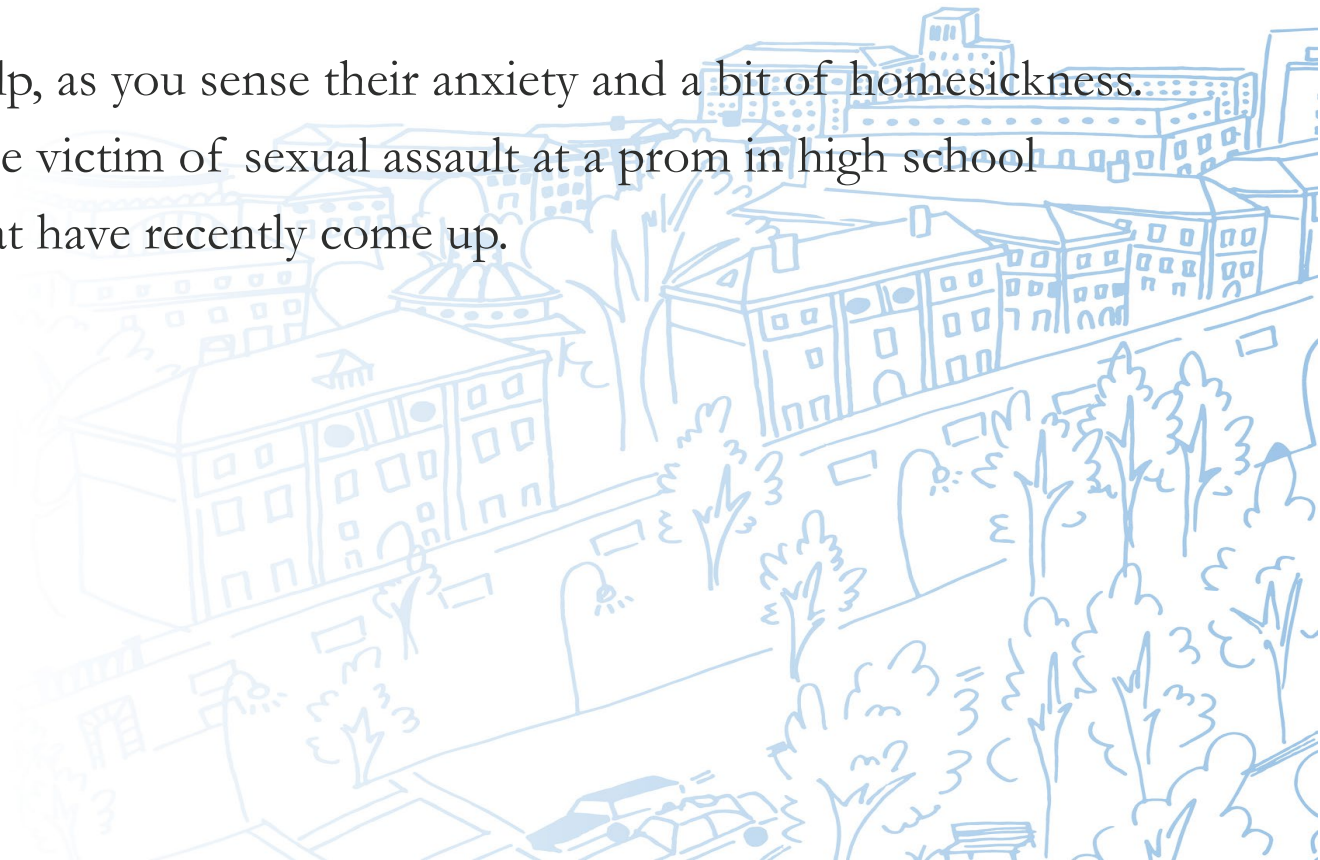
And remember, information shared with a faculty member is highly confidential and should be shared with no one else.

**REMEMBER, YOU CANNOT NOTIFY LAW  
ENFORCEMENT WITHOUT VICTIM'S CONSENT**



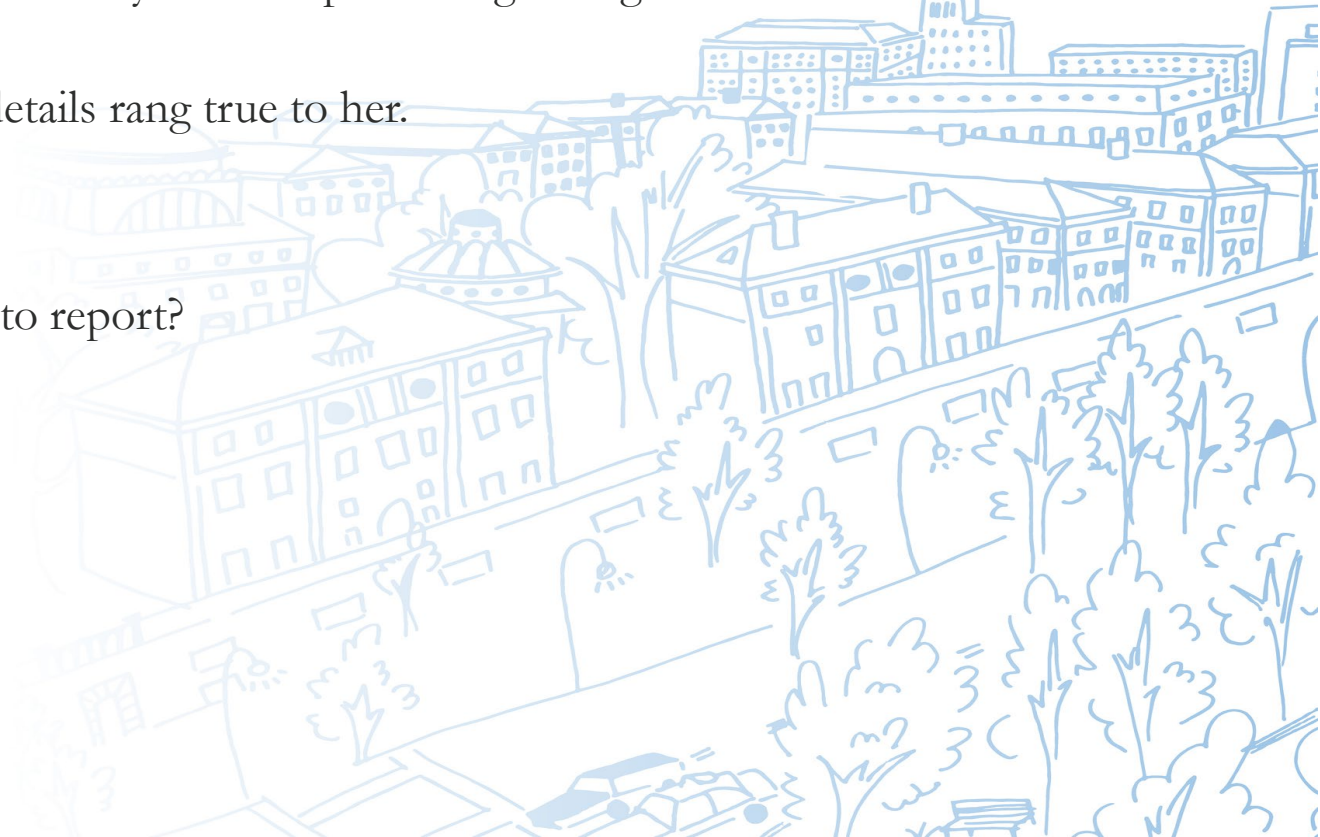
## Report or don't report?

- You are meeting with a first year student and they tell you they are doing okay, but they are having trouble sleeping.
- You ask them if there is anything they can do to help, as you sense their anxiety and a bit of homesickness.
- They tell you that about two years ago, they were the victim of sexual assault at a prom in high school
- They say that they think that some memories of that have recently come up.
- The perpetrator is not a CU student.
- Report?



## Report or don't report? Share the report with the student involved?

- You are chatting with a friend who is a creative writing instructor.
- She shares with you that a student wrote a long and detailed essay about experiencing dating violence at the hands of the main narrator's partner.
- She tells you she is a little worried, because some of the details rang true to her.
- Report?
- Should she tell the student who wrote it that she is going to report?





- A student comes to see you and they are very upset. You see the beginnings of a black eye. They tell you that their partner, also active in student orgs, is engaging in dating violence.
- They share that their partner is really mad. They say they don't want to go home.
- You are really worried; they beg you not to report.
- A part of you wants to call the police.
- Public Safety?
- SVR?
- Can you?
- What should you do?



**Does the student have to participate in a resolution if they are contacted by Gender Based Misconduct Office after a report is made?**



So how do I know what should be reported, and when it is unnecessary?





## Examples of what you need to know to determine if something is reportable:

**Sexual assault.**

**Penetration or contact without  
Affirmative consent = Yes means Yes\***

**How do you know if the other person has consented?**

*Your partner (hook-up, boy/girlfriend, spouse, or any other sexual partner) must clearly indicate, through words or actions, that they are consenting to each type of sexual activity you engage in.*

**Silence or lack of resistance is NOT consent.**

\*For the full definition, see the Sexual Respect website.

## Affirmative Consent: The Bedrock of Columbia's Policy

**Our policy (and New York State Legislation) states:**

“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. 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.”

## What about drinking, drugs and sex? Can there still be consent?



- Someone cannot make rational, reasonable decisions if they are incapacitated by drinking, drugs or anything else. This is because they lack the capacity to give knowing consent (i.e., to understand the “who, what, when, where, why or how” of the sexual interaction)
- If I have had a few drinks, can I still consent? Can my partner consent?
  - It depends! You can be tipsy or intoxicated and **still able to consent**, or incapacitated and almost unconscious, and **unable to consent**. Remember: if your partner has not affirmatively consented, that is sexual assault under Columbia’s Affirmative Consent policy (and NYS law).
- What about “blackout”? “Blackout” doesn’t mean you can’t consent. It means that you can’t remember what happened.
- It’s **NO EXCUSE** to say that you were intoxicated at the time and that you didn’t realize your partner was incapacitated!





### Judge on the hot seat



Judge who gave college rapist 6 months faces backlash  
Dad: 'Price steep for 20 mins. of action' | Pastor: 'Your son's no victim' | Opinion: Rape is a man's issue

# Chanel Miller Short Film: I am with You



- **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 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.



## 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.

## WHAT IS RELATIONSHIP VIOLENCE?



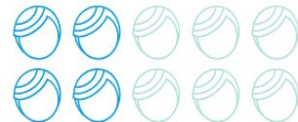
NEARLY

**50%**

OF THESE WOMEN  
AND NEARLY

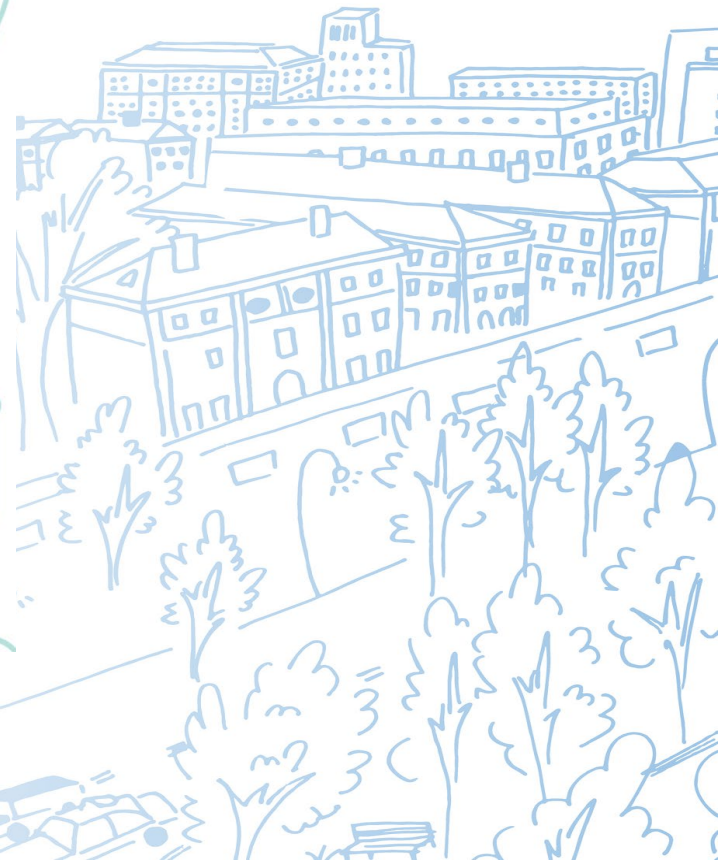
**40%**

OF THESE MEN EXPERIENCE RELATIONSHIP  
VIOLENCE FOR THE FIRST TIME BETWEEN

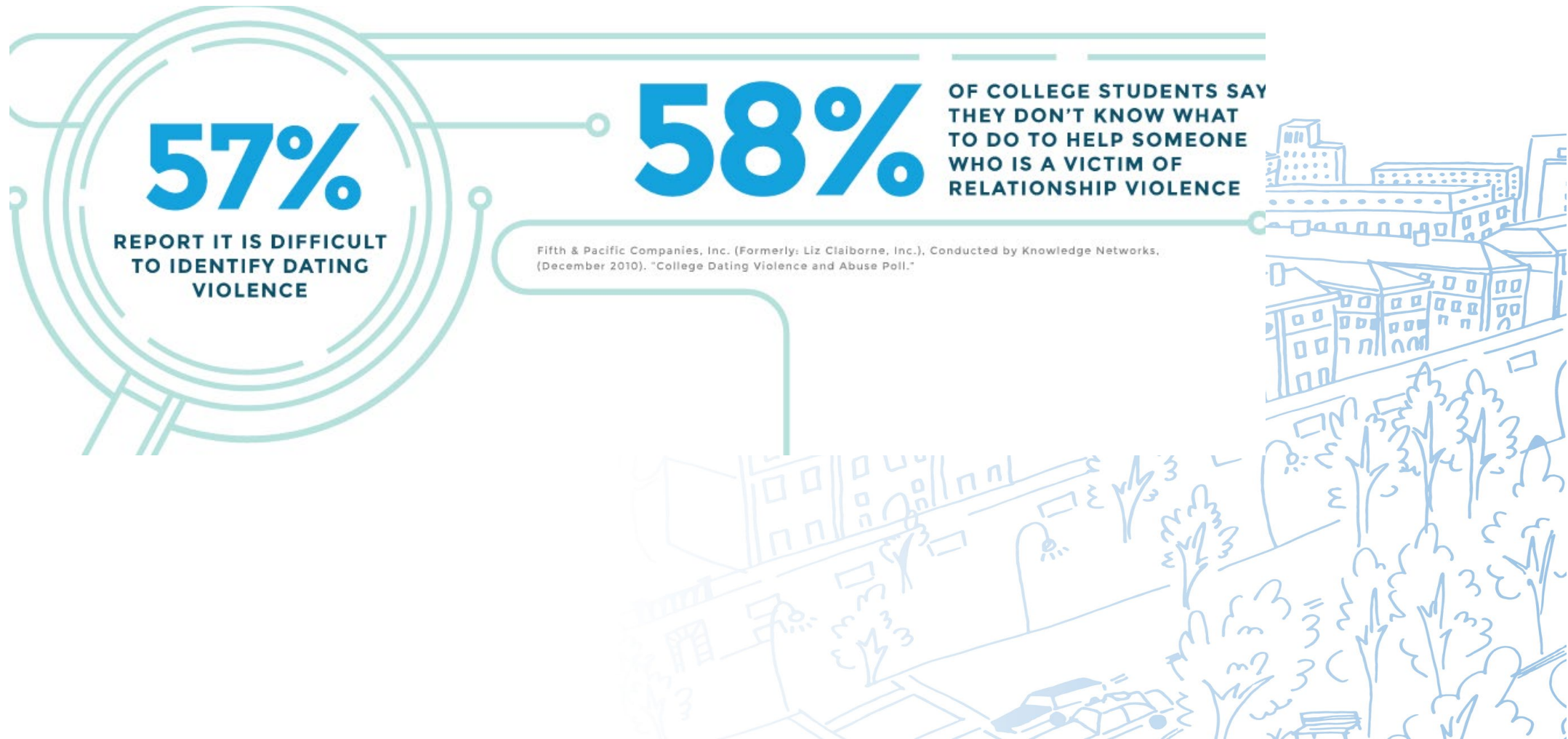


**18-24**

National Intimate Partner and Sexual Violence Survey  
- 2010 Summary Report. National Center for Injury  
Prevention and Control, Centers for Disease Control  
and Prevention



# Dating and Domestic Violence On Campus





# “That Is Not Love”



Because I love you, I want to be your only guy  
Skip class with me. Let's stay in bed today.

Because I love you, I just want to be with you, so frickin'  
much.

Because I love you, I waited you after Chem lab.  
You were walking with Mark?

Because I love you, You shouldn't be hanging out with that  
dude.

You should know how dumb that makes me look  
I don't care if she's your lab partner.

Because I love you, This number – delete!

Because I love you, , this Jason number = delete.

Because I love you, I should smash your phone.

I'll let you give me your password instead.

Because I love you, I will check your texts, every day.

You got lucky, Because I love you,.

Because I love you, You think it's ok.

Because I love you, you understand?

Because I love you, You stopped talking to your  
classmates.

You feel completely alone.

Because I love you.

That's not love.

## Who is out there to help when discrimination other than sexual harassment happens?

**Remember, you must report this, too.**

- EOAA (When the harasser is a staff or faculty member)
- Student Conduct and Community Standards (SCCS)



# Columbia's Discrimination and Harassment Policy

## 1. Resources and Reporting

### Equal Opportunity and Affirmative Action





## EOAA Discrimination and Harassment Policies and Procedures

**Discrimination** - Treating members of a Protected Class less favorably because of their membership in that class; or having a policy or practice that has a disproportionately adverse impact on Protected Class members.

**Discriminatory Harassment** - Subjecting an individual on the basis of her or his membership in a Protected Class to humiliating, abusive, or threatening conduct that:

- denigrates or shows hostility or aversion
- creates an intimidating, hostile, or abusive learning, living, or working environment;
- alters the conditions of the learning, living, or working environment or unreasonably interferes with an individual's academic performance

# Discrimination and Harassment Policy

## Protected Classes

- Columbia University prohibits discrimination and harassment, including:
- sexual harassment,
- on the basis of age,
- alienage or citizenship status;
- arrest or conviction record;
- caregiver status;
- caste;
- color;
- credit history;
- creed; disability;
- familial status;
- gender (sex); gender identity;
- genetic predisposition or carrier status;
- lactation accommodation;
- marital status;
- national origin;

- pregnancy;
- race;
- religion;
- salary history;
- unemployment status;
- sexual or reproductive health decisions; sexual orientation;
- status as a victim of domestic violence, stalking, or sex offenses;
- veteran or active military status;

or any other protected characteristic as established by law. These characteristics are referred to collectively as a “protected class” or “protected classes.”

## What about sexual harassment?

- Frequent question....
- Is this something we should report?
- If so, I am not so sure what it can look like.



## Sexual Harassment: Two kinds

- Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature are prohibited, when:
  - (**Quid Pro Quo**): submission to such conduct is made either implicitly or explicitly a term or condition of an
    - individual's employment or academic experience,
    - or status in a program or activity
    - Or as the basis for an employment decision
  - (**Hostile work or educational Environment**): such conduct has the purpose or effect of
    - interfering with the individual's work or educational experience or performance;
    - of creating an intimidating, hostile, or offensive working or school environment;
    - or of interfering with one's ability to participate in or benefit from a program or activity.

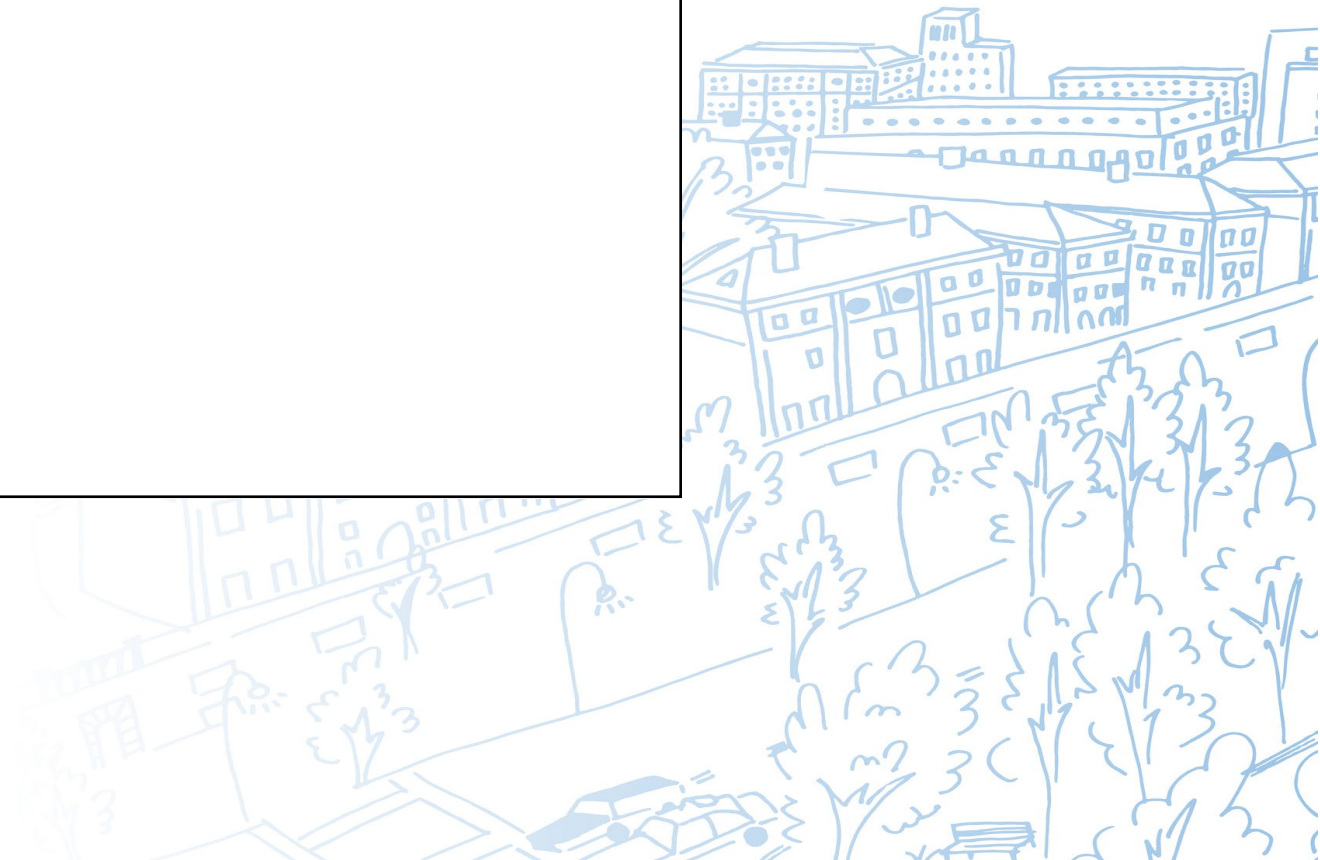
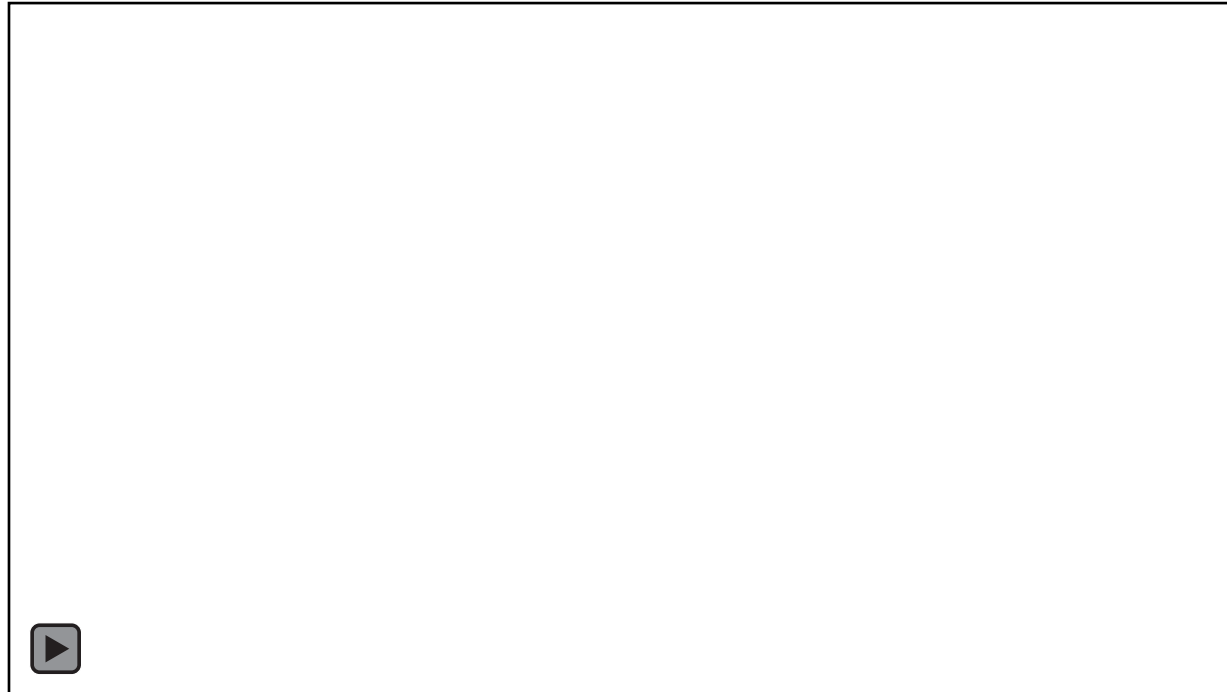


## Examples of sexual harassment during orientation, or in a student activity.

- Repeatedly showing around sexts a student's partner sent him.
- Telling homophobic jokes.
- Asking overly personal questions about a new friend's sex life.
- Repeatedly requesting sexual interactions from someone who has told his new friend they are not interested.
- Unwelcome hugs, massages, kisses.
- Making a benefit in a student activity, or a class contingent upon a sexual favor.



## Time's Up: Workplace Sexual Harassment



## Report this too...Prohibited Romantic & Sexual Relationships

- Faculty and staff may not engage in sexual or romantic relationships with undergraduate students.
- Graduate students who teach, advise, or supervise undergraduate students may not have sexual or romantic relationships with any undergraduate students for any period of time that they have that role.
- Faculty cannot be in a sexual or romantic relationship with a graduate student who is in any school, department, or program where the faculty member is connected, or with whom they engage in any direct or indirect way, or with any graduate student with whom they were previously connected.
- Staff may not hire, supervise, employ, evaluate, advise, or mentor any Columbia student with whom they have - or have had - a romantic or sexual relationship.
- Staff may not hire, supervise, employ, evaluate, or make decisions about salary for another staff member with whom they have or have had a relationship.

Should you be responsible employees?





## **The Debate:** **Faculty/Advisors/Student Life Personnel as Responsible Employees**

- **Pros**
  - Casts the information-gathering “net” broadly
  - Facilitates the Title IX Coordinator’s job to keep campus safe
  - Ensures that complainants receive accurate information about their options
  - Avoids confusion
  - In line with “reasonable” student expectations





Who is a student going to tell?  
You and other cool student  
affairs professionals?



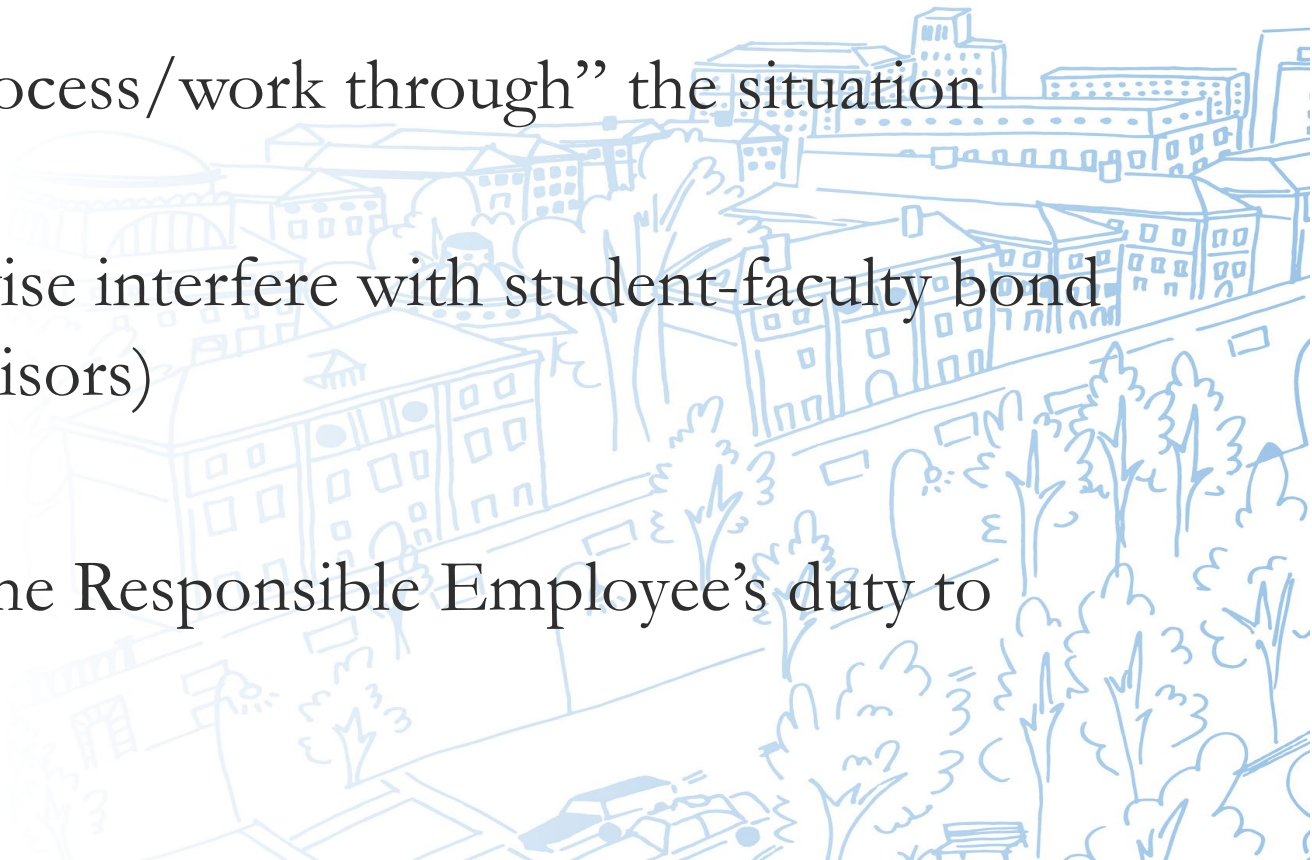
**Or a Dean of their College who they may have never met??**





**The Debate:  
Faculty/Advisors/Student Life Personnel as Responsible  
Employees**

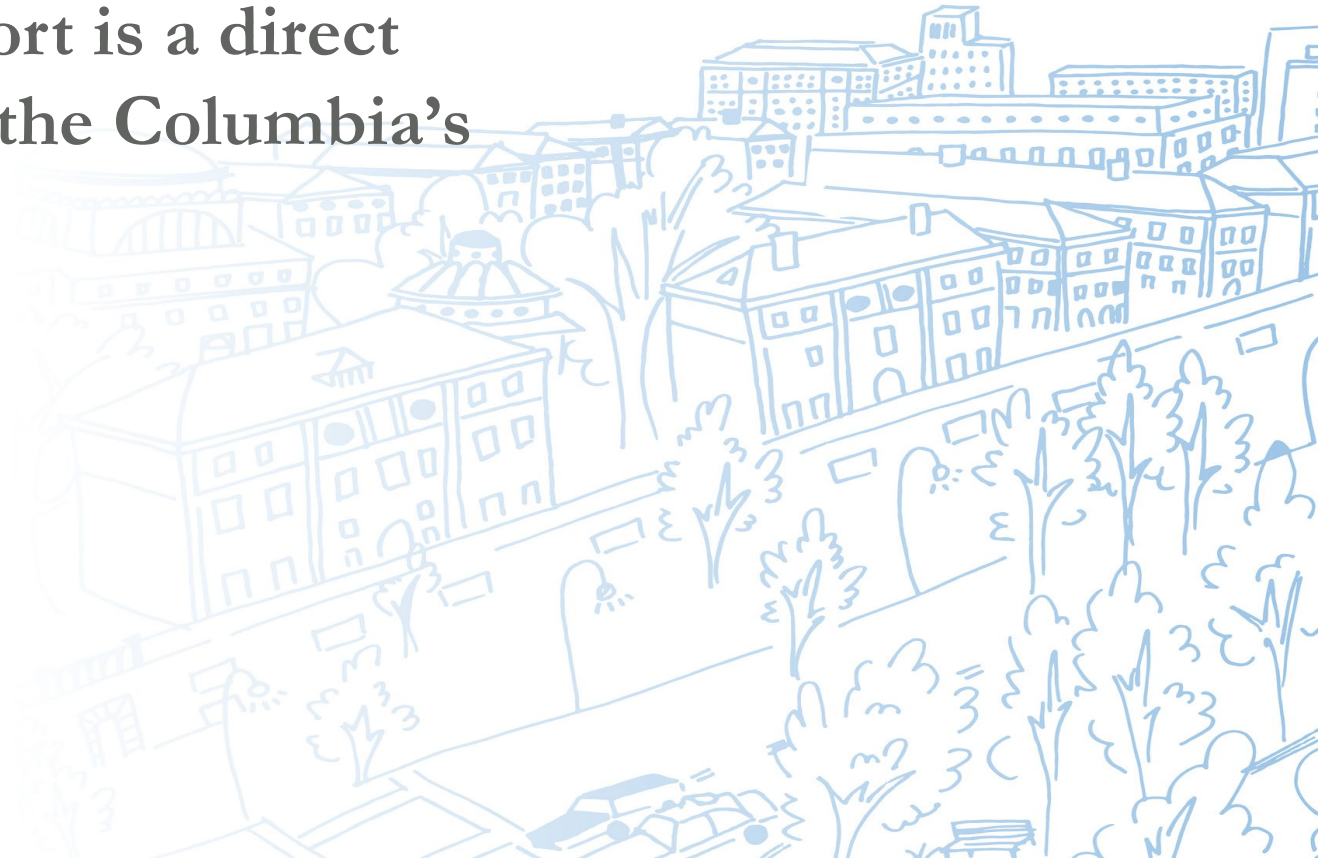
- **Cons**
  - Deters complaints
  - limits the student's ability to "process/work through" the situation confidentially
  - Could inhibit learning or otherwise interfere with student-faculty bond (divides students and faculty/advisors)
  - Concern about personal liability
  - Concern about how to explain the Responsible Employee's duty to report and the student's options



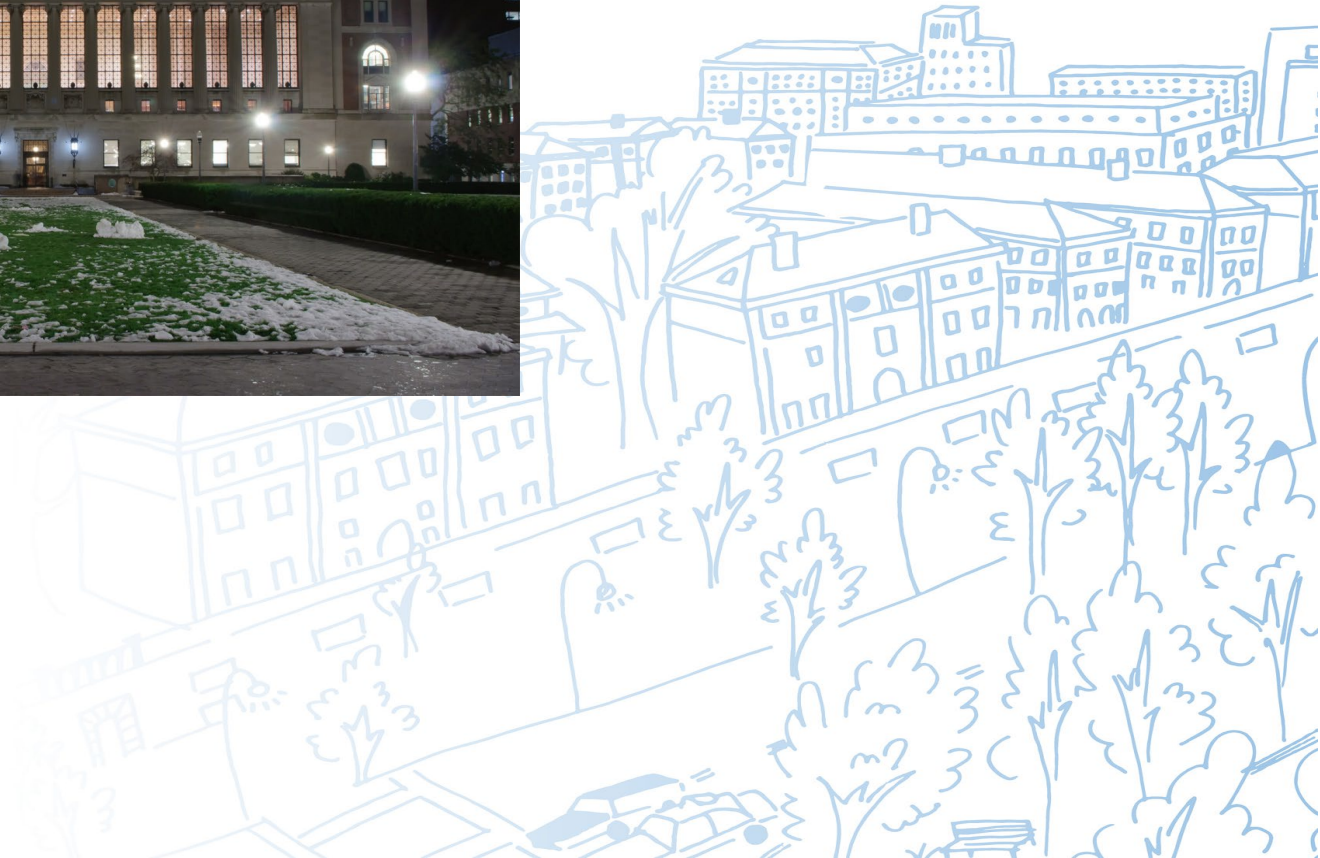


What happens if I don't agree to be a responsible employee in my capacity as a student affairs professional?

- Failure to report or deciding **NOT** to report is a direct violation of the Columbia's policy.



# Resources and Reporting



# How to Report an Incident

## Violations of Gender-Based Misconduct Policy for Students

- Gender-Based Misconduct Office: 212-854-1717
- Sexual Respect at Columbia: [www.sexualrespect.columbia.edu](http://www.sexualrespect.columbia.edu)  
Click “Make a report”





# Confidential and Additional Resources

## **Confidential University Offices/Staff**

- Counseling and Psychological Services
- Medical Services
- Clergy in the Office of the University Chaplain
- Ombud's Office
- Sexual Violence Response

## **Additional (Non-confidential) University Offices/Staff**

- Residential Life / Resident Advisers
- Public Safety
- Faculty
- Academic Advisers
- Deans of Students
- Campus Administrators
- Student Conduct and Community Standards
- Orientation Leaders





## What Happens After a Report is Received

- Case Management and Community Engagement
  - Discuss resources and accommodations
  - Explain investigative and disciplinary process
  - Students HAVE A RIGHT NOT TO PARTICIPATE!
- Investigation
  - You have rights to a process
- Adjudication
  - Sanctions (if found responsible) range from Warning / Education on the Policy, to Disciplinary Probation, to Expulsion



## What is all this really about?

- Why is this really necessary?
- Spread the information gathering net widely.
  - End the harassment
  - Prevent the harassment from happening again
  - Remedy the effects of the harassment



## Responsible Employees Provide

- **Control • Dignity • Choice**
  - Eyes and ears in the Columbia community
  - A path for to provide resources and information for those who need it.
  - Support for the individual student's decisions
  - If they come to you, they want you to help.





## Responsibilities of the Responsible Employee

- Listen
- Support
- Report





**What about when I actually see something happening that involves a student who is being subjected to misconduct?**

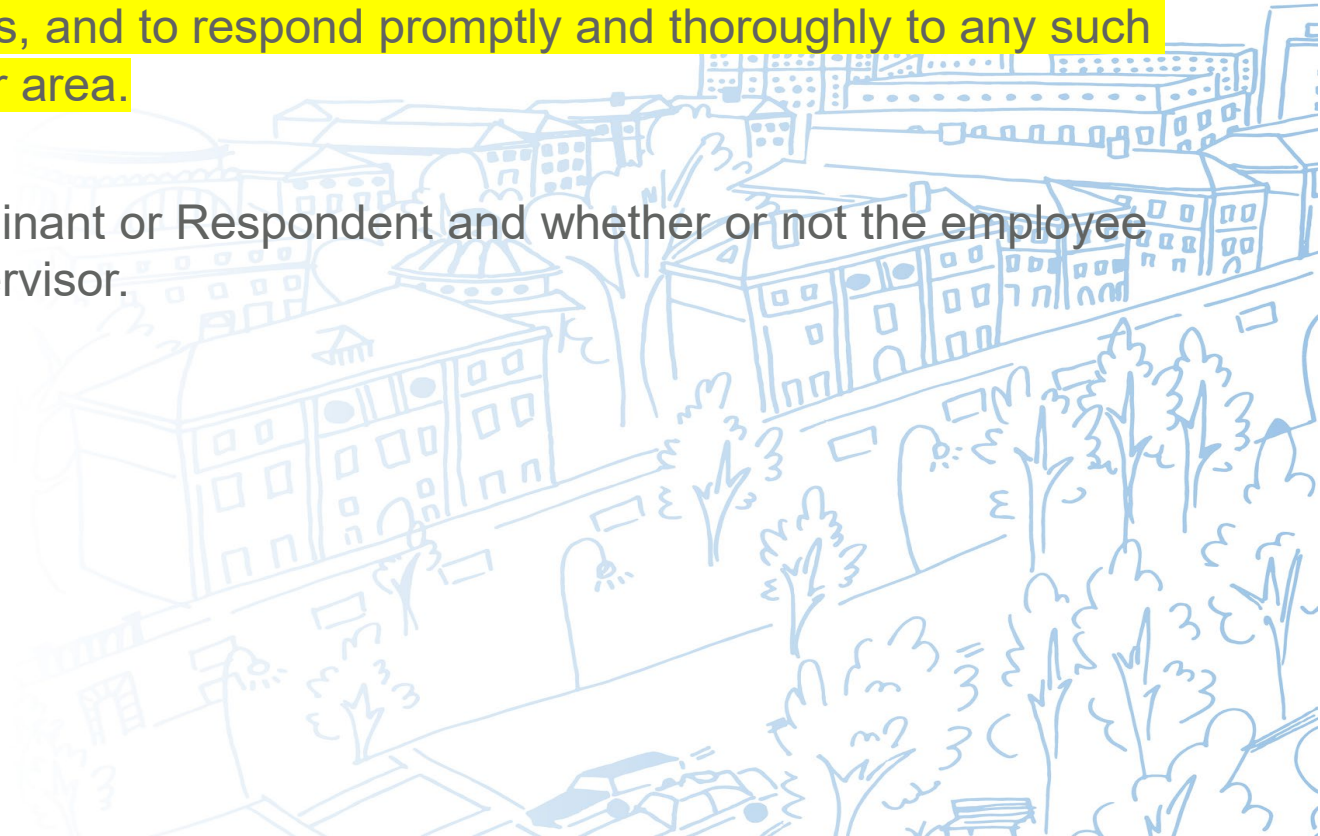


## Managers and Supervisors Duty to Report & Act

- Managers and supervisory personnel are required to report to EOAA any instance or allegation of **prohibited conduct involving any employee** that is disclosed to, observed by, or otherwise known to that employee, whether or not the employee is a potential Complainant or Respondent and whether or not the employee has any formal connection to the manager or supervisor.
- Managers and supervisory personnel are required to report all information known to and/or learned by them regarding the alleged prohibited conduct, including, but not limited to:
  - Names of all individuals involved, which includes the potential Complainant(s), Respondent(s), and anyone else who may possess relevant information to the alleged prohibited conduct;
  - The nature and circumstances surrounding the alleged prohibited conduct;
  - When and where the alleged prohibited conduct occurred;
  - Any other information related to the alleged prohibited conduct

## Duty To Act

- . In addition, managers and supervisory personnel are required to take reasonable and necessary action to prevent discrimination and harassment, to take appropriate action when they learn directly or indirectly of any conduct that might violate University policies, and to respond promptly and thoroughly to any such claims whether they occur within or outside of their area.
- whether or not the employee is a potential Complainant or Respondent and whether or not the employee has any formal connection to the manager or supervisor.



- You see something, say something. Do something! You have a duty to act under Columbia's policy.
  - Penn State: Penn State is the mother of all teachable moments for the bystander approach—men in powerful positions failed to act to protect children and said and did nothing.
  - Need people with guts and integrity to stand up in these situations and become leaders.
  - MLK: “In the end, we will remember not the words of our enemies but the silence of our friends....”





## Questions and Answers

