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Student policies and procedures on discrimination and harassment

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COLUMBIA UNIVERSITY
STUDENT POLICIES AND PROCEDURES
ON DISCRIMINATION AND HARASSMENT

OFFICE OF EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION

The Office of Equal Opportunity and Affirmative Action (EOAA) is responsible for managing Columbia University's *Student Policies and Procedures on Discrimination and Harassment* and for coordinating compliance activities under these policies and the applicable federal, state and local laws. It has been designated as the University's Compliance Office for Title IX, Section 504 of the Rehabilitation Act, and other equal opportunity, nondiscrimination and affirmative action laws. http://eoaa.columbia.edu/. Students, faculty, and staff may contact the EOAA Office to inquire about their rights under University policies, request assistance, seek information about filing a complaint, or report conduct or behavior that may violate these policies.

Complaints against students for gender-based misconduct are processed in accord with the *Gender–Based Misconduct Policies for Students* at: http://www.columbia.edu/cu/dpsa/docs/policy/. The use of the term "gender-based misconduct" under these policies and procedures includes sexual assault, sexual harassment, gender-based harassment, stalking, and intimate partner violence. Students who attend Barnard College and Teachers College as well as Columbia University are covered by the *Gender-Based Misconduct Policies*.

Complaints against Columbia Law students for gender-based misconduct are processed in accord with the *Columbia Law School Policy on Gender-Based Misconduct* at: http://eoaa.columbia.edu/resources/documents.

Complaints by students against students for other forms of discrimination and harassment are processed in accord with the *Student Policies and Procedures on Discrimination and Harassment* at: http://eoaa.columbia.edu/student-policies and should be filed with the Dean of the school in which the respondent student is enrolled. Complaints against students are investigated under the appropriate Dean's Discipline procedure of the respondent student's school.

Complaints by students against employees and third parties doing business with the University for discrimination and harassment are processed in accord with the *Employment Policies and Procedures on Discrimination and Harassment* at: http://eoaa.columbia.edu/employment-policies. The use of the term "discrimination and harassment" under these policies and procedures includes discrimination, discriminatory harassment, gender-based harassment, sexual harassment, and sexual assault.

Violations of the University's *Student Policies and Procedures on Discrimination and Harassment*, *Employment Policies and Procedures on Discrimination and Harassment*, and *Gender–Based Misconduct Policies for Students* are prohibited. Appropriate disciplinary action may be taken against any student or employee who violates these policies.

The Associate Provost heads the Office of Equal Opportunity and Affirmative Action and designated as the University's Title IX Coordinator, Compliance Officer for Section 504 of the Rehabilitation Act, and other equal opportunity, nondiscrimination and affirmative action laws. The Assistant Director, Student Services for Gender Based and Sexual Misconduct and the Dean of Students, Columbia Law School serve as Deputy Title IX Coordinators.

For further information and assistance, contact:
Office of Equal Opportunity and Affirmative Action: http://eoaa.columbia.edu
103 Low Library, MC 4333
212-854-5511; eoaa@columbia.edu

Melissa Rooker, Associate Provost, Title IX Coordinator, Section 504 Compliance Officer
212-854-5918, mrooker@columbia.edu

The Assistant Director, Student Services for Gender-Based and Sexual Misconduct and the Columbia Law School Dean of Students also serve as a Deputy Title IX Coordinators.

Rosalie Siler, Assistant Director, Deputy Title IX Coordinator for Student Concerns
212-854-1717; ssgbsm@columbia.edu

Michelle Greenberg-Kobrin, Dean of Students, Deputy Title IX Coordinator for Columbia Law Students
212-854-7420; mag26@columbia.edu

STUDENT POLICIES ON DISCRIMINATION AND HARASSMENT

Columbia University is committed to providing a learning, living, and working environment free from discrimination and harassment and to fostering a nurturing and vibrant community founded upon the fundamental dignity and worth of all of its members. Consistent with this commitment and with applicable laws, the University does not discriminate against any person in the administration of its educational policies, admissions policies, scholarship and loan programs, and athletic and other University-administered programs or permit the harassment of any student or applicant for admission on the basis of membership in a Protected Class as defined below. The University provides students who believe that they have been the subject of discrimination or harassment with mechanisms for seeking redress.

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

All members of the University community are expected to adhere to the applicable policies, to cooperate with the procedures for responding to complaints of discrimination and harassment, and to report conduct or behavior they believe to be in violation of these policies to the Office of Equal Opportunity and Affirmative Action or Student Services for Gender-Based and Sexual Misconduct.

Management and supervisory personnel have a duty to act as defined below; they are responsible for taking reasonable and necessary action to prevent discrimination and harassment and for responding promptly and thoroughly to any such claims. Management and supervisory personnel include any officer having formal supervisory responsibility over employees. For the purpose of these policies, faculty are supervisors of other faculty when they are acting in a supervisory role as department chair, dean, academic vice president, institute director, center director, or similar position. Faculty and officers of research who are the principal investigators on a grant or contract act in a supervisory capacity over the individuals in the lab they lead. A manager or supervisor who fails to act may be found to have violated Columbia's policies even though the underlying event does not constitute discrimination or harassment.

University officers who learn of an allegation of gender-based misconduct, discrimination or harassment have a duty to report as defined below. An officer who fails to report may be found to have violated Columbia's policies even though the underlying event does not constitute gender-based misconduct, discrimination or harassment.

All students are protected from retaliation for filing a complaint or assisting in an investigation under Columbia's *Student Policies and Procedures on Discrimination and Harassment*. Appropriate disciplinary action may be taken against any student or employee who violates these policies.

DEFINITIONS

For purposes of these policies and procedures, the following definitions apply:

Discrimination

Discrimination is defined as:

• 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
Discriminatory Harassment is defined as 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 toward an individual or group; that creates an intimidating, hostile, or abusive learning, living, or working environment; that alters the conditions of the learning, living, or working environment; or that unreasonably interferes with an individual's academic performance. Discriminatory harassment includes but is not limited to: epithets or slurs; negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; and display or circulation (including through e-mail) of written or graphic material in the learning, living, or working environment. Sexual harassment and gender-based harassment which are defined in detail below, are forms of discriminatory harassment.

Duty to Act
A duty to act is imposed on all management and supervisory personnel who are responsible for taking reasonable and necessary action to prevent discrimination and harassment and for responding promptly and thoroughly to any such claims. On learning directly or indirectly of conduct or behavior that might violate University policies, management and supervisory personnel are put on notice to act. They should consult with the Office of Equal Opportunity and Affirmative Action and/or Columbia University Human Resources for advice and assistance on addressing the matter. A manager or supervisor who fails to act may be found to have violated Columbia's policies even though the underlying event does not constitute discrimination or harassment.

Duty to Report
A duty to report conduct or behavior that violates these policies is imposed on all University officers, including Residential Program Staff, Teaching Assistants, and Adjunct Faculty. An officer performs her or his duty to report by reporting the conduct or behavior to the Office of Equal Opportunity and Affirmative Action or other designated office. University officers who learn of an allegation of gender-based misconduct against a student are expected to notify Student Services for Gender-Based and Sexual Misconduct or the Office of Equal Opportunity and Affirmative Action. University officers who learn of an allegation of discrimination or harassment against a student are expected to notify the student's Dean of Students or the Office of Equal Opportunity and Affirmative Action. University officers who learn of an allegation of discrimination or harassment against a University employee are expected to notify the Office of Equal Opportunity and Affirmative Action. All members of the University community who interact with, supervise, chaperone, or otherwise oversee minors in programs or activities at the University or sponsored by the University are required to report immediately NYS Maltreatment Hotline and Public Safety if they have reasonable cause to suspect abuse or maltreatment of individuals under the age of 18. An officer who fails to report may be found to have violated Columbia's policies even though the underlying event does not constitute gender-based misconduct, discrimination or harassment. University officers serving in a privileged professional capacity (mental health counselors, clergy, medical providers, and rape-crisis counselors) are not bound by this expectation, except as required by law.

Gender-based Misconduct
Gender-based misconduct includes sexual harassment, sexual assault, gender-based harassment, stalking, and intimate partner violence. Misconduct can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship. Gender-based misconduct can be committed by men or by women, and it can occur between people of the same or different sex.

Gender-based Harassment
Gender-based harassment is defined as acts of verbal, nonverbal, or physical aggression, intimidation, stalking, or hostility based on gender or gender-stereotyping. The conduct must be such that it has the purpose or effect of unreasonably interfering with an individual's academic performance or creating an intimidating, hostile, demeaning, or offensive learning, living or working environment. Gender-based harassment can occur if students are harassed either for exhibiting what is perceived as a stereotypical characteristic for their sex, or for failing to conform to stereotypical notions of masculinity or femininity.

Intimate Partner Violence
Intimate Partner Violence is defined as the use of physical violence, coercion, threats, intimidation, isolation, stalking, or other forms of emotional, sexual or economic abuse directed towards a partner in an intimate relationship.

Protected Class
A Protected Class is a class of persons who are protected under applicable federal, state or local laws against discrimination and harassment on the basis of: race, color, sex, gender (including gender identity and expression), pregnancy, religion, creed, marital status, partnership status, age, sexual orientation, national origin, disability, military status, or any other legally protected status.

Retaliation
Retaliation occurs when an alleged perpetrator or respondent, her or his friends or associates, or other member of the University community intimidates, threatens, coerces, harasses, or discriminates against an individual who has made a complaint, or participated in any manner in an investigation, proceeding or hearing under these policies and procedures. A retaliatory action is an action taken to deter a reasonable person from opposing a discriminatory or harassing practice, participating in a discrimination or harassment proceeding or, more generally, pursuing her or his rights under these policies. Retaliation may take the form of name-calling and taunting.

Sexual Assault as non-consensual sexual contact
Sexual assault as non-consensual sexual contact is defined as any intentional bodily contact or touching of another person in a sexual manner without that person's consent and includes intentional sexual contact or touching of another's breast, buttocks, or groin, however slight.

Sexual Assault as non-consensual sexual intercourse
Sexual assault as non-consensual sexual intercourse is defined as any form or sexual intercourse, anal, oral, or vaginal, however slight, without consent. Intercourse means vaginal penetration, however slight by a penis, object, tongue or finger; anal penetration by a penis, object, tongue or finger; and oral copulation (mouth to genital contact or genital to mouth contact).

Sexual Harassment
Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, physical or visual conduct of a sexual nature when:
• submission to such conduct or behavior is made either explicitly or implicitly a term or condition of an individual's academic performance or learning, living, and working environment; or
• submission to or rejection of such conduct or behavior by an individual is used as the basis for academic decisions affecting that individual; or
• such conduct or behavior has the purpose or effect of unreasonably interfering with an individual's academic performance or creating an intimidating, hostile, demeaning, or offensive learning, living, or working environment.

Sexual harassment may include a range of subtle and not so subtle behaviors among them: sexual violence; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; leering, catcalls or touching; insulting or obscene comments or gestures; and the display or circulation (including through email) of sexually suggestive or explicit objects or pictures) in the learning, living, or working environment. Sexual harassment may involve individuals of the same or different sex. The complainant does not necessarily have to be the person harassed but could be anyone affected by the offensive conduct.

Stalking
Stalking is defined as repeated and continued harassment made against the expressed wishes of another individual, which causes the targeted individual reasonably to feel emotional distress, including fear and apprehension.

♔ STUDENT PROCEDURES ON DISCRIMINATION AND HARASSMENT

COMPLAINT PROCEDURES AGAINST A STUDENT

Gender-based Misconduct Policies for Students

Gender-based misconduct complaints against a student, including reports or complaints of sexual assault, sexual harassment, gender-based harassment, stalking, and intimate partner violence, are processed by Student Services for Gender-Based and Sexual Misconduct under the *Gender-Based Misconduct Policies for Students*. Information on the *Gender-Based Misconduct Policies for Students* may be obtained from the Assistant Director, Student Services for Gender-Based and Sexual Misconduct at 212-854-1717. A copy of the policies may be found online at: http://www.columbia.edu/cu/dpsa/docs/policy/index.html.

Columbia Law School Policy on Gender-Based Misconduct

Gender-Based misconduct complaints against a Columbia Law student, including reports or complaints of sexual assault, sexual harassment, gender-based harassment, stalking, and intimate partner violence, are processed by the Columbia Law School Dean of Students under the *Columbia Law School Policy on Gender-Based Misconduct Policy*. Information may be obtained from the Columbia Law School Dean of Students at 212-854-7420. A copy of the policies may be found online at: http://eoaa.columbia.edu/resources/documents.

Dean's Discipline

Student complaints of discrimination or harassment against a student for other forms of discrimination and harassment are processed in accord with the *Student Policies and Procedures on Discrimination and Harassment* should be filed with the Dean of the school in which the respondent student is enrolled. Complaints against students are investigated under the appropriate Dean's Discipline procedure of the respondent student's school. Students found to have engaged in discrimination or harassment will be subject to discipline up to and including expulsion.

Procedure for Complaints against a Student Organization

Students who wish to file a complaint of discrimination or harassment against a student organization should do so in consultation with the Dean of their own school; the Dean will identify the appropriate procedure and channels and assist the student in pursuing the complaint.

COMPLAINT PROCEDURES AGAINST A MEMBER OF THE FACULTY OR STAFF

Office of Equal Opportunity and Affirmative Action

Student complaints of discrimination or harassment against a University employee or third party doing business with the University should be filed with the Office of Equal Opportunity and Affirmative Action (EOAA). Complaints filed with the EOAA Office are processed under the *Employment Policies and Procedures on Discrimination and Harassment* at: http://eoaa.columbia.edu/employment-policies. The use of the term "discrimination and harassment" under these policies and procedures includes discrimination, discriminatory harassment, gender-based harassment, sexual harassment, and sexual assault.

Grievance Procedures

Students should consult their school's policy for the appropriate procedure to complain about a faculty member's conduct in an instructional setting. Schools' policies may be found on the Office of the Provost's webpage at http://www.columbia.edu/cu/provost/docs/policies.html.

♔ CONSENSUAL ROMANTIC AND SEXUAL RELATIONSHIP POLICIES

Columbia University maintains consensual romantic and sexual relationship policies between faculty and students; staff and students and staff and staff. These policies may be found here: http://eoaa.columbia.edu/consensual-romantic-relationships

♔ DISABILITY ACCESS AND ACCOMODATION

Columbia is committed to fostering a learning, living, and working environment that is accessible for students with disabilities. Students seeking access, accommodations or support services for a disability should contact Disability Services (DS) at (212) 854-2388. Information on the services provided by Disability Services may be found online at: http://www.health.columbia.edu/docs/services/ods/index.html. Melissa Rooker, Associate Provost, Office of Equal Opportunity and Affirmative Action serves as the University's Section 504 Compliance Officer.

♔ COMPLAINTS AGAINST EMPLOYEES AT BARNARD COLLEGE, TEACHERS COLLEGE AND NEW YORK PRESBYTERIAN HOSPITAL

Complaints against Barnard College employees for discrimination and harassment should be directed to Amy Zavadil, Title IX and Community Conduct Director, 212-854-0037,azavadil@barnard.edu. Information on Barnard College policies may be found online at: http://barnard.edu/general-counsel/titleix/antidiscrimination-policy.

Complaints against employees of Teachers College for discrimination and harassment should be directed to Randy Glazer, Director of Human Resources, 212-678-3724, glazer@tc.columbia.edu Information on Teachers College policies may be found online at: www.tc.edu/policylibrary/protection_from_harassment.

Complaints against employees of New York Presbyterian Hospital for discrimination and harassment should be directed to Melissa Rooker, Executive Director, Office of Equal Opportunity and Affirmative Action, 212-854-5918, mrooker@columbia.edu.

♔ ACCESS TO PROCEDURES

These policies and procedures are available online at: http://eoaa.columbia.edu/student-policies. Students with questions as to the appropriate procedure in a particular situation should contact the Dean of Students for their school.

♔ INDEPENDENT INVESTIGATION

The University, at the discretion of the General Counsel, may conduct an investigation independent of or in addition to the procedures provided herein at any time. The investigation may involve complaints or allegations concerning discrimination, harassment, gender-based misconduct, or retaliation against the University or any of its employees or students.

♔ STATEMENT OF COMPLIANCE WITH FEDERAL, STATE, AND LOCAL LAWS PROMOTING EQUAL EDUCATIONAL OPPORTUNITY AND PROHIBITING DISCRIMINATION AND HARASSMENT

In accordance with all applicable laws and pursuant to its own policies and operating procedures, Columbia University provides for equal opportunity and prohibits unlawful discrimination and harassment. The applicable laws include:

- **Title VI of the Civil Rights Act of 1964**, as amended, prohibits discrimination against any person on the basis of race, color, or national origin in programs or activities receiving federal financial assistance.
- **Title IX of the Education Amendments of 1972**, as amended, prohibits discrimination on the basis of sex in the conduct or operation of a school's educational programs or activities, including admission to these programs and activities.
- **Section 504 of the Rehabilitation Act of 1973** prohibits the exclusion of any person solely on the basis of a disability from participation in or access to benefits of any federally financed program or activity; it also prohibits discrimination against any person solely on the basis of disability in any federally financed program or activity.
- **The Americans with Disabilities Act of 1990** prohibits discrimination against persons with disabilities in public accommodation.

• **The Age Discrimination Act of 1975** prohibits discrimination on the basis of age in programs and activities receiving federal financial assistance.

• **The New York Executive Law, Article 15, Section 296(4)** prohibits an educational institution from denying the use of its facilities to anyone otherwise qualified or permitting harassment of a student or applicant on the basis of color, race, religion, disability, national origin, sexual orientation, military status, sex, age, and marital status.

• **The New York Education Law, Section 313**, as amended, prohibits educational institutions from discriminating against persons seeking admission as students to any institution, program, or course because of race, color, sex, religion, creed, marital status, age, sexual orientation, or national origin.

• **The New York City Human Rights Law, Section 8-107** prohibits discrimination on the basis of actual or perceived race, creed, color, national origin, age, gender, (including gender identity and expression), disability, marital status, partnership status, sexual orientation or alienage or citizenship status in public accommodations.

Any person wanting to file a complaint under any of these laws should consult the website of the relevant government agency listed below:

Office for Civil Rights, U.S. Department of Education
http://www2.ed.gov/about/offices/list/ocr/index.html
New York State Division of Human Rights
http://www.dhr.state.ny.us/
New York City Commission on Human Rights
http://www.nyc.gov/html/cchr/

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