2016-2017 ANNUAL CAMPUS SECURITY &
FIRE SAFETY REPORT
(Including Data for Calendar Years 2014-2016)

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P.O. J. Bachelor, New York City Police Dept., 26 Pct.
The Campus Security Act (Clery Act)

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

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

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

Note: Campus pastoral and professional counselors are obligated to protect the confidentiality of communications with those they counsel and are not CSA’s. They are encouraged to provide information about college resources to those they counsel and if they deem it appropriate, they may inform the persons they are counseling on procedures to report crimes on a voluntary basis, that may be included in the crime statistics.
Teachers College  
Office of Public Safety

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

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

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

Public Safety Officers are assigned to both fixed and mobile posts. Officers are stationed at Public Safety desks throughout campus. The Public Safety desks at the Zankel building, Whittier Hall, New Residence Hall, and Bancroft Hall are staffed 24 hours a day—seven days a week. The Public Safety Booth at the Thorndike Hall driveway is staffed Monday through Thursday from 6:30 A.M. to 9:30 P.M. and Friday from 6:30 A.M. to 6:00 P.M.

Managers and officers of TC Public Safety during 2016 Commencement

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

The Office of Public Safety is staffed by approximately 50 members. It is led by an Assistant Vice President of Public Safety who also oversees the office of Environmental Health and Safety, a Senior Associate Director for Administration and Systems, an Associate Director for Emergency Management, an Associate Director for Operations, an Associate Director of Investigations and three Assistant Directors. Uniformed Public Safety Officers are licensed by New York State and are certified as New York City Fire Safety Directors. They are also certified in CPR and the operation of Automatic External Defibrillators (AED). Public Safety Officers
are not commissioned police officers, do not carry firearms, and do not have police or arrest powers.

**Environmental Health and Safety**

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

**Interagency Cooperation with Law Enforcement**

**New York Police Department**

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

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

**Federal Law Enforcement**

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

**Publication of Crime and Fire Statistics**

The Clery Act requires publication of certain crime statistics for the three most recent calendar years. The statistical information on crimes is found in Appendix A and B, fire statistics in Appendix C and other important policies are found in the additional appendices; including all in the back of this report. (See Appendices D – M; Important Policies)

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

Columbia University’s current Annual Campus Security Report can be found at: [http://publicsafety.columbia.edu/](http://publicsafety.columbia.edu/) Teachers College wishes to thank James McShane, Columbia University’s Vice President for Public Safety, for generously sharing portions of the Columbia University’s Report with Teachers College.

**Daily Crime Logs**

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

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

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

Teachers College and the Office of Public Safety encourage the accurate and prompt reporting of crimes to the Office of Public Safety (212-678-3220) and to local law enforcement. This can be done either by calling 911 or going to the 26th Precinct in person. The 26th Precinct, 520 West 126th Street (West of Amsterdam Avenue), is within walking distance of the campus.

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

The Office of Public Safety recommends that College community members dial 3333 in any emergency so that the Office of Public Safety can facilitate a direct response by both on-campus and off-campus emergency services. On-campus emergency phones are strategically located in residence halls laundry rooms, outside of residence halls, and in key locations in the academic areas. Some of the campus phones may be programmed and labeled to allow the user to reach Public Safety by dialing the number “1”.

Investigations of Criminal Incidents

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

Confidential or Anonymous Reporting of Crimes

Teachers College encourages all victims of crimes to alert the Office of Public Safety and the New York City Police Department. If you are the victim of a crime and do not want to pursue action within the College system or the criminal justice system, you may still make a confidential or anonymous report. If you become aware of a crime through observation or information you may report that crime without identifying your sources or yourself. Call Crime Stoppers at 1-800-577-TIPS or report at a 056-crime-stoppers.nyc.gov/crime stoppers/public/index.html

Confidential and/or anonymous reports of crimes can be included in the College’s annual crime statistics. You may leave an anonymous voicemail to the Office of Public Safety at 212.678.3111 during non-business hours, or you may send an anonymous email to http://www.tc.columbia.edu/security/officeofpublicsafety@tc.columbia.edu or complete the Confidential/Anonymous Report form found in the “Forms” channel of the Office of Public Safety website at http://www.tc.columbia.edu/security/www.tc.columbia.edu/security. Anonymous reports may also be filed through EthicsPoint, 888-329-6420 or secure.ethicspoint.com-/domain/media/en/gui/22716/index.html

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

Important Phone Numbers

<table>
<thead>
<tr>
<th>Campus Public Safety-Emergency</th>
<th>3333</th>
</tr>
</thead>
<tbody>
<tr>
<td>Whittier Hall Public Safety Desk (CIC)</td>
<td>3220</td>
</tr>
<tr>
<td>Zankel Public Safety desk</td>
<td>3334</td>
</tr>
<tr>
<td>New Residence Hall Public Safety Desk</td>
<td>6100</td>
</tr>
<tr>
<td>Bancroft Hall Public Safety Desk</td>
<td>5246</td>
</tr>
<tr>
<td>Police, Medical, and Fire-Emergency</td>
<td>3333 or 911</td>
</tr>
<tr>
<td>NYPD 26th Precinct</td>
<td>(212) 678-1311</td>
</tr>
<tr>
<td>Columbia Escort Service</td>
<td>(212) 854-5555</td>
</tr>
</tbody>
</table>
Timely Warnings

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

The Assistant Vice President of Public Safety and Environmental Health and Safety (AVP of PS and EHS) or designee reviews all crime and incident reports to determine if there is an on-going threat to the community and if distribution of a Timely Warning is warranted. Timely Warning Notices may be disseminated for any crime classifications as deemed necessary.

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

There are two classifications of Timely Warnings—Non-Emergency and Emergency.

Non-Emergency warnings

The Office of Public Safety provides Timely Warnings of crimes and other incidents that may pose a threat to members of the TC Community. Non-emergency notices are generally provided via College-wide broadcast emails.

Emergency warnings

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

Prior to activating the ENS, the Authorizing Individual shall consider the following:

Is this a situation where human life is in jeopardy and timely notification may protect human life? Is this a situation where public safety is in jeopardy and timely notification may protect the safety of members of the TC community? Is this a situation that requires the immediate evacuation of a campus building or multiple buildings? Is this a situation where there is or will be an unscheduled campus closing and timely notification may prevent inconvenience to TC community? Is this a situation that requires immediate notification to and/or immediate response from a critical group of TC staff members? If the answer is yes to any of the above questions then the ENS may be activated. The Authorizing Individual shall determine to what groups the message shall be sent.

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

Emergency Text Messaging-TC Alert

Emergency warnings may be made to the community via TCAalert, an emergency notification system that enables fast and efficient dissemination of critical information to members of the College community. TCAalert allows the College to send simultaneous emergency text and voice message alerts. TC Alert may not be used for general announcements. Emergency text messaging (TC Alert) may be used in conjunction with other communication methods, such as College-wide broadcast emails, on-line updates via the Teachers College homepage, coordinated use of public media outlets, and public address systems within most
college buildings. The TC Alert system is tested twice each year.

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

To sign up for TCAalert please follow the steps below:

Click on the link to go to the Teachers College MyTC Portal.
Log into the system using your UNI ID and password
Select “TC Services” from the menu at the top of the page
Then select “TC Alert” in the “transactions” channel
Enter a phone number to receive TEXT messages OR a phone number to receive a VOICE message.
Press SUBMIT
Within 48 hours of signing up for the system you will receive a TEST message confirming that you have registered to receive messages. If you do not receive confirmation within 48 hours please contact the Office of Telecommunications at (212) 678-3300.

The Teachers College Campus

TC Lowell Hall. corner of Amsterdam Ave. and 120th ST. looking westward.

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

There are seven academic buildings on campus: 1) the Zankel building, 2) Thompson Hall, 3) Horace Mann Hall, 4) Thorndike Hall, 5) Macy Hall, 6) Grace Dodge Hall, and 7) Russell Hall. There are five residential halls on campus: 1) Grant, 2) Sarasota, 3) Bancroft, 4) New Residence, and 5) Whittier. The College also maintains two faculty residences: 1) Lowell Hall on-campus and 2) Seth Low, just off-campus at Morningside Drive and West 121st street.

For campus maps, see:
Access to Campus

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

The Gottesman Libraries are open to students, faculty, and staff of Teachers College and affiliated institutions, namely Columbia University, Barnard College, Union Theological and Jewish Theological seminaries. Non-affiliated researchers and scholars may make arrangements for visitor access to the libraries by contacting Libraries Administration at (212) 678-3494. The Gottesman Libraries are open from 8:00 A.M. to 11:00 P.M. Monday through Friday; 8:00 A.M. to 8:00 P.M. on Saturday; and 9:00 A.M. to 10:00 P.M. on Sunday. The Libraries have extended hours during midterm and final exam periods.

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

Students, faculty or staff from Teachers College or affiliated institutions may also enter the academic campus through the Thorne Hall driveway entrance on West 120th Street by presenting a valid ID card at the Thorne Hall driveway Public Safety Booth. The Thorne Hall driveway entrance is open Monday through Thursday from 6:30 A.M. to 9:30 P.M. and on Friday from 6:30 A.M. to 6:00 P.M. The entrance is closed on weekends and holidays.

 Teachers College resident students and affiliated institution students residing at Teachers College may also enter the academic campus through the West 121st Street door of Grace Dodge Hall from 6:45 A.M. to 1:00 A.M. A valid ID card is required to access this entrance.

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

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

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

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

All students, faculty, and staff are encouraged to wear their Teachers College or affiliate institution ID card on their outermost garment when on campus. Visitors are required to wear their Public Safety issued visitors pass on their outermost garment while in campus buildings and residence halls at all times. New students may receive a Teachers College ID card once they have registered for classes. Students moving into on-campus housing may receive their ID card on the day that they move in.
Maintenance and Security of Campus Facilities

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

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

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

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

Clery Geographical reporting area for TC

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

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

Definitions

On-Campus – 1) Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of or in a manner related to the institution’s educational purposes, including residence halls; and 2) Any building or property that is within or reasonably contiguous to the area identified in paragraph 1 that is owned by the institution but controlled by another person, is frequently used by students and supports institutional purposes (such as a food or retail vendor).

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

Non-Campus Building or Property – 1) Any building or property owned or controlled by a student organization that is officially recognized by the institution; or 2) Any building or property owned or controlled by an institution that is used in direct support of or in relation to the institution’s educational purposes, is frequently used by
students, and is not within the same reasonably contiguous geographic area of the institution.

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

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

For additional information about reporting crimes please see section on Reporting Criminal Incidents on page 10.

**Definitions of Criminal Offenses**

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

The following definitions are drawn from these sources and from the most recent U.S. Department of Education Handbook for Campus Safety and Security Reporting (2011).

State Law has varying definitions of many sex and gender-related crimes and bias crimes. In accordance with New York State Education Law Article 129A and VAVA, these definitions are available as “New York Sex Crimes and Bias Crimes” at [http://www.tc.columbia.edu/office-of-student-affairs/consumer-information/](http://www.tc.columbia.edu/office-of-student-affairs/consumer-information/)

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

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

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

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

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

For Clery purposes, hate crimes are those in which the victim is intentionally selected because of actual or perceived race, gender, religion, national origin, sexual orientation, gender identity, ethnicity, or disability. Reportable hate crimes include bias-motivated homicide, sex-offenses, robbery, aggravated assault, burglary, motor-vehicle theft, arson (as previously defined) and Larceny, Simple Assault, Intimidation and Destruction / Damage / Vandalism. For more information, refer to the policy on Hate or Bias Crime Reporting: [www.tc.edu/policylibrary/Hate-or_Bias_Crime_Reporting](http://www.tc.edu/policylibrary/Hate-or_Bias_Crime_Reporting) or the appendix

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

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

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

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

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

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

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

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

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

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

Sexual Assault Definitions

VAWA revised the definitions and categories of sex offenses used under Clery. Teachers College used the new definitions to the extent possible in reporting calendar year 2013 crimes and uses the new definitions to report all calendar year 2014 and 2015.

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

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

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

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

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

Robbery - The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.
Violence Against Woman Act (VAWA) Crimes: Dating Violence, Domestic Violence, and Stalking

State Law has varying definitions of many sex and gender-related crimes and bias crimes. In accordance with New York State Education Law Article 129A and VAWA, these definitions are available as “New York Sex Crimes and Bias Crimes” at http://www.tc.columbia.edu/office-of-student-affairs/consumer-information/www.tc.edu/consumerinformation.

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

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

**Domestic violence** - A felony or misdemeanor crime of violence committed:

By a current or former spouse or intimate partner of the victim,

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

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

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

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

For the purposes of the definition of “stalking.”

1-Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person’s property.

2-Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

3-Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment of counseling.

Arrests, Referrals and Disciplinary Actions

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

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

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

For Drug and Alcohol abuse education programs see: [www.tc.edu/policylibrary/drugfreecampus](http://www.tc.edu/policylibrary/drugfreecampus).

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

**Missing Persons**

If a member of the community has reason to believe that a student who resides in on-campus housing has been missing, he or she should immediately notify Teachers College Office of Public Safety (OPS) at (212) 678-3333. OPS will generate a report and will attempt to locate the student or determine why the student is presumed missing. This investigation is accomplished through the use of both on-campus and off-campus resources. The Office of Public Safety will coordinate with the Office of Residential Services, the Office of the Provost, and any other appropriate offices.

If the resident student cannot be located within 24 hours, or if the circumstances warrant earlier intervention and investigation by law enforcement, the Office of Public Safety will contact the local NYPD precinct and will assist them as requested. OPS will contact the student’s designated emergency contact as soon as practicable and no later than 24 hours after the student is determined to be missing. If the missing student is under the age of 18 and unemancipated, TC will also notify the student’s parent or legal guardian as soon as practicable but no later than 24 hours after the student is determined to be missing.

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

This table includes all reports of Clery crimes made to Public Safety, other TC CSAs, or local Police Authorities. A report is counted during the year made (rather than when the incident took place) and regardless of the outcome of any investigation or prosecution. VAWA added crimes to Clery effective for 2014 statistics. Relevant 2013 reports are included to the extent that they were received, but 2013 data for VAWA crimes may be incomplete. No Hate Crimes were reported during the three-year period of 2014, 2015, and 2016.

<table>
<thead>
<tr>
<th>Crime/Offense</th>
<th>On Campus</th>
<th>Non Campus</th>
<th>Public Property</th>
<th>Residence Halls</th>
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<tr>
<td>Murder Non-negligent manslaughter</td>
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**Arrests**

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$^2$ The 2014 statistics include the report of a sexual assault that occurred in 2009, but was first reported to the College in 2014.

$^3$ Under Clery regulations, cyber-stalking is reported if the electronic communications were sent from or received on campus, regardless of whether there is a campus nexus. Three of the stalking cases reported for 2014 involved cyber-stalking.
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20
Title IX, VAWA & NYS Education Law Article 129-B.

Teachers College (“College”) is committed to fostering an environment free from gender-based discrimination and harassment, including sexual assault and all other forms of gender-based misconduct. Through the implementation of policies and procedures as well as education and prevention programs, the College seeks to increase awareness of such misconduct, prevent its occurrence, investigate reports of misconduct, support those who experienced gender based misconduct, deal fairly with those accused of violating College policy, and sanction those found to have violated College policy.

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

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

Gender-Based Misconduct

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

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

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

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

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

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

Allegations of gender-based misconduct involving students are governed by the Columbia University Gender-Based Misconduct Policy and Procedures for Students. This policy, which covers students at Teachers College, Barnard College and Columbia University, may be found at: sexualrespect.columbia.edu/gender-based-misconduct-policy-students. Allegations involving other Teachers College community members as well as other forms of discrimination and harassment are governed by the Teachers College Policy on Protection From Harassment Policy, available at www.tc.columbia.edu/titleix. These Policies may be referred to together as the “Title IX Policies”.

Survivors Rights and Resources

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

- to make a report to campus security, local law enforcement, and/or state police or choose not to report;
- to report the incident to the College;
• to be protected by the College from retaliation for reporting an incident; and
• to receive assistance and resources from the College.
New York State has established a more detailed bill of rights for student victims and survivors. [www.tc.edu/policylibrary/129b-rights](http://www.tc.edu/policylibrary/129b-rights).

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

**Confidential Advocacy, Counseling and Healthcare services**

Assistance with reporting gender-based misconduct to the New York City Police Department, the District Attorney’s Office, or other appropriate law enforcement authorities.

College and University procedures for reporting, investigating, resolving and remedying gender-based misconduct.

**Accommodations and Interim Measures for Students.**

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

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

**Accommodations and Interim Measures for Others.**

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

The College provides written notification to individuals affected by gender-based misconduct about available assistance and how to request accommodations and interim measures. Individuals affected by gender-based misconduct are also informed about visa and immigration assistance, student financial aid and other relevant services that may be available to them.

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

**Privacy and Confidentiality**

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

The College’s publicly available record keeping, including Clery annual reports, crime logs, alerts or warnings, do not include personally identifiable information about victims/survivors or witnesses.

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

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

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

Requesting confidentiality. An individual who reports gender-based misconduct to a non-confidential employee may ask the TC Title IX Coordinator (or, where applicable, the CU Gender-Based Misconduct Office) that the individual’s identity not be disclosed to anyone else, including the person who allegedly committed the misconduct. While such a request may limit the ability to investigate and respond to the reported misconduct, the Title IX Coordinator will consider the request in light of the College’s commitment to provide a safe and non-discriminatory environment and will honor the request when possible.

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

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

CAMPUS & COMMUNITY RESOURCES

Confidential Resources

Sexual Violence Response and Rape Crisis/Anti-Violence Support Center (SVR).

Available to all students
2920 Broadway, Lerner Hall, 7th Floor.
(212) 854-HELP (4357) CUMC
Available 24 hours a day/365 days a year to assist students who have experienced sexual assault, dating violence, domestic violence, stalking, or other sexual violence. SVR provides crisis intervention and options for reporting and medical help. An advocate can accompany students to resources such as emergency rooms.

Available to students who pay the Columbia Health Fee.

CU Medical Services.
Morningside Campus: 535 West 116th Street, 4th Floor John Jay Hall, (212) 854-7426
9 am – 4:30 pm.
CUMC Campus: Bard Hall Haven Tower 1, Suite B234
60 Haven Avenue (between 169th & 170th Street).
(212) 305-3400,
CU Counseling & Psychological Services.
Morningside Campus: 2920 Broadway, Lerner Hall, 8th Floor. (212) 854-2878
CUMC Campus: 60 Haven Avenue (between 169th & 170th Street) Bard Hall Haven Tower 1 Suite 1D. (212) 305-3400, (by appointment only)

TC Employee Assistance Plan (EAP).
www.eapdda.com (Login: standard6 PW: eapu6) The EAP provides professional assistance to TC employees and immediate family to resolve personal and family problems on a confidential basis. They will also assist TC employees and their families with locating external counseling and other resources

Available to Teachers College employees.
CU Office of the University Chaplain (Pastoral Counseling). 2920 Broadway, 710 Lerner Hall (212) 854-1493.

Available to all Teachers College community members:
TC Office of the Ombuds. 
http://www.tc.columbia.edu/ombuds/
College Ombuds:
Stephen Peverly, 280 Grace Dodge, 212-678-4169

Ombuds for Gender - Based Misconduct:
Riddhi Sandil, 325 Horace Mann, 212-678-4016

Non-Confidential Resources

1 Individuals with concerns about faculty, staff or students in the Department of Clinical and Counseling Psychology should contact Dr. Peverly rather than Dr. Sandil. Individuals with concerns about faculty, staff or students in the Department of Health and Behavior Studies should contact Dr. Sandil rather than Dr. Peverly.

Individuals with concerns in both departments should contact Title IX Coordinator Janice Robinson to identify additional confidential resources. For communications outside of their Ombuds roles, both Dr. Peverly and Dr. Sandil must, like other TC faculty, share the reports they receive with the Title IX Coordinator.

Available to all Teachers College community members.

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

TC Title IX Coordinator: Janice Robinson 128 Zankel, 212-678-3391 jrobinson@tc.columbia.edu

CU Gender - Based Misconduct Office:
612 West 115th Street, 800 Watson Hall 212-678-1717

Requesting an Accommodation for a Disability related to gender - based misconduct:
TC Office of Access and Services for Individuals with Disabilities: 212-678-3689; 212-678-3853 TTY (646)755-3144 Video 163 Thorndike Hall

Off Campus Resources

New York City Police Department (24 hours a day/7 days a week)
- Emergency: 911
- Sex Crimes Hotline: 212-267-RAPE (7273)
- Special Victims Unit: 646-610-7272

Manhattan District Attorney’s Office:
Sex Crime Unit: 212-335-9373
Domestic Violence Unit: 212-335-4308

Safe Horizon:
Rape, Sexual Assault & Incest Hotline: 212-227-3000
Domestic Violence Hotline: 1-800-621-HOPE (4673)

Mt. Sinai/St. Luke’s
Emergency RoomSAFE Center: 1111 Amsterdam Avenue at 113th Street
Crime Victim’s Treatment Center 212-523-4728 (by appointment only)

New York Presbyterian – Columbia (NYP)
Emergency Room: 622 West 168th Street
DOVE: Domestic & Other Violence Project
212-305-9060

NYC Gay & Lesbian Anti-Violence Project:
212-714-1141

NYC Family Justice Center:

Rape Abuse & Incest National Network
800-656-HOPE https://www.rainn.org/

NYS Office of Victim Services 800-247-8035
https://ovs.ny.gov/

Actions for Survivors of Sexual Assault and other Gender - Based Violence:

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

Survivors are urged to consider the following steps:

1. **Get to a Safe Place.** After experiencing a traumatizing event such as a sexual assault, it can be important to find a place where you feel comfortable and safe from harm. This location could be home, local hospital, friend’s home, or police station.

2. **Call for Assistance.** If you are concerned about your personal safety, call Teachers College Public Safety, 212–678–3333 (x3333 on-campus) or the NYC Police Department (NYPD) at 911 (off-campus) or go to a police station or hospital. Or call an Advocate from Sexual Violence Response and Rape Crisis/Anti-Violence Support Center (SVR), 212–854–HELP (4357), for confidential crisis intervention and to discuss options for reporting and medical help. An advocate can accompany students to resources such as emergency rooms.

3. **Get Medical Attention and Preserve Evidence.** It is important that a person who has recently experienced violence receive prompt medical attention. Because physical injury is not always noticeable at first, it is important to get a medical examination and treatment as soon as possible. This may include screening and/or treatment for sexually transmitted infection and emergency contraception, if appropriate.

A medical examination, particularly a free examination by a Sexual Assault Forensic Examiner (SAFE) can also preserve physical evidence. Survivors are encouraged to have physical evidence collected immediately, even if they are unsure about reporting to the police as they may later decide to do so. Evidence collection in NYC does not require you to file a police report. Survivors can decide whether to file charges later, but can only preserve physical evidence now. Evidence is best collected as soon as possible and toxicology testing for date rape drugs is most effective within 72 hours of an assault. The evidence collection kit is turned over to the police only if a survivor chooses to report to the police during the period kept by the hospital.

You can ask for a Sexual Assault Forensic Examiner (SAFE) at any emergency room. Mt. Sinai/St. Luke’s Hospital (near the Teachers College campus) has a SAFE available 24/7 at 1111 Amsterdam Ave at 113th Street. The medical exam and collection of forensic evidence are done simultaneously.

If possible, avoid drinking, eating, showering, brushing teeth, combing hair or changing clothes before seeing a SAFE. But if you have done any of these things, evidence can still be collected and it remains important to seek medical attention. Any clothing removed should be placed in a paper bag and brought with you.

Evidence of violence, such as bruising or other visible injuries, should be documented including through the preservation of evidence. Evidence of stalking, including communication such as written notes, voice mail, or other electronic
communications should be saved and not altered in any way.

4. **Get Support or Counseling Services.** The safety and well-being of survivors are of paramount importance. The College strongly encourages survivors to contact trained professionals for emotional support, medical services, and advocacy as soon as possible. Counseling is often helpful for survivors because it provides a safe place to talk about your experience and your feelings. Campus and off-campus support options, including confidential options, are listed on page 24.

5. **File a Report with Local Law Enforcement.** The College urges survivors to consider reporting sexual assaults and other gender-based violence to local law enforcement authorities. Sexual Violence Response (SVR), the Gender-Based Misconduct Office, Teachers College’s Title IX Coordinator, Public Safety and/or Residential Services personnel can advise the survivor about the reporting process and may accompany the survivor or identify someone else who may accompany the survivor to local law enforcement.

Although the College strongly encourages filing a report with local law enforcement authorities, the choice is the survivor’s. See page 21 for reporting resources.

6. **Consider Obtaining an Order of Protection**

Under New York law, victims/survivors of sexual assault, domestic violence, dating violence and stalking may seek a Family Court order of protection. You can file a petition in Family Court for an order of protection if you:

- are related to the respondent (accused) by blood or marriage;
- are or were legally married to the respondent (accused);
- have a child with the respondent (accused); or
- are or were in an intimate relationship with the respondent (accused).

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

The NYC Family Justice Center, with locations throughout New York City, can assist with obtaining an order of protection and other services. nyc.gov/html/ocdv/html/help/fjc.shtml

**Notify the College or University.** Procedures for addressing reports of sexual assault and other gender-based violence, as well as resources and options are addressed in greater detail in the Title IX Policies discussed on page 21.

In any institutional disciplinary proceeding arising from an allegation of sexual assault, domestic violence, dating violence or stalking (collectively, VAWA offenses):

- The standard is “preponderance of the evidence”.
- Sanctions that may imposed against students found to have violated the Gender-Based Misconduct Policy and Procedures for Students include reprimands, warnings, no contact directives, changes to academic schedule, disciplinary probation, revocation of honors or awards, restricting access to facilities or activities, removal from leadership/supervisory positions within the community, relocation of residence, dismissal or restriction from employment, removal from student housing, suspension, expulsion, and revocation of degree.
- Sanctions that may imposed against individuals found to have violated the Policy on Protection from Harassment include reprimands, warnings, changes in job duties, disciplinary probation, revocation of honors and awards, restricted access to facilities or activities, “no contact” order, movement of College-provided residence, movement of workplace, demotion, suspension, and dismissal or restriction from employment. The College retains its inherent authority to take such action as it deems appropriate to further the educational mission or to protect the safety and security of the community.
Disciplinary proceedings involving students will:

- include a prompt, fair, and impartial process from the initial investigation to the final resolution;
- be conducted by officials who, at a minimum, receive annual training on the issues related to VAWA offenses and on how to conduct an investigation, adjudication and hearing process that protects the safety of victims and promotes accountability;
- provide the accuser and the accused with the same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied by an advisor of their choice whose role shall comply with the applicable procedures;
- require simultaneous written notification to the accuser and the accused, of the result of any institutional disciplinary proceeding arising from an allegation of VAWA offenses crimes; procedures for appeals, any change to the result; and when such results become final.

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

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

(a) Identify sexual assault, domestic violence, dating violence, and stalking as prohibited conduct;
(b) Define these behaviors using definitions provided by College policy (informed by Department of Education guidance) as well as providing access to state law definitions regarding what behavior constitutes criminal acts of sexual assault, domestic violence, dating violence, and stalking;
(c) Define what behavior and actions constitute affirmative consent to sexual activity as defined in College policy as well as the appropriate rape statute in the State of New York;
(d) Provide a description of safe and positive options for bystander intervention. Bystander intervention means safe and pro-social options that may be carried out by an individual or individuals to prevent harm or intervene when there is risk of sexual assault, dating violence, domestic violence, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional and community expectations to identify this behavior as problematic, seeing personal responsibility and overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene – either directly or indirectly;
(e) Provide information on risk reduction. Risk reduction means options designed to decrease perpetration, and bystander action, to increase empowerment for complainants in order to promote safety and to help individuals...

Education and Prevention Programs

The College engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end sexual assault, domestic violence, sexual assault and stalking that:
and communities be actively aware of safe conditions.

(f) Provide an overview of rights and responsibilities including available options on and off campus for reporting to campus authorities and/or to law enforcement (as well as the right to decline to report to law enforcement); assistance (such as medical, mental health, and advocacy); and disciplinary procedures and related rights. (This information is also included in this Annual Security Report in compliance with the Clery Act).

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

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

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

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

The Title IX Coordinator presents to various academic and staff departments.

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

Teachers College’s on-going campaign includes “Got Consent – What To Do If You Have Been Sexually Assaulted” posters in all Teachers College bathrooms and in residence halls. The posters include a photo of the Teachers College Title IX Coordinator and stating confidential and non-confidential reporting options. Also, the Student Bill of Rights for Victims/Survivors of Gender Based Violence is posted in residence halls and student areas pursuant to the NYS 129-B Sexual Assault law.
Important Policies relating to Safety and Security can be found at the links below or the appendices in the rear of this booklet.

<table>
<thead>
<tr>
<th>Policy</th>
<th>Where to find it</th>
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<tbody>
<tr>
<td>Abuse and Harassment of Minors and Adults</td>
<td><a href="http://www.tc.edu/policylibrary/abuse-and-harassment-of-minors-and-adults">www.tc.edu/policylibrary/abuse and harassment of minors and adults</a></td>
</tr>
<tr>
<td>Campus Sex Crimes Prevention</td>
<td><a href="http://www.tc.edu/policylibrary/campus-sex-crimes-prevention">www.tc.edu/policylibrary/campus sex crimes prevention</a></td>
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<tr>
<td>Drug-Free Campus Policy</td>
<td><a href="http://www.tc.edu/policylibrary/drug-free-campus">www.tc.edu/policylibrary/drug free campus</a></td>
</tr>
<tr>
<td>Alcohol Policy</td>
<td><a href="http://www.tc.edu/policylibrary/alcoholic-beverages">www.tc.edu/policylibrary/alcoholic beverages</a></td>
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<tr>
<td>Hate or Bias Crime Reporting</td>
<td><a href="http://www.tc.edu/policylibrary/hate-or-bias-crime-reporting">www.tc.edu/policylibrary/hate or bias crime reporting</a></td>
</tr>
<tr>
<td>Missing Students</td>
<td><a href="http://www.tc.edu/policylibrary/missing-students">www.tc.edu/policylibrary/missing students</a></td>
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<tr>
<td>Protection from Harassment</td>
<td><a href="http://www.tc.edu/policylibrary/protection-from-harassment">www.tc.edu/policylibrary/protection from harassment</a></td>
</tr>
<tr>
<td>Smoke-Free Campus</td>
<td><a href="http://www.tc.edu/policylibrary/smoke-free-campus">www.tc.edu/policylibrary/smoke free campus</a></td>
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<tr>
<td>Violence-Free Workplace</td>
<td><a href="http://www.tc.edu/policylibrary/violence-free-workplace">www.tc.edu/policylibrary/violence free workplace</a></td>
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Facts About Sexual Assault

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

• The definition of consent does not vary based upon a participant’s sex, sexual orientation, gender identity, gender expression or relationship status.

• Respect a person’s expectations and limits. If you do not know what they are, it is your responsibility to ask.

Campus Sex Crimes Prevention Act/Sex Offenders

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

The New York State Sex Offender Registration Act requires anyone who must register as a sex offender to notify the state of enrollment, attendance, employment or residence at any institution of higher education and any changes to such enrollment, attendance, employment or residence. More information about the Act may be found at www.criminaljustice.ny.gov/nsor, where there is also a database of registered offenders.

Resources
• New York State Registry: http://www.criminaljustice.state.ny.us/nsor/searc h_index.htm
• TC Office of Public Safety, Whittier Hall 1A, Emergency: (212) 678-3333 Other: (212) 678-3340

Crime Prevention Education and Awareness

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

Take responsibility for your own safety

1. Be aware of your surroundings and what is going on around you. Keep your head up and your eyes moving. Walk purposefully with a steady pace and self-assured stride. Confidence deters attackers.

2. When walking at night, walk in well-lighted and well trafficked areas. Avoid walking through parks, parking lots, and isolated or deserted areas.

3. Use the buddy system. When traveling at night arrange with friends to walk or ride together.
4. Walk in the center of sidewalks away from doors and bushes.

5. If you suspect that you are being followed, indicate your suspicions by looking behind you. If you are on foot, cross the street, change direction, or vary your speed. Walk to a location where there are other people, to the nearest “open store”, or to a Columbia University “SAFE HAVEN” location (Red Lion Decal on Window).

**Safe Havens**

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

![Columbia University Safe Haven](image)

Columbia Safe Haven locations link: [http://publicsafety.columbia.edu/content/safe-havens](http://publicsafety.columbia.edu/content/safe-havens). Avail yourself to the free Columbia University shuttles and/or free Columbia University Escort Program (212- 854-SAFE or 212- 854-5555).

6. Stay away from isolated ATM locations. Plan ahead to avoid using ATM machines during off-hours.

7. Do not feel bullied by people who look you in the eyes; look them in the eyes. Eye contact makes everyone uneasy so use that to your advantage.

8. Be wary of strangers at night. It is better to be rude, ignore, and walk away than to have someone take advantage of your kindness.

9. Trust your instincts. Don’t allow rationality to over-ride your “sixth sense”- it could protect you from danger.

10. Do not resist armed robbers. Property can be replaced; your life cannot.

11. Do not openly display maps on a public street because it indicates that you are a stranger to the community, unfamiliar with your surroundings, and a potential victim.

12. Do not unnecessarily display your tablets, smart phones, or laptops in public.

**Taking public transportation**

1. Know your timetables to avoid long waits especially if you are alone.

2. Avoid empty subway cars and ride at the conductor (middle) or motor-person’s position (first car).

3. Buses tend to be safer at night than subways. Sit close to the bus operator’s position when possible.

4. Always plan your route in advance. Avoid getting off a bus or subway in unfamiliar neighborhoods especially during night time.
5. Avoid isolated bus and subway stops.

6. While riding public transportation, keep your handbag, knapsacks, bookbags and personal property in front of you and close to your body.

7. Don’t open your purse or wallet when boarding a bus or waiting to buy a metro card in a subway station. Always have your fare ready and avoid exposing your wallet or purse unnecessarily.

8. Always be aware of the people around you!

9. You can receive text message alerts and Emails from the MTA: https://www.mymtaalerts.com/LoginC.aspx?Ref

or

urnUrl=%2f

10. You can receive bus information: http://bustime.mta.info/ or http://web.mta.info/nyct/service/BusTimeAppli

une2015.htm

Columbia University shuttle buses

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

To obtain shuttle service, please phone CU Public Safety at (212) 854-SAFE (212-854-7233) CU provides a variety of shuttle bus services. Information about all of the CU shuttle bus routes can be found at: http://transportation.columbia.edu/

You can also download the transportation app: http://columbia.transloc.com/info/mobile#app

Columbia University Walking Safety Service

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

Avoid theft of personal property

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

Student Residence

1. Lock your doors/windows whenever you leave your room or apartment.

or
2. Do not allow unescorted strangers inside your room/apartment.
3. Be suspicious of unknown persons loitering in your area.
5. Keep a record of your valuables.
6. Do not hold doors open for strangers while entering or exiting the residence halls.
7. If you see something, say something!

**Offices and classrooms**

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

**Library**

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

**Athletics Facilities at the Morningside Campus of Columbia University**

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

**If you have a car**

1. Park in a well-lit area, close all windows, and lock all doors.

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

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

**Be Aware and Be Safe**

**If you are a victim:**

1. Report the crime to the Police by calling 911.
2. Report the crime to the Office of Public Safety at (212) 678-3333.
3. Attempt to remain calm while waiting for the police to respond.
4. If you are injured, request medical attention.
5. Obtain hospital report numbers from the hospital and complaint numbers from the police.
6. If you sustained injuries and/or suffered financial loss, you may be eligible for Crime Victim's Compensation. Write or call: Crime Victims Compensation Board - (718)923-4325
7. To replace important ID cards:
   a. TC ID - (212) 678-3098
   b. Social Security/Medicare card
      (800)772-1213
   c. MTA Reduced fare & disabled card
      (718) 330 1234

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

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

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

Crime Prevention Seminars

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

Self-Defense Seminars

Several times a year, self-defense instructors provide hands-on self-defense training at the CU campus. These events are extremely popular and require advanced reservation.

Property identification programs to safeguard property

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

1. Operation ID

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

2. Operation Blue Light

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

3. PC Phone-Home

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

4. Stop Theft Tags

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

5. Bicycle Registration

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

6. Auto VIN Etching

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

7. Antitheft Locking Devices

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

Emergency Evacuation Procedures and Policies

The Office of Public Safety leads College planning efforts and response to natural and/or man-made disasters and other campus-wide emergencies. Response protocols are illustrated in the TC Crisis Management Plan (CMP).
Crisis Management Plan (CMP)

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

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

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

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

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

This plan may be activated in response to a local, regional, or national emergency that affects the greater Columbia University family of campuses. Any emergency that affects our students, faculty, and/or staff may be considered a Teachers College emergency. The plan, while primarily local in scope, is intended to be able to support a city-wide, state-wide, and/or national incident management plan. The Plan and the training associated with the Plan shall conform to protocols of the National Incident Management System (NIMS) and the Incident Command System (ICS), and conform to New York City and New York State Emergency Operations Plans.
Evacuation Procedures
The College maintains an Emergency Evacuation Plan (EEP) to provide training to community members on the proper evacuation protocols for fire or other emergencies requiring the evacuation of one or more buildings on campus. Each new employee receives a copy of the EEP, from the Human Resources Office, upon hire. Each new resident student receives a copy of the EEP at the new resident student orientation.

The Community may be notified of a need for partial or full evacuation by a number of communications options, including community-wide email, community-wide voice mail, public announcement broadcasts, e-boards, Facebook, Twitter, or electronic notification system (by text or voice mail). The primary communication methods for evacuation are the electronic notification system, TCAler t, and public announcements via speaker throughout campus. The other methods are supplemental. The Office of Public Safety maintains ongoing communication protocols with various New York City agencies involved in emergency notification and response including the Police Department, the Fire Department, and the Office of Emergency Management (OEM). The College participates in a private college consortium that works closely with OEM and maintains a seat at OEM during City-wide crisis. The OEM seat serves as a direct communication link to the College’s own emergency command center which is staffed during City-wide or College emergencies.

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

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

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

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

1. If you are inside, stay where you are. Collect any emergency shelter-in-place supplies and a telephone to be used in case of emergency. If you are outdoors, proceed into the closest building quickly or follow instructions from emergency personnel on the scene.

2. Locate a room to shelter inside. It should be:
   - An interior room;
   - Above ground level; and
   - Without windows or with the least number of windows.

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

3. Shut and lock all windows (tighter seal) and close exterior doors.

4. Turn off air conditioners, heaters, and fans.

5. Close vents to ventilation systems as you are able. (University staff will turn off the ventilation as quickly as possible.)

6. Make a list of the people with you and ask someone to phone the information to the NYPD
and/or Teachers College Office of Public Safety so they know where you are sheltering.

7. Turn on a radio or TV and listen for further instructions.

8. Make yourself comfortable.

**Emergency Response and Evacuation Testing Procedures**

**Emergency Text Messaging:**

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

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

**Fire Safety and Prevention**

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

**Description of Student Housing Fire Systems**

Every Teachers College residence has:

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

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

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

**Continuous Evaluation and Enhancement of Campus Fire Safety**

Teachers College is committed to continual assessment and enhancement of fire safety equipment and procedures to ensure continued compliance with New York City, State, and National Fire Safety Standards.

**Daily Fire Logs**

The Office of Environmental Health & Safety (EH&S) compiles campus fire statistics and reports them to the U.S. Department of Education. The Office also maintains a daily fire log. The information in the logs typically includes the type of fire, date, time, and general location. The log is available for review during normal business hours.
The Office of Environmental Health & Safety (EH&S) is located in the Zankel Building, ZB 31, 525 West 120th street, New York City, N.Y. 10027-6696. Business hours are Monday through Friday 9:30 A.M. to 5:00 P.M.

**Fire Statistics**

For 2013, 2014, and 2015 Fire Statistics, see Appendix C on page 38.

**Fire Safety Education and Training**

1. **Fire Evacuation (FET) Training** - The College maintains a Fire Evacuation Team (FET) charged with the responsibility to assist the Office of Public Safety with emergency and fire evacuation of buildings on campus. The FET receives fire response and evacuation training annually at the beginning of each “fall” semester.

2. **Public Safety Staff Training** - The College maintains a proprietary Public Safety Office with Public Safety staff on-hand around the clock. The Public Safety staff provides the primary response to fire, medical, and criminal incidences on campus. Public Safety staff members receive training and certification as Fire Safety Directors. In addition, they receive semi-annual refresher training in fire safety, fire alarm response and emergency evacuations.

3. **Community Assistant (CA) Training** - Community Assistants employed by the Office of Residential Services are tasked with the on-site management of campus residential facilities. Members of the CA staff receive entry level training in fire safety, fire alarm response, and emergency evacuation as part of their orientation training. This training is provided by the Office of Public Safety, and the Office of Environmental Health and Safety.

4. **New Resident Student Fire Safety Orientation Training** - Resident students receive information about fire safety, fire alarm response, and emergency evacuation as part of the New Resident Student Orientation provided at the beginning of each semester by the Offices of Public Safety, and Environmental Health and Safety.

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

**Reporting a Fire**

I. Campus Public Safety-Emergency 3333

II. Police, Medical, Fire-Emergency 911 / 3333

**All fires are to be reported to the Office of Public Safety, no matter how minor.**

**Fire Safety Precautions**

1. Keep doorways, corridors, and stairwells clear and unobstructed. Keep fire doors closed.

2. Make sure that all electrical appliances and cords are in good condition and UL approved.

3. Do not overload electrical outlets. Use fuse protected multi-outlet power strips and extension cords when possible.

4. Never store flammable substances or combustible items (oily rags, paint, etc.) in your office or apartment.

5. The use of candles, incense, and other open flames is strictly prohibited in all college academic buildings and residential halls.

6. Never leave food cooking or running electrical appliances unattended, no matter the amount of time.

7. Be familiar with the locations of firefighting equipment that is closest to your office or apartment.

8. Be familiar with fire evacuation routes from your office or apartment.

9. When leaving for extended periods of time, i.e. vacations or leave of absence, unplug electrical appliances and shut off gas stoves. (Note: Consult the Office of Residential Services and Facilities with regards to turning off the gas stoves and/or the unplugging of electrical appliances).

10. Ensure that the smoke detectors are working properly by looking for the green light. Residential building occupants should test their smoke detectors regularly. The Office of Environmental Health and Safety regularly tests the smoke detectors in the academic buildings.
Procedures for Students and Employees in the Event of a Fire

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

For persons with disabilities

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

1. During an emergency evacuation due to fire the building elevators should not be used.
2. Evacuation may not always be necessary or advisable. If persons with disabilities cannot be transported from the building without using an elevator, assist persons with disabilities to the nearest fire stairway landing on each floor of the building. Immediately notify TC Public Safety staff, first responders, or other rescue workers on scene of the arrival of persons with disabilities to the rescue area.
3. Do remain in your room if you cannot get out of the building because of heat or smoke. – Call Public Safety immediately. Keep the door closed and wait for assistance from the Fire Department. If smoke is entering the room through the cracks of the door, stuff the crack under the door with towels, sheets, or blankets. If possible, open the window and signal to the Fire Department with a bright colored garment from that window; the Fire Department will be looking for this type of signaling or sign.
4. Do close the door behind you if and when it is safe to leave your room.
5. Don’t waste time collecting personal valuables. Take your keys with you so that you can re-enter your room if exiting the building is not possible.

Fire Response Dos and Don’ts

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

**Campus Safety Advisory Committee**

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

## Fire Statistics

### Calendar Year 2016

<table>
<thead>
<tr>
<th>Location</th>
<th>Total Fires</th>
<th>Fire Number</th>
<th>Date</th>
<th>Time</th>
<th>Cause</th>
<th>Value of Property Damaged</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Residence (517 W121)</td>
<td>1</td>
<td>1</td>
<td>11/2/16</td>
<td>8:41 p.m.</td>
<td>Unintentional/Fire in oven</td>
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<tr>
<td>Bancroft (509 W121)</td>
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<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
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<tr>
<td>Sarasota(S12 W122)</td>
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<td>N/A</td>
<td>N/A</td>
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<tr>
<td>Grant(S14 W122)</td>
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<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
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<tr>
<td>Whittier(1230 Amsterdam Ave)</td>
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<td>N/A</td>
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### Calendar Year 2015

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<th>Fire Number</th>
<th>Date</th>
<th>Time</th>
<th>Cause</th>
<th>Value of Property Damaged</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Residence (517 W121)</td>
<td>0</td>
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<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
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<tr>
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<td>N/A</td>
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<td>N/A</td>
</tr>
<tr>
<td>Sarasota(S12 W122)</td>
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<td>N/A</td>
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<tr>
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<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Whittier(1230 Amsterdam Ave)</td>
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### Calendar Year 2014

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<th>Location</th>
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<th>Fire Number</th>
<th>Date</th>
<th>Time</th>
<th>Cause</th>
<th>Value of Property Damaged</th>
</tr>
</thead>
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<tr>
<td>New Residence (517 W121)</td>
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<td>N/A</td>
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<td>N/A</td>
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<tr>
<td>Bancroft (509 W121)</td>
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### Data for all Calendar Years 2014-2016

<table>
<thead>
<tr>
<th>Location</th>
<th>Medical Facility Treatment</th>
<th>Fire related Deaths</th>
<th>Property Damage</th>
<th>Malicious False Alarms</th>
<th>Incident #</th>
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<td>0</td>
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<td>0</td>
<td>N/A</td>
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<tr>
<td>Sarasota</td>
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<td>0</td>
<td>0</td>
<td>N/A</td>
</tr>
<tr>
<td>Grant</td>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>N/A</td>
</tr>
<tr>
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<td>0</td>
<td>N/A</td>
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<td>Location</td>
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<td>Sprinkler System</td>
<td>Fire Alarm System &amp; Smoke</td>
<td>Evacuation Plans Posted &amp; Fire Safety</td>
<td>Evacuation Drills Each Academic Year</td>
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<td>-----------------------</td>
<td>------------------</td>
<td>---------------------------</td>
<td>-------------------------------------</td>
<td>--------------------------------------</td>
</tr>
<tr>
<td>New Residence</td>
<td>Yes</td>
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<td>Bancroft</td>
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<tr>
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<td>Whittier</td>
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<td>Partial</td>
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<td>Yes</td>
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TC Annual Campus Security and Fire Safety Report, October 1, 2017, including statistics for 2014-2016
Appendix B

Abuse and Harassment of Minors and Adults

URL: http://www.tc.columbia.edu/policylibrary/Abuse and Harassment of Minors and Adults

Abuse and Harassment of Minors and Adults:

Guidance for Teachers College Faculty and Staff on Reporting Obligations

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

1. **All allegations of sexual harassment or violence must be reported.** As traditionally understood, sexual harassment involves subjecting an individual to humiliating, abusive, or threatening conduct that creates an intimidating, hostile, or abusive work or educational environment based on his or her membership in a protected group. As currently defined, it also includes gender-based harassment and sexual violence (such as sexual assault, stalking, and dating and domestic violence). You must report any allegations of gender-based misconduct and sexual harassment of any adult or child to one of the following:

   - Janice Robinson, Title IX Coordinator & VP for Diversity & Community Affairs, jrobinson@tc.edu, x3391
   - Katie Embree, Office of the Provost, Embree@tc.edu, x3991
   - Randy Glazer or Netra Macon, Human Resources, Glazer@tc.edu, nm2779@tc.edu, x3175
   - Jeri Henry, CU Gender-Based Misconduct Office, jh3079@columbia.edu, (212) 854-1717

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


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

   c. You **cannot** promise confidentiality to a student or other person reporting harassment or assault, although you should assure them that TC will handle their concerns as sensitively and confidentially as possible. If a person desires greater confidentiality, you should direct them to:

      - A psychologist, counselor or other health care provider acting in that capacity, health.columbia.edu/services/overview.
      - Sexual Violence Response & Rape Crisis/Anti-Violence Support Center, 212-854-HELP (4357)
      - TC Ombuds, flaxman@tc.columbia.edu, 212-678-4169
      - TC Ombuds for Gender-Based Misconduct, sandil@tc.columbia.edu, 212-678-4016

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

If a child is in immediate danger, call the police (911) immediately. Then call the Office of the General Counsel x4164, Janice Robinson x3391, or Public Safety at x3333.

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

Call the Child Abuse Hotline: (800) 635-1522 (mandated reporters) or 800-342-3720 (others). If you make a report, you must also alert TC immediately by contacting the Office of the General Counsel x4164, Janice Robinson x3391, or Public Safety x3333. TC needs to know about possible abuse to protect children and the TC community.

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

3. **Policies and Procedures** are available in the TC Policy Library, [www.tc.edu/policylibrary](http://www.tc.edu/policylibrary). They include:

- Protection from Harassment Policy, [www.tc.edu/policylibrary/protection_from_harassment](http://www.tc.edu/policylibrary/protection_from_harassment). Note that the Interim Policy was revised as of October 5, 2015. Please direct comments and questions to Janice Robinson, Katie Embree or the Office of the General Counsel.
- TC Outline (general guidance on grievance options and procedures), [www.tc.edu/policylibrary/grievance_procedures_outline](http://www.tc.edu/policylibrary/grievance_procedures_outline).

For more on reporting child abuse, see [www.ocfs.state.ny.us/main/publications/Pub1159.pdf](http://www.ocfs.state.ny.us/main/publications/Pub1159.pdf).

Updated: 9/2016

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

7 “Minor” generally means under 18; some professions must also report abuse of other vulnerable individuals.
Appendix C

Campus Sex Crimes Prevention

URL: http://www.tc.columbia.edu/policylibrary/Campus Sex Crimes Prevention

1. Introduction:

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

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

2. New York State Law

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

3. Sex Offender Registration

Any affiliates who have not done so, but who are required to register by the “New York State Offenders Registration Act”, must contact the 26th Precinct of the New York Police Department and file a report with the Office of Public Safety. Completed forms must be delivered in person (registrants must bring a valid photo ID) to the Office of Public Safety in a sealed envelope: Attn: Director of Public Safety.

4. Community Resources

• New York State Registry:

http://www.criminaljustice.state.ny.us/nsor/search_index.htm

• New York Police Department

Appendix D

Drug-Free Campus Policy

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

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

Federal, state and local laws address the unlawful manufacture, possession, use, or distribution of drugs and other controlled substances, determine when drug and alcohol use is illegal, and set the legal sanctions for such laws. The College and all of its members are subject to these laws as well as College disciplinary policies which also prohibit such illegal behavior.

The sale, service, possession, and consumption of alcoholic beverages at Teachers College is governed by the New York State Alcoholic Beverage Control Law, by other New York State and New York City laws, and by College policy. To review the College’s Alcohol Policy see: http://www.tc.columbia.edu/policylibrary/publicsafety/alcohol-policy/

Health and Other Effects of Drugs and Alcohol

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

A. Alcohol Risks

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

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

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

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

Assistance Programs

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

A. Campus Drug and Alcohol Counseling Programs

- Alice! Health Promotion – (212) 854-5453 - www.health.columbia.edu
- Columbia University Medical Services - (212) 854-7426 –www.health.columbia.edu
- Teachers College Office of the Ombuds - Dr. Erwin Flaxman – (212) 678-4169 – http://www.tc.edu/ombuds

B. Off-Campus Hotline Information

- The Alcoholism Council of New York Help Line - (212) 252-7022
  - National materials: http://www.aa.org/
- Cocaine Anonymous – (877) 958-8012 - www.canewyork.org
- LIFENET– (800) 543-3638
- LIFENET En Español – (877) 298-3373
- National Council on Alcoholism and Drug Dependence - (800) NCA-CALL (800) 622-2255 www.ncadd.org
- National Institute on Alcohol Abuse and Alcoholism – (301) 496-4000 - www.niaaa.nih.gov
- New York City Department of Mental Health, Bureau of Alcoholism and Substance Abuse Services – (877) 846-7369
- Pills Anonymous - (212) 874-0700

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College Sanctions

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

The use of alcohol or drugs is never an excuse for committing any College policy violation. Regarding gender-based misconduct, the use of alcohol or drugs never makes someone at fault for experiencing gender-based misconduct and does not diminish anyone’s responsibility to obtain informed and freely given consent to sexual activity.

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

Laws Concerning Controlled Substances

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

A. Penalties under Federal Law

- Federal law criminalizes possession of controlled substances as well as drug trafficking and related crimes. Information about federal criminal law and sanctions can be found at www.deadiversion.usdoj.gov/21cfr/21usc/-index.html (controlled substances act; see Part D for offenses and penalties) and www.justice.gov/dea/druginfo/ftp3.shtml (trafficking offenses).

- Drug offenses at or near educational institutions carry enhanced penalties. Anyone found to have manufactured, distributed, or dispensed, or possessed with intent to manufacture, distribute, or dispense, a controlled substance in or on, or within one thousand feet of, the real property comprising a public or private elementary, vocational, or secondary school or a public or private college, junior college, or university is subject to (1) twice the maximum punishment authorized; and (2) at least twice any term of supervised release for a first offense. A fine up to twice that authorized may be imposed in addition to any term of imprisonment authorized. For additional information please see: www.deadiversion.usdoj.gov/21cfr/21usc/860.htm

B. Penalties under State and Local Law

New York State law also criminalizes possession of controlled substances and related crimes:
• New York Penal Law Article 220 (controlled substances)
• New York Penal Law Article 221 (marijuana)
• New York Penal Law Article 120 (vehicular assault, sections120.03-04.)
• Driving Under the Influence and Driving While Intoxicated

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

Suspension of Financial Aid Eligibility for Drug Offenses

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

The penalties are:

Possession of a controlled substance:
• First offense – One year ineligibility
• Second offense – Two year ineligibility
• Third offense – Indefinite loss of aid

Sale of a controlled substance:
• First offense – Two year ineligibility
• Second offense – Indefinite loss of aid

A conviction for multiple counts of possession or sale is considered a single conviction. Juvenile court convictions are not considered.

Students whose eligibility has been suspended can be reinstated if the conviction is reversed or set aside, or if the student completes an eligible rehabilitation program.

Biennial Review Procedures

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

It is the responsibility of Assistant Vice President, Public Safety and Environmental Health to propose changes to policies and programs and take action to correct any inconsistent application of sanctions for drug and alcohol offenses by the College. The College is committed to be responsive to the needs of its students, faculty and staff in continuing to develop policies, programs and enforcement schemes that prevent drug and alcohol abuse and comply with all regulatory requirements.

Responsible office: The Office of Public Safety

Last updated: October 1, 2016
Appendix E
Alcohol Policy

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

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

The following rules are applicable to:

a) all events at which alcoholic beverages are served or sold at Teachers College and/or its student residence halls;

b) all events, whether or not at Teachers College, that are sponsored by the College or by any College organization, department, or office; and

c) all Teachers College activities, whether they occur at the College or not.

1. Persons under the age of 21 years are prohibited from possessing or consuming alcohol at the College, within its student residence halls, or at any event sponsored by the College or by any College organization, department or office, whether the event is at the College or not.

2. No person shall be sold or served any alcoholic beverage if:

   a. That person is, or appears to be, under the legal drinking age of 21; or

   b. That person is, or seems to be, intoxicated.

3. No person under the age of 21 years shall misrepresent or proffer any false evidence of their age in order to obtain or try to obtain any alcoholic beverage or to gain access to any event or activity at which any alcoholic beverage is being sold or served.

4. No alcoholic beverage shall be sold to any person unless:

   a. A license or permit sanctioning the sale of such alcoholic beverage has been obtained by the seller; and

   b. The license or permit sanctioning such sale and any posters, signs, notices or other material or information required by applicable law or by the State Liquor Authority are prominently displayed at the site of such sales.

5. The individual(s) and/or group(s) sponsoring an event or activity at which any alcoholic beverage is to be sold or served (the “Sponsor”) shall be responsible for ensuring that all laws and regulations\(^8\) and all Teachers College rules and regulations

\(^8\) For more information about relevant federal, state and local alcohol laws, see the College’s Drug Free Campus Policy: http://www.tc.columbia.edu/policylibrary/publicsafety/drug-free-campus/
regarding the sale, service, possession, and consumption of alcoholic beverages are observed at such event or activity. This responsibility shall include, without being limited to, the following:

a. The event or activity must comply with this Policy, including effective procedures for examining attendees’ evidence of age.

b. As part of the request to use College facilities, the Sponsor must notify the Office of Room Assignments of any event at which alcoholic beverages are to be sold or served.

c. Student groups sponsoring events at which alcoholic beverages are to be sold or served must notify the Office of Student Affairs prior to the event.

d. The Sponsor shall instruct the person or persons actually selling or serving alcoholic beverages not to sell or serve alcoholic beverages to any person who is or appears to be intoxicated, or whom such server or seller knows to be a problem drinker, or who is or appears to be under the legal drinking age. In addition, specific policies, procedures, and regulations governing particular facilities or populations may be developed by the persons or offices authorized to do so in conjunction with the Office of Public Safety.

6. Actions or situations that recklessly or intentionally endanger mental or physical health or involve forced consumption of alcohol or drugs in connection with initiation into or affiliation with any organization are strictly prohibited.

7. The use of alcohol or drugs is never an excuse for committing any College policy violation. Regarding gender-based misconduct, the use of alcohol or drugs never makes someone at fault for experiencing gender-based misconduct and does not diminish anyone’s responsibility to obtain informed and freely given consent to sexual activity.

8. Violations of this Policy or of any related laws are subject to College disciplinary codes and policies. Sanctions which may be assessed against violators include, for students, suspension and expulsion, and for employees, discharge. Visitors who violate this Policy may be ejected from the event, from the campus or banned from the College.

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

9. Faculty, staff and students as well as contractors and visitors should also be aware that, in addition to College sanctions, they may be subject to criminal penalties for unlawful manufacture, possession, service, or sale of alcoholic beverages to a person under the age of 21 years. For more information about relevant federal, state and local alcohol laws, see the College’s Drug Free Campus Policy:  http://www.tc.columbia.edu/policylibrary/publicsafety/drug-free-campus/

Responsible office: The Office of Public Safety
Last updated: October 1, 2016
Appendix F; Gender Based Misconduct Policy for Students

Gender-Based Misconduct Policy and Procedures for Students

Gender Based Misconduct Office
Student Conduct and Community Standards

Columbia University
In the City of New York
# GENDER-BASED MISCONDUCT POLICY AND PROCEDURES FOR STUDENTS

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I. INTRODUCTION

Columbia University, Barnard College, and Teachers College are committed to fostering an environment that is free from gender-based discrimination and harassment, including sexual assault and all other forms of gender-based misconduct. The University recognizes its responsibility to increase awareness of such misconduct, prevent its occurrence, diligently investigate reports of misconduct, support students and others who experience gender-based misconduct, and deal fairly and firmly with students who violate University policy. In addressing issues of gender-based misconduct, all members of the University must respect and care for one another in a manner consistent with our deeply held academic and community values.

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

Here are several important points about gender-based misconduct that the Policy addresses:

- Sexual harassment, sexual assault, sexual exploitation, gender-based harassment, stalking, domestic violence, and dating violence are all forms of gender-based misconduct. In some instances, these behaviors do not have to be sexual in nature to be considered gender-based misconduct.
- Gender-based misconduct can occur between strangers or acquaintances, or people who know each other well, including between people involved in an intimate or sexual relationship.
- Gender-based misconduct can be committed by anyone regardless of gender identity, and it can occur between people of the same or different sex or gender.

Most fundamentally, the University does not tolerate any form of gender-based misconduct. Students who experience gender-based misconduct can seek help and bring complaints in the University process set out in this document. Those found responsible will be sanctioned in accordance with this Policy. Students who experience gender-based misconduct can also pursue criminal and civil processes, in addition to or instead of the University's process under this Policy.

This Policy and accompanying Procedures are part of the University's multifaceted approach toward eliminating gender-based misconduct from our community, which includes: (1) educational programs; (2) services and resources for those affected by gender-based misconduct; (3) accessible, prompt, and fair methods of investigation and resolution of reports of misconduct; and (4) protections designed to prevent recurrence.

1 For the purposes of this Policy and Procedures, the term "University" includes Columbia University and Teachers College. Barnard College has its own Policies and Procedures, available at: http://barnard.edu/doc/titleix, that apply when a Barnard student is a
Respondent. In cases where a Barnard student is the Complainant and a Columbia or Teachers College student is the Respondent, Columbia's Gender-Based Misconduct Policy and Procedures apply. When this Policy and Procedures refer to just one of the institutions, the names Columbia, Barnard, and Teachers College are used. For more information, see the Scope of Policies and Procedures on page 3.

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

The Procedures discuss reporting options, campus resources, and the measures and accommodations that may be available in particular cases to support and assist students. The Procedures also spell out the investigation, adjudication, and sanctioning process that apply when students are accused of misconduct, as well as the rights of students in connection with the process.

The last section includes the New York State Students' Bill of Rights and a comprehensive listing of resources available to students affected by gender-based misconduct, including phone numbers, campus locations and websites.

Nothing in the Policy or the Procedures shall be construed to abridge academic freedom and inquiry, principles of free speech, or the University's educational mission.
II. SCOPE OF THE POLICY AND PROCEDURES

This Policy governs gender-based misconduct involving students\(^2\) that: (1) occurs on any University campus or in connection with University programs or activities; (2) creates a hostile environment for University students; or (3) involves a Respondent (a person accused of gender-based misconduct under this Policy) who is a current undergraduate, graduate, or professional student at the University. The Policy applies regardless of a person's gender, gender identity, gender expression, sex, sexual orientation, age, race, nationality, class status, religion, disability, pregnancy, predisposing genetic characteristics, military status, criminal convictions, domestic violence status, familial status, or other protected status.\(^3\)

The accompanying Procedures describe how to report an incident of gender-based misconduct and the investigation and disciplinary process that applies when the Respondent is a current undergraduate, graduate, or professional student at the University, including students on leave. The University's Gender-Based Misconduct Office\(^4\) ("the Office") serves as the central point of contact for all University students affected by gender-based misconduct. Reports of gender-based misconduct can be made online at [http://sexualrespect.columbia.edu/](http://sexualrespect.columbia.edu/) or directly to the Title IX Coordinator at: titleix@columbia.edu. Students of Barnard College and Teachers College may contact the Office directly or through the Title IX Coordinator at their school:

- Barnard College: [http://www.barnard.edu/doc/titleix/](http://www.barnard.edu/doc/titleix/)
- Teachers College: [http://www.tc.edu/titleix/](http://www.tc.edu/titleix/)

If the Respondent is affiliated with the University, but is not a University student, different procedures apply to the investigation and disciplinary process as described here:

- If the Respondent is a Columbia employee or other person doing business with Columbia, the investigation and disciplinary processes described in Columbia's [Employee Policies and Procedures on Discrimination](http://www.columbia.edu/cu/HR/), [Harassment](http://www.columbia.edu/cu/HR/), [Sexual Assault](http://www.columbia.edu/cu/HR/), [Domestic Violence](http://www.columbia.edu/cu/HR/), [Dating Violence](http://www.columbia.edu/cu/HR/), and [Stalking](http://www.columbia.edu/cu/HR/) apply.

- If the Respondent is a Barnard student, Barnard employee, or other person doing business with Barnard College, the investigation and disciplinary processes described in the Barnard College [Grievance Procedures for Gender-Based Misconduct](http://www.barnard.edu/), [Sexual Assault](http://www.barnard.edu/), [Domestic Violence](http://www.barnard.edu/), [Dating Violence](http://www.barnard.edu/), and [Stalking](http://www.barnard.edu/) apply.

- If the Respondent is a Teachers College employee or other person doing business with Teachers College, the investigation and disciplinary processes described in the Teachers College [Policy on the Protection from Harassment](http://www.tc.edu/titleix/) apply.

Note: While this Policy and the Procedures identify the University office or employee who will typically perform certain roles or duties, the University may designate other University offices or employees to perform any roles or duties described in the Policy or Procedures.

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

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

4 The University's Gender-Based Misconduct Office is part of the University's Student Conduct and Community Standards Office.
III. GENDER-BASED MISCONDUCT POLICY FOR STUDENTS ("POLICY")

A. Prohibited Conduct

Gender-based misconduct includes a broad range of behaviors focused on sex and/or gender that may or may not be sexual in nature. This misconduct can occur between strangers, acquaintances, or people who know each other well, including people involved in an intimate or sexual relationship. It can be committed by anyone regardless of gender identity, and can occur between people of the same or different sex or gender. One form of prohibited conduct can occur separately from or simultaneously with another form of prohibited conduct.

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

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

More specifically:

- Sexual activity that is coerced or forced is not consensual.
- A person cannot give consent if he or she lacks the ability to make or understand the decision because of disability, lack of sleep, consumption of alcohol or drugs, or if he or she is unwillingly restrained.
- A sleeping or unconscious person cannot give consent.
- The use of alcohol or drugs does not justify or excuse gender-based misconduct and never makes someone at fault for experiencing gender-based misconduct.

Definitions of Gender-Based Misconduct

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

**Sexual Assault: Intercourse**

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

**Sexual Assault: Contact**

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

**Domestic Violence**

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

*Examples of this type of violence include hitting, kicking, punching, strangling, or other violent acts, including violence or threats of violence to ones self or one's partner, or the family members, friends, pets, or personal property of the partner.*

**Dating Violence**

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

*Examples of this type of violence include hitting, kicking, punching, strangling, or other violent acts, including violence or threats of violence to ones self or one's partner, or the family members, friends, pets, or personal property of the partner.*

**Sexual Exploitation**

Non-consensual abuse or exploitation of another person's sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage, or any other illicit purpose.

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

**Stalking**

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

**Sexual Harassment**

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

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

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

Retaliation

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

- All individuals and groups of individuals, not just a Respondent or Complainant, are prohibited from engaging in retaliation. Retaliation can refer to actions or threatened actions by any individual, including students and others who are not engaged with the Office.
- Retaliation includes threatening, intimidating, harassing, or any other conduct that would discourage a reasonable person from engaging in activity protected under this Policy, such as seeking services; receiving protective measures and accommodations; reporting gender-based misconduct; or participating in an investigation or adjudication as a Complainant, Respondent, Witness, Third-Party Reporter or Advisor.
- Retaliation includes maliciously and purposefully interfering with, threatening, or damaging the academic or professional career of another individual, before, during or after the investigation and resolution of a report of gender-based misconduct under this Policy.
- Retaliation may also include violations of a no contact directive and/or other interim measures put in place during the course of an investigation.
- This provision does not apply to reports made or information provided in good faith, even if the facts alleged in the report are determined not to be accurate.
- If the alleged retaliation occurs during the course of an investigation and occurs between the Complainant and the Respondent, these allegations may be investigated separately through the Dean's Discipline process or folded into the pending investigation, based on the circumstances of the allegation.
- Allegations of retaliation by other parties, i.e., not between the Complainant and the Respondent, will be investigated separately by the Office when the allegations involve gender-based misconduct. Any other allegations of retaliation will be investigated and adjudicated through the Dean's Discipline process.

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

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

Important Related Concepts

Complainant

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

Respondent

The person alleged to have committed gender-based misconduct.

Party

Complainants and Respondents are sometimes referred to as parties. (A "party" is someone who is directly involved in a proceeding.) Others, such as witnesses and advisors, are not considered parties.

The definitions that follow provide additional guidance regarding the prohibited conduct previously discussed.

Affirmative Consent

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

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

Coercion

Coercion is verbal and/or physical conduct, including intimidation, and explicit or implied threats of physical, emotional, or other harm, that would reasonably place an individual in fear of immediate or future harm and that is used to compel someone to engage in sexual contact against their will.

• Coercion is more than an effort to persuade, entice or attract another person to have sex. When a person makes clear that they do not want to participate in a particular form of sexual activity, that they want to stop or that they do not want to go beyond a certain sexual activity, continued pressure can be coercive.

• In evaluating whether coercion was used, the frequency, duration and intensity of the other person's verbal or physical conduct or threats are all relevant, as is the degree of isolation of the person being subjected to that conduct or those threats. Coercion may be evidenced by a proposed *quid pro quo* interaction that assumes that a party will be harmed or restrained if they do not engage in sexual activity (e.g., "You can leave, but only after you perform oral sex.")

Intimidation

Intimidation is any threat of violence or other threatening behavior directed toward another person or group that reasonably leads the target(s) to fear for their physical well-being or to engage in sexual conduct for self-protection. A person's size alone does not constitute intimidation; however, a person can use their size or physical power in a manner that constitutes intimidation (for example, by blocking access to an exit).

Force refers to the use of physical violence and/or imposing on someone physically to gain sexual access. Examples of physical violence include hitting, punching, slapping, kicking, restraining, choking, strangulation and/or brandishing or using any weapon.

Hostile Environment

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

In evaluating a hostile environment, the University will consider the totality of the known circumstances, including but not limited to:

• The frequency, nature and severity of the conduct;
• Whether the conduct was physically threatening;
• The effect of the conduct on the Complainant's mental or emotional state;
• Whether the conduct was directed at more than one person;
• Whether the conduct arose in the context of other discriminatory conduct; and
• Whether the conduct unreasonably interfered with the Complainant's educational or work performance and/or University programs or activities.
Incapacitation

Incapacitation occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. A person who is incapacitated cannot make a rational, reasonable decision because the person lacks the ability to understand his or her decision.

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

- Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent. See the following for additional discussion on how drugs and alcohol can affect consent.

- Whether sexual activity with an incapacitated person constitutes gender-based misconduct may depend on whether the Respondent knew or should have known of the Complainant's incapacitation, based on objectively and reasonably apparent indications when viewed from the perspective of a sober, reasonable person in the Respondent's position.

How drugs and alcohol affect consent

- The use of alcohol or other drugs is never an excuse for committing a policy violation and does not diminish anyone's responsibility to obtain informed and freely given consent.

- The use of alcohol or other drugs never makes someone at fault for experiencing gender-based misconduct.

- The impact of alcohol and other drugs varies from person to person and there is no specific amount of alcohol or drugs consumed that leads to incapacitation.

In evaluating whether a person is incapacitated due to the consumption of alcohol, drugs or intoxicants, the following factors will be considered:

- How the Complainant understood the "who, what, when, where, why or how" of the sexual activity; and

- How the Complainant was physically affected by the consumption of alcohol or drugs, which may include, but is not limited to, warning signs such as having slurred or incomprehensible speech, vomiting, unsteady gait, imbalance, bloodshot eyes, combative, emotional volatility, or notable change in personality.

- Because the impact of alcohol and other drugs varies from person to person, the amount of alcohol and/or drugs a person consumes will not ordinarily be sufficient, without other evidence, to prove that they were incapacitated under this Policy.

Another effect of alcohol consumption can be memory impairment, or forgetting entire or partial events (sometimes referred to as "blackout"). A person may experience this symptom while appearing to be functioning "normally," including communicating through actions or words to express an interest in engaging in sexual activity.

Alcohol and drugs can create confusion over whether parties have affirmatively consented to sexual activity. Therefore, individuals should be aware of, and carefully consider, the potential consequences of the use of alcohol or drugs, which can lower inhibitions and create an atmosphere of confusion.
Scenarios

The following scenarios help illustrate some applications of the Policy:

Pat and Dana met at a party. They spent the entire party getting to know each other and dancing. Dana had four shots of tequila and four beers over the course of the evening. At one point, Dana went to the bathroom. Pat noticed that Dana staggered upon returning from the bathroom. Dana's friend informed Pat that Dana had been vomiting. Pat volunteered to take Dana home. When they arrived at Dana's dorm room, Pat began kissing Dana and proceeded to have sexual intercourse with Dana. Upon waking up in the morning, Dana asked Pat what happened that evening. Pat told Dana that they had sex and that Dana had asked to have sex. Dana began crying and said, "I didn't want to have sex with you." This is a violation of this Policy. A reasonable person could have concluded that Dana was incapacitated due to her alcohol use because Pat saw Dana stumbling and knew Dana had vomited in the bathroom. Dana was therefore not able to give consent.

Taylor and Hong have been dating for a few months. On several occasions, Taylor and Hong have engaged in consensual sexual intercourse. One night, Hong and Taylor were making out when Hong said, "I don't feel like having sex tonight." Taylor continued to kiss Hong and took off Hong's clothing despite Hong's verbal and physical objections. Eventually, Hong became silent and submitted to Taylor's insistence to have sex. This is a violation of this Policy. Hong objected to having sex and Taylor ignored these objections. Although Taylor and Hong have previously had consensual sexual intercourse, Hong did not consent to sexual activity on this particular evening. In addition, silence does not imply consent.

Peyton and Jordan were in the hallway of their residence hall with a group of their neighbors on the floor, joking around and telling stories. Peyton placed his arms around Jordan's waist as they continued their conversation and then touched Jordan's breasts. Jordan removed Peyton's hands from her body. A few minutes later, Peyton stated she did not understand why Jordan was making such a big deal about Peyton touching her. This is a violation of this Policy. Peyton had not obtained Jordan's affirmative consent and, as such, this behavior constitutes intentional physical contact of a sexual nature.
B. Resources for Students

Immediate Assistance

The University encourages all students affected by gender-based misconduct to seek immediate assistance. Seeking assistance promptly may be important to ensure a student’s physical safety or to obtain medical care, emotional support, or other support. It may also be necessary to preserve evidence, which can assist the University and/or law enforcement in responding effectively. Assistance is available twenty-four hours a day, seven (7) days a week. The Resource listing at the end of this document provides contact information for the campus and community resources available to help.

Confidentiality/Mandatory Referral

The University values the privacy of its students, employees, and other community members. Community members should be able to seek the assistance they need without fear that the information they provide will be shared more broadly.

Some resources on campus are confidential and will not share any identifying information with others, except as required by law in emergency circumstances.

“Other resources” are not confidential but will protect students’ privacy to the greatest extent possible and share information with other staff only on a need-to-know basis. Among these “non-confidential” resources are faculty and most staff, who are required by federal and state law to provide relevant information to the University’s Title IX coordinators. These individuals are responsible for helping to access community resources and working to ensure community safety.

Appendix B includes a chart summarizing the confidentiality obligations of different categories of University employees with respect to reports of gender-based misconduct. Any of the staff listed as Resources will be able to explain their or her referring obligations in more detail.

Confidential Resources

Advocacy, Counseling Services, and Healthcare Providers

The University provides confidential advocacy, crisis and pastoral counseling, and medical services on campus. Advocates, counselors, clergy, and healthcare providers can provide students with immediate and long-term help. Conversations with them are confidential, except in certain emergencies as described in the Resources listing following the Procedures.

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

These advocates, counselors, clergy, and healthcare providers are familiar with the University’s disciplinary process, can explain what to expect, and provide support while disciplinary or criminal processes are pending.
Additional Resources (Non-Confidential)

Gender-Based Misconduct Office

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

Title IX Coordinators

The Title IX Coordinators for Columbia and Teachers College are responsible for overseeing the University's response to Title IX reports and complaints, and identifying and addressing any patterns or systemic problems revealed by such reports and complaints. The Title IX Coordinators oversee the administration of this Policy and the Procedures in a neutral and equitable manner. Title IX coordinators from Barnard, Columbia, and Teachers College will work collaboratively when students from different institutions are involved in the process. Contact information for the Title IX Coordinators is in the Resources listing following the Procedures.

Law Enforcement

Students may report gender-based misconduct to the New York City Police Department, the Manhattan District Attorney's Office, or the local law enforcement agency where the misconduct occurred if the misconduct occurred outside of New York City. The University and criminal justice systems work independently from one another. Law enforcement authorities do not determine whether a violation of this Policy has occurred, and the criminal justice system uses different standards related to proof and evidence.

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

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

Confidential support resources as well as the Gender-Based Misconduct Office and University Public Safety can explain how to report sexual assault and other forms of gender-based misconduct to law enforcement.

Confidential support resources or University Public Safety personnel can accompany any student requesting support to the Police Department or District Attorney's Office. They cannot serve as a substitute for legal advice on these matters.
IV: PROCEDURES FOR RESPONDING TO STUDENT GENDER-BASED MISCONDUCT (PROCEDURES)

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

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

A. Reporting Gender-Based Misconduct

The University encourages students to report gender-based misconduct to the Gender-Based Misconduct Office or to a Title IX coordinator, so that the University can investigate and respond effectively. Students may meet with the Office staff to learn more about the process before making a report.

The University recognizes that students may be most comfortable disclosing gender-based misconduct to a University employee they know well, such as a faculty member, coach, or resident advisor. Other than defined confidential resources, if these individuals receive a report, they are required to refer what they learn about the incident to the Office, either directly or through a Title IX Coordinator. The University will endeavor to follow up on any report it receives about possible gender-based misconduct, whether from a student, other member of the community, or an anonymous source.

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

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

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

A student who reports gender-based misconduct to the Office can request that the Office not disclose his or her identity to anyone else, including the person who allegedly committed the misconduct. While such a request may limit the ability to investigate and respond to the reported misconduct, the Office, in consultation with the appropriate Title IX Coordinator(s), will consider the request in light of the University's commitment to provide a safe and non-discriminatory environment for all students and will honor the request whenever possible. The Office will promptly notify the student making the request whether the University will be able to honor it.

Whether or not the University is able to grant a request to keep the student's identity confidential, University personnel will reveal information about investigations and disciplinary proceedings related to gender-based misconduct only to those who need to know in order to carry out their duties and responsibilities. In all cases, the University will take appropriate steps designed to counteract the effects of the alleged gender-based misconduct,
prevent its recurrence, provide support and make accommodations for the students involved. This may include academic, residential, and work accommodations; increased monitoring, supervision, or security at locations or in connection with activities where the alleged misconduct occurred; and training and educational materials for the campus community. If there is reason for concern about possible retaliation or harm, the University will take protective measures in consultation with the affected students.

Intake with Case Managers

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

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

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

Accommodations and Interim Measures

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

Accommodations

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

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

The Office will evaluate any request for accommodations in light of the circumstances and information available at the time of the request. If requested accommodations cannot be granted, the Office will provide an explanation, in writing, to the student.
Accommodations may include, but are not limited to:

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

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

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

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

Interim Measures

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

Interim measures include, but are not limited to:

- No contact directives;
- Restricting a Respondent's access to campus buildings and/or University property;
- Moving a student's residence;
- Temporarily suspending a Respondent from the University; and
- Temporarily suspending a Respondent from specified activities.

The University will provide notice about these measures only to those who need to know in order to make them effective.

Failure to comply with interim measures or other directives is a violation of University policy and may lead to disciplinary action.

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5 Interim suspensions will be reasonable and tailored to balance the ability of the Respondent to complete their studies with the safety of both the Complainant and/or the University community at large.
Following the report of an incident, the Office will provide written notice to the students involved in the incident, describing any necessary interim measures and providing information about the accommodations and resources available to them.

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

Other Information about Reporting

Time for Reporting

The University does not limit the time for submitting a report of gender-based misconduct. However, the University's ability to investigate and respond effectively may be reduced with the passage of time.

Additionally, the timing of a report to the Office may affect the University's ability to implement sanctions on a Respondent found responsible for a violation of Policy. For example, if a Respondent is not a student at the time of the report, the University may not be able to take disciplinary action against the Respondent, but it will still seek to meet its Title IX obligations by providing support for a Complainant and taking steps to end the prohibited conduct, prevent its recurrence, and address its effects.

Reports from Others and Anonymous Reports

In cases where gender-based misconduct is reported to the Office by someone other than the student who was subjected to the alleged misconduct (for example, a faculty member, resident advisor, friend or roommate), the Office will promptly notify the student that a report has been received. This Policy and the Procedures will apply in the same manner as if the student had made the initial report. The Office will make every effort to meet with the student to discuss available options and on-campus and off-campus resources. Reports from anonymous sources will be treated in a similar fashion.

Related Alcohol and Drug Violations (Amnesty)

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

The University will, if possible, investigate reports of incidents affecting University students that involve persons who are not members of the University community or whose identity is not known and take appropriate actions to protect affected students and others in the University community. In addition, the Office will assist students in identifying appropriate campus and other resources.

Public Awareness Events

The University supports public awareness events such as “Take Back the Night,” the Clothesline Project, candlelight vigils, protests, survivor speak outs, and other forums. These activities help inform the need for campus-wide education and prevention efforts. The disclosure of incidents of gender-based misconduct at such events is not considered a report to the University for the purposes of prompting an investigation of a particular incident.

B. Rights of the Complainant and Respondent

In order to provide accessible, prompt, and fair methods of investigation and resolution of incidents of student gender-based misconduct, the University has developed a process for investigation and adjudication of misconduct reports. A handout that lists these rights will be provided to both the Complainant and the Respondent, along with the NYS Students’ Bill of Rights, during each student’s initial meeting with a Case Manager from the Gender-Based Misconduct Office. Throughout this process, both the Complainant and the Respondent have the following rights:

- To respect, dignity, and sensitivity;
- To appropriate support from the University;
- To privacy to the extent possible consistent with applicable law and University policy;
- To information about the University’s Gender-Based Misconduct Policy and Procedures for Students;
- To the presence of an advisor throughout the process;
- To participate or to decline to participate in the investigation or adjudication process (however, a decision not to participate in the process either wholly or in part will not prevent the process from proceeding with the information available);
- To a prompt and thorough investigation of the allegations;
- To adequate time to review documents in the Office following the investigation;
- To adequate time to prepare for a hearing;
- To an opportunity to challenge investigator(s) or hearing/appellate panel member(s) for a possible conflict of interest;
- To refrain from making self-incriminating statements;
- To an appeal of the decision made by the hearing panel and of any sanctions imposed by the Sanctioning Officer;
- To notification, in writing, of the case resolution, including the outcome of any appeal;
- To report the incident to law enforcement at any time; and
- To understand that information collected in the process may be subpoenaed in criminal or civil proceedings.
Privacy

The University will reveal information about its investigation and adjudication of gender-based misconduct only to those who need to know the information in order to carry out their duties and responsibilities. It will inform all University affiliates, including students, faculty and staff participating in an investigation, proceeding, or hearing that they are expected to maintain the privacy of the process.

This does not prohibit either a Complainant or Respondent from obtaining the assistance of family members, counselors, therapists, clergy, doctors, attorneys, or similar resources; nor does it prevent either party from discussing the incident itself.

Advisors

The Complainant and the Respondent, respectively, may be accompanied to any meeting or hearing by the advisor of their choice through the course of case management, investigation, adjudication, and the appeal process. Witnesses or others involved in the Gender-Based Misconduct Process are not permitted to bring another person to any meeting or hearing, absent an approved disability accommodation.

Advisors may support the student and provide advice during an investigation and throughout the process. Although students are not required to bring their advisor to all meetings, they are expected to maintain the same, single advisor throughout the process unless there are extenuating circumstances that require them to obtain a replacement. This use of a single, consistent advisor enables the process to move forward in an efficient fashion. In the event that students want to make a permanent change to their advisor, they must provide written notice to their Case Manager.

During meetings and hearings, the advisor may talk quietly with the student or pass notes in a non-disruptive manner. The advisor may not intervene in meetings with the Investigative Team. While an advisor may address the Investigative Team during an investigative interview to seek clarity, these interactions should be limited. Furthermore, during a hearing, the advisor may not directly address the hearing panel, nor may they give evidence, directly question witnesses or make verbal objections. In addition, while advisors may provide guidance and assistance throughout the process, all written submissions must be authored by the student.

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

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

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

Declining to Participate

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

The University may continue the process without the Complainant's and/or Respondent's participation. Declining to participate during the investigation stage of the process will preclude a Complainant or Respondent from participating in the adjudication process, including the ability to submit new information to the hearing panel or appellate panel, absent extraordinary circumstances; however, the Complainant or Respondent may submit an impact statement at the sanctioning stage, if applicable, without regard to earlier participation in the process. Even if a party declines to participate, the Office will continue to update each party throughout the process, unless a party submits a written request to the Office to cease contact.

Declining to schedule a meeting with investigators or refusal to respond to outreach by the Office will be interpreted as declining to participate and may preclude or limit participation in later stages of the process, as explained on the following pages. Silence or a decision not to participate will not be treated as a negative factor in the investigation, adjudication, or appeal.

Time Frames

The University will seek to resolve every report of gender-based misconduct within approximately sixty (60) days of an initial report, not including the time for any appeal. Time frames will vary depending on the complexity of the investigation and the severity and extent of the alleged misconduct. Time frames may be extended for Resolution, Mediation, Restorative Justice, Pre-hearing Conference, and/or good cause as necessary to ensure the integrity and completeness of this process. The reasons for extension of the time frame also include, but are not limited to: compliance with a request by law enforcement; accommodation of the availability of parties and witnesses; students on leave; accounting for exam periods, school breaks or vacations; and/or accounting for complexities of a specific investigation, including the number of witnesses and volume of information provided by the parties. The Office will give periodic status updates to the parties, in writing.
Generally, a case will proceed in the following order:

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

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

Notice

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

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

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

• **Pre-Determination Conference:** Notice of an opportunity to meet with the Investigative Team to discuss the information obtained during the investigation and to submit any additional information, questions for the other party, and/or clarification.

• **Pre-Hearing Conference:** Notice of whether the Respondent accepts responsibility for violating the Policy.

• **Hearing Panel:** Notice of the date and time of any hearing and list of hearing panel members and Notice of hearing procedures.

• **Finding:** Notice of the hearing panel's finding of "responsible" or "not responsible," along with the rationale for the outcome, provided within three (3) business days after the hearing.

• **Sanctioning:** Notice of the sanctions imposed and the reasons for the sanctions and the University's appeals process, provided within three (3) business days after the determination of the hearing panel. There will be no sanction notice if there is not a responsible finding.

• **Appeals Process:** Notice of whether an appeal has been filed and an opportunity to review and respond to the other party's appeal. Requests for an appeal are due within seven (7) business days after sanction(s) are issued; Notice of the Deans assigned to the appellate panel; Notice of a response to a filed appeal; and Notice of the appellate panel's determination, including whether the responsibility determination or sanctions have been modified and when the responsibility determination and sanctions, if any, become final. An appeal decision is delivered within fifteen (15) business days after the notice the appeal was filed.

**Conflicts of Interest**

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

A Complainant or Respondent who believes that a member of an Investigative Team or hearing or appellate panel has a conflict of interest must submit this written request to the Office within two (2) days after notification of the individuals involved in the investigation or panel. Any request should include a description of the conflict. The fact that an individual is the same gender, race, etc., of a party or individual involved in the process is not a conflict and requests for changes in staffing on this basis will not be considered. If the Office determines that a conflict of interest exists, the University will take steps to address the conflict in order to ensure an impartial process.
C. Investigation Process

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

Initial Assessment of Complaints

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

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

Investigation

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

During any meeting, interview and/or hearing, the Complainant and Respondent may bring an advisor. If the Complainant, Respondent, or advisor is unable to be physically present for any stage of the investigative process, accommodations will be made for their participation by other means.

The University's process for responding to, investigating and adjudicating gender-based misconduct reports will ordinarily continue during any law enforcement proceeding. The Gender-Based Misconduct Office may need to temporarily delay an investigation while law enforcement is gathering evidence, generally no longer than ten (10) days, except when law enforcement specifically requests and justifies a longer delay. The Office will resume the investigation after learning that law enforcement no longer requires a delay or has completed the evidence-gathering stage of their investigation. The Office will not wait for the conclusion of any related criminal proceeding. It should be noted that the standards of criminal law are different than those employed by the University; while information
collected by law enforcement may be included in the Office investigation, determinations in criminal investigations and proceedings will not be considered in the Office's investigation and adjudication.

Requests Not to Investigate

The Office will inform the Complainant before starting an investigation and the Complainant may request that an investigation not be undertaken. The Office, in consultation with the appropriate Title IX Coordinator(s), will consider such a request in light of the University's commitment to provide a safe and non-discriminatory environment for all students and weigh the following factors:

- Circumstances that suggest there is a risk of the Respondent committing additional acts of gender-based misconduct, such as: Whether there have been other gender-based misconduct complaints and/or escalation of previously known conduct by the same Respondent; Whether the Respondent has threatened further gender-based misconduct against the Complainant or others; and Circumstances that suggest there is an increased risk of similar future acts of gender-based misconduct by the Respondent.
- Whether the alleged gender-based misconduct was committed by multiple perpetrators.
- Whether there was use of a weapon or force in connection with the gender-based misconduct.
- Whether the University possesses other means to obtain relevant evidence, such as security cameras, witnesses and/or physical evidence.
- If the Complainant is under 17 years old.

If the Office determines not to investigate, it will notify the Complainant in writing, including that the determination was made at the Complainant's request. At the Complainant's written request, the Office will also notify the Respondent, in writing, including that the Complainant asked the University not to investigate.

Investigation Procedures

The Office will designate a two-person team ("the Investigative Team") to conduct an investigation into whether a violation of the Policy occurred. All Title IX Investigators will have extensive training in investigating and evaluating conduct prohibited under the Policy. The Investigative Team will be impartial and unbiased.

The parties will meet separately with the Investigative Team. The Investigative Team will discuss with each party the nature of the allegations, the rights and responsibilities of each party, the prohibition against retaliation, and the adjudication process before discussing the specific facts of an allegation with each party. The Complainant, the Respondent, advisors, and all witnesses will be required to agree in writing not to engage in retaliation against any participant in the investigation and adjudication process, not to record any meeting or hearing conducted as part of the process, and not to copy or photograph any documents or evidence to which they are afforded access as part of the process. Subsequently, the Investigative Team will speak to each party in detail about the allegations and ask each party to provide a list of witnesses and/or any relevant documents or evidence to be considered. The Investigative Team has the discretion to determine the relevance of any proffered witness and/or evidence and determine that certain witnesses and/or evidence should be included or excluded in the investigative process in light of the allegations and/or Policy set out here. A party is not required to provide any particular witness and/or
evidence for an investigation to proceed, nor should a lack of such information dissuade any student from participating in the process.

Any documents submitted to the Investigative Team for consideration may become part of the Investigative Report in redacted form. During the investigation, the Investigative Team will adhere to the following protocols:

- **Statements**: All parties and witnesses are obligated to be honest and act in good faith. Any person who knowingly makes a false statement in connection with the investigation may be subject to separate disciplinary action.

- **Preserving Evidence**: The Investigative Team will direct the Complainant, Respondent, witnesses, and other interested individuals to preserve any relevant evidence. Examples include, but are not limited to, electronic messages (e.g., e-mails, text messages and Facebook and Instagram messages, writings and photographs).

- **Witnesses**: The Complainant and the Respondent have the right to identify any individuals who may be witnesses to the conduct alleged. The parties should be aware it is possible for both the Respondent and the Complainant to list the same people as witnesses. Any attempt to threaten, intimidate or otherwise improperly influence the testimony of a witness may result in disciplinary action. The Investigative Team will attempt to contact and interview any witnesses it deems to have relevant information, including those identified by the parties. The Investigative Team will not interview witnesses whose sole purpose is to provide character information.

- **Sexual History**: Either the Complainant or the Respondent may provide information regarding their shared sexual history. Generally, the Investigative Team will not consider information concerning the Complainant’s or the Respondent’s sexual history with other people, except under very limited circumstances such as explaining an injury or responding to another specific question raised by an allegation. If either party offers any of the aforementioned information, the other will be notified and have the right to respond and request this information not be considered. The Investigative Team will determine whether information should be included based on relevance to the investigation and fairness to both parties.

- **Mental Health Treatment/Diagnosis**: Each party has the right to request that evidence regarding his or her mental health diagnosis and/or treatment be excluded from consideration when responsibility is being determined. However, if an individual wishes to present evidence of their own mental health diagnosis and treatment he/she may do so in limited circumstances. If either party offers this type of information for consideration, the other party will be notified and have an opportunity to respond, requesting this information not be considered.

- **Prior Conduct Violations**: Prior reports or determinations of responsibility for gender-based misconduct will not be considered in determinations of responsibility (see the following pages) and will therefore not be addressed in an Investigative Report. The University is committed to ensuring each party a meaningful opportunity to be heard in any given case; for this to occur the investigation and adjudication of one complaint must be based on facts relevant to that complaint and may not be influenced by reports or determinations from another, separate complaint. Prior determinations of responsibility for allegations of the same type of gender-based misconduct may be admissible in the sanctioning stage of the process.
• **Credibility Assessment:** The Investigative Team will use the following factors when assessing the credibility of parties and the witnesses: the consistency or inconsistenc-y of their accounts of events over time; their demeanor during their interviews; their motive to lie; any corroborating evidence; and whether their statements included specific details that were reasonable and logical.

• **Burden of Proof:** The Investigative Team applies "preponderance of the evidence" as the standard of proof to determine whether a violation of the Policy occurred. Preponderance of the evidence means that the Investigative Team must determine, based on the evidence presented, that the Respondent was more likely than not to have engaged in the conduct at issue. During the investigation and adjudication process, the Respondent is presumed not responsible. The Complainant and Respondent may each participate at the level to which they are comfortable. The team bears the burden of showing evidence to support its recommendation regarding responsibility. The burden is not on the Respondent to prove that they did not engage in gender-based misconduct.

At the conclusion of this phase of the investigation, the Investigative Team will provide to the Complainant and the Respondent, in writing, a description of the alleged Policy violations that will be considered during the adjudication process. The Investigative Team will prepare a report based on interview summaries, witness statements and other documents gathered during the investigation. In accordance with the Family Educational Rights and Privacy Act (FERPA), the Investigative Team will redact names and other identifying information of other students from the report and related materials, except to the extent that doing so would interfere with the purpose of Title IX to eliminate sex-based discrimination. The Office will provide a redacted and watermarked copy of the report to the Complainant, Respondent, and/or their respective advisors for their review, to be returned to the Office at the completion of the adjudication process. Media exhibits such as video recordings and/or photographs of individuals will be available for individual review in the Office, at a prearranged time.

**Pre-Determination Conference**

After the parties have had the opportunity to review the factual summary of the Investigative Report, a Pre-Determination Conference will be scheduled. During the conference, the Investigative Team will review available resolution processes, if applicable, with each of the parties (See Resolutions). If the parties do not wish to engage in any of the available resolutions, each party will be asked if they would like to provide additional information or clarification to the factual summary.

The Pre-Determination Conference is each party's opportunity to provide correction to typos in the factual summary, including correction of names and/or dates, or other minor factual errors; to argue that the factual summary is inaccurate; to identify additional witnesses to be interviewed; and to ensure that all relevant information is included. The Investigative Team will review all requests and make the appropriate changes to the factual summary, which may be reviewed by each party.

While the parties may suggest questions during any stage of the investigative process, at this point, each party will have a final opportunity to provide questions for the Investigative Team to ask of any other party involved, including witnesses. Questions should be related to the factual summary and should not be duplicative or seek a
restatement of a fact that has already been included in the factual summary. The Investigative Team will inform each party if any of the questions they proffered are outside the scope of the Policy, need to be rephrased in proper form, or are unrelated to the case and, as such, may be denied. Following the conference, the Investigative Team will pose additional questions and document requests as appropriate.

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

D. Resolutions

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

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

Restorative Justice

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

The restorative justice process will typically commence within ten (10) days after the Gender-Based Misconduct Office receives written consent from both the Complainant and the Respondent. It will continue until concluded or terminated by the Complainant, the Respondent, or the Office. If the process leads to successful resolution, the disciplinary process will be concluded and the matter will be closed. If a resolution cannot be reached, the disciplinary process will resume.

Generally, to engage in restorative justice, the Complainant and the Respondent should be comfortable being in the same room with each other (each with an individual advisor, should they choose) and participating in a conversation guided by a specifically trained University administrator. To begin the process, the Complainant may provide a statement to the Respondent addressing the harm the Complainant experienced as a result of the Respondent's conduct. The Respondent may then provide a statement addressing their conduct and proposing solutions to best repair the harm caused by their behavior. The Complainant and the Respondent may then alternately propose and

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6 Statements made by the Complainant and/or Respondent solely relating to the conduct alleged in the initial report will not be included in the disciplinary process should mediation or restorative justice processes be terminated and the disciplinary process resumed.
counter-propose solutions to create terms of a resolution, until a resolution is agreed upon or until it is determined that the parties are unable to agree.

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

Mediation

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

The mediation process will typically commence within ten (10) days after the Office receives consent to mediate from both the Complainant and the Respondent and will continue until concluded or terminated by either the Complainant or the Respondent or the Office. During mediation, the investigation and time frames will be stayed. If the mediation results in a resolution, the disciplinary process will be concluded and the matter will be closed. If a resolution cannot be reached, the disciplinary process will resume. The University will not use mediation for cases involving allegations of sexual assault.

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

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

Pre-Hearing Conference

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

Finalization of Investigation and Disciplinary Action Agreement

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

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

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

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

Hearing Panel

The hearing panel is tasked with evaluating and analyzing all relevant information in the Investigative Report, including the credibility assessment and recommendation of responsibility provided by the Investigative Team, as well as any relevant additional submissions and information presented by the parties in the hearing process (see Preparing for the Hearing). It is by the preponderance of evidence standard that the panel determines whether there is a violation of policy.

If the hearing panel reviews the Investigative Report and determines that additional investigation needs to be conducted, it may request the Investigative Team to conduct additional interviews or reconcile any concerns. Any additional information collected by the Investigative Team at this stage will be provided to the hearing panel, the Complainant, and the Respondent in the form of a post-investigation addendum.
The hearing panel will generally have three members drawn from specially trained administrators within the University's Student Conduct and Community Standards office and/or the Equal Opportunity and Affirmative Action office, excluding the Investigative Team and other administrators responsible for the report. All panelists will receive relevant training at least once a year. In addition to training on how the adjudicatory process works, the training will include specific instruction on how to approach students about sensitive issues that may arise in the context of alleged gender-based misconduct.

The Complainant and Respondent will be informed of the panel's membership before the hearing process begins and afforded an opportunity to raise any perceived conflicts of interest before the hearing (see previous pages).

Preparing for the Hearing

In preparation for the hearing, the Complainant and the Respondent should review the Investigative Report and any supplemental materials. The parties may prepare a written statement in response to the Investigative Report addressing why they agree or disagree with the Investigative Team's recommendation.

The written statement must be completed by the student and be no more than five (5) single-spaced typed pages, using size 12-point Times New Roman font and 1-inch margins. The written statement must be submitted to the Office no less than two (2) days prior to the scheduled hearing. Statements discussing the impact of the alleged gender-based misconduct or the disciplinary process are not considered for the purpose of determining a finding of responsibility. Statements submitted for consideration that include information outside the scope of review by the hearing panel will be redacted, including statements of impact, which are submitted directly to the Sanctioning Officer, if applicable.

Hearing Procedures

The Office, whenever possible, will give the Complainant and the Respondent at least five (5) days advance notice of the hearing. The hearing is a closed proceeding; no one other than the hearing panel members, the Respondent, the Complainant, their respective advisors, and necessary University personnel may be present in the hearing room or rooms during the proceeding. If a party is unable to appear at the Office for the hearing, accommodations may be made for the party's appearance by other means. Requests to postpone the hearing may be granted at the discretion of the Office based on a compelling reason. Where possible, parties should make a postponement request at least 24 hours prior to the time of the hearing.

Both the Complainant and the Respondent are afforded the opportunity to participate in the hearing. Witnesses will not be involved in the hearing process. Each party will be placed in a separate room for the duration of the hearing and may view the proceedings via video conference. When it is their turn to appear before the hearing panel, the Complainant, the Respondent, and/or the Investigative Team will appear separately before the panel. Each party's respective advisor can also be present in the room when the advisor's party is present. During the hearing, questions
may be posed to a party and/or the Investigative Team, through the hearing panel, to better clarify or understand and analyze the Investigative Report. In general, hearings will proceed as follows:

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

In cases where either the Complainant or Respondent opts not to participate in the hearing, the other party can request that a hearing not be held and the hearing panel may render a decision based on the Investigative Report, post-investigation addendum (if applicable), and any written submissions.

Additional hearing rules include:

- **Statement via Video Conference:** Only the person giving a statement (and that person's advisor, if applicable) is in the hearing room with the panelists and necessary administrator(s) during their statement. The Complainant and Respondent will each have the opportunity to view and listen to statements from a separate, private room via video conference.

- **Questioning:** Only the hearing panel may ask questions of the Complainant, Respondent, and/or Investigative Team. Questions should focus on statements made by the parties and the analysis of the information provided by the parties and the Investigative Team, including the Investigative Team's recommendation.

- **Information Regarding Sexual History:** Generally, the hearing panel will not consider the sexual history of either the Complainant or Respondent in cases involving allegations of gender-based misconduct. Only information included in the Investigative Report will be considered by the hearing panel and may be discussed at the hearing.

- **Prior Conduct Violations:** In cases involving allegations of sexual assault, nonconsensual sexual contact, domestic violence, dating violence, stalking, sexual harassment, gender-based harassment and sexual exploitation, prior findings of responsibility for allegations of the same will not be considered by the hearing panel. These prior findings may be admissible in the disciplinary stage that determines the appropriate sanction for a particular violation of Policy.

- **Cell Phones and Recording Devices:** Cell phones and recording devices may not be used in the hearing room(s) unless approved by the panel in advance.

**Determining Responsibility**

Following the investigation and conclusion of the hearing, the hearing panel will render a determination of whether the Respondent is responsible for the violation(s). The hearing panel will use "preponderance of the evidence" as the standard of proof to determine whether a violation of the Policy occurred. Preponderance of the evidence means that a hearing panel must determine whether, based on the evidence presented, the Respondent was more likely than not to have engaged in the conduct at issue.
The hearing panel will find a student responsible or not responsible, based on a majority vote, after a review of all of the statements and evidence summarized in the Investigative Report, the written statements submitted by the Complainant and the Respondent, and the statements, testimony, and evidence at the hearing. The hearing panel will generally render a decision within three (3) business days after the conclusion of a hearing and will include an explanation of the basis for the decision.

If the hearing panel finds the Respondent responsible, the matter will proceed to the sanctioning stage. The Office will transmit the hearing panel's determination to the Sanctioning Officer (described on the following pages) of the Respondent's school, and to the Respondent and the Complainant.

Regardless of the hearing panel's determination, each party will have the opportunity to appeal any decision and/or sanction, if applicable.

E: Sanctions and Other Remedies

How Sanctions are Determined

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

- Fair and appropriate, given the facts of the particular case;
- Consistent with the University's handling of similar cases;
- Adequate to protect the safety of the campus community; and
- Reflective of the seriousness of gender-based misconduct.

When a student is found responsible for a policy violation, relevant factors will be considered when imposing a sanction, including, if applicable: the specific gender-based misconduct at issue (such as penetration, touching under clothing, touching over clothing, unauthorized recording, etc.); the circumstances accompanying the lack of consent (such as force, threat, coercion, intentional incapacitation, etc.); the Respondent's state of mind (intentional, knowing, bias-motivated, reckless, negligent, etc.); the impact of the offense on the Complainant; the Respondent's prior disciplinary history; and the safety of the University community.

In addition, prior to the conclusion of the hearing and imposition of a sanction, both the Complainant and the Respondent may provide a written impact statement discussing how the alleged gender-based misconduct has impacted them. The written statement must be completed by the student and be no more than five (5) single-spaced typed pages, using size 12-point Times New Roman font and 1-inch margins. The statement will only be considered by a Sanctioning Officer if there is a finding of responsibility or if the Respondent has accepted responsibility or responded "no contest" to alleged violations.

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

The University may impose one or more of the following sanctions on a student determined to have violated the Policy:

- Reprimand/Disciplinary Warning
- No Contact Directive requiring the Respondent to have no contact with the Complainant
- Change to the Respondent's academic schedule
- Disciplinary Probation
- Revocation of honors or awards
- Restricting access to University facilities or activities (student activities and campus organizations and buildings)
- Removal from leadership/supervisory positions within the University community
- Change to the Respondent's residence
- Dismissal or restriction from University employment
- Removal from student housing
- Admission revocation (for example, in the case of an undergraduate student admitted to a University graduate or professional program)
- Disciplinary Suspension
- Expulsion
- Withholding of degree
- Revocation of degree
- Revocation of alumni privileges (if the Respondent graduates prior to the conclusion of the disciplinary process)

If a sanction of disciplinary probation, disciplinary suspension, expulsion, withholding of degree, or revocation of degree is issued, the student will be considered not in good disciplinary standing.

In addition to any other sanction (except where the sanction is withholding of degree, expulsion, or revocation of degree or a student has graduated), the University will require any student determined to be responsible for a violation of the Policy to receive appropriate education and/or training related to the gender-based misconduct at issue. The University may also recommend counseling or other support services for the student.

When a student is found responsible and the sanction includes suspension or expulsion, the student may be removed from a campus residence and either severely restricted in their movements on campus or barred completely during the entirety of the appeal-filing period and appeal process. If a Respondent is eligible for return to campus while a Complainant remains on campus, the Complainant will, at the earliest possible date, be notified in writing of the Respondent's intention to return.

In addition, pending an investigation, a determination and/or appeal, an administrative hold may be placed on the Respondent's University transcript, diploma, registration, and/or student account until this process is resolved. Upon conclusion of the appeal process, a transcript notation will be indicated on the Respondent’s record for cases resulting in suspension or expulsion. Notations on transcripts will be indicated as follows: disciplinary suspension; disciplinary expulsion; or withdrawn with disciplinary action pending.
Ongoing Accommodations for Complainants

Whatever the outcome of the investigation, hearing and/or appeal, a Complainant may request ongoing or additional accommodations, and the Office, in consultation with the designated administrator of the Complainant's school, will determine whether such measures are appropriate. These accommodations and additional responses may also be available for Complainants who choose not to file a complaint or participate in an investigation, hearing or appeal. Potential accommodations include:

- Providing an escort for the Complainant;
- Moving the Complainant's residence;
- Changing the Complainant's academic schedule;
- Adjusting the Complainant's work schedule;
- Allowing the Complainant to withdraw from or retake a class without penalty; and
- Providing access to tutoring or other academic support, such as extra time to complete or re-take a class.

Additional Responses

The University may also determine that additional measures are appropriate to respond to the effects of an incident on the University community. Additional responses for the benefit of the University community may include:

- Increased monitoring, supervision, or security at locations or activities where the misconduct occurred;
- Additional training and educational materials for students and employees;
- Revision of the University's policies on gender-based misconduct; and
- Climate surveys regarding gender-based misconduct.
F. Appeal Process

Either the Respondent or the Complainant or both may appeal the determination of the hearing panel and/or the sanction(s). Appeals are decided by an appellate panel consisting of three (3) Deans of schools: the Dean of the Respondent's school, the Dean of the Complainant's school and a Dean from another school. Should the Complainant and the Respondent attend the same school, two (2) deans will be added from other schools. Should a party be a student of a graduate or professional school, Deans from graduate or professional schools will comprise the panel. Should one party be an undergraduate student and another party a graduate student, the appellate panel will consist of the Dean of the Respondent's school, the Dean of the Complainant's school, and a Dean of School from the academic level of the Respondent. All Deans will receive relevant training at least once a year on how the adjudicatory and appeal process works and the sensitive issues in reviewing gender-based misconduct cases. The three (3) grounds for appeal are:

- **Procedural error**: An appeal based on procedural error must identify with specificity each alleged error(s) within the investigative and/or hearing process and the ways in which the specified error(s) substantially affected the fairness of the process;
- **New information**: An appeal based on new information must explain why this information was not available or not provided to the Investigative Team in a timely manner, and how this information would substantially alter the decision by the hearing panel; and/or
- **Excessiveness or insufficiency of the sanction**: An appeal based on the imposed sanction must explain why this sanction is inappropriate based on the weight of the information provided during the investigation, hearing and/or sanction.

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

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

If either the Complainant or the Respondent submits an appeal, the Office will notify the other party within three (3) days after receipt. The Office will provide the non-appealing party an opportunity to review the submission and submit a written response. This response must be written by the student, no more than five (5) single-spaced typed pages, using 12-point Times New Roman font and 1-inch margins, and submitted within five (5) days after a notice of appeal is issued. If both the Complainant and the Respondent appeal, the appeals will be considered concurrently and both parties will have the opportunity to review and respond to the other party's appeal. In making a determination, the appellate panel will have access to and the ability to review the complete file, including all exhibits, prior student submissions and a recording of the hearing (if applicable).
If the appellate panel concludes that a change in the hearing panel's determination and/or the sanction is warranted, the appellate panel may enter a revised determination, reconvene the hearing panel to reconsider the determination, or return the matter for additional investigation. The appellate panel can also change the sanction.

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

**G. University Records**

**File Retention**

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

**Records Disclosure**

Disciplinary proceedings conducted by the University are subject to the Family Educational Records and Privacy Act ("FERPA"), a federal law governing the privacy of student information. FERPA generally limits disclosure of student information outside the University without the student's consent, but it does provide for release of student disciplinary information without a student's consent in certain circumstances. For example, it is important to note that the release of student disciplinary records is permitted without prior consent to: University officials with legitimate educational interest such as a student's academic advisor and to Columbia Athletics if the involved student is an athlete. The University will also release information when a student gives written permission for information to be shared.

Any information gathered in the course of an investigation may be subpoenaed by law enforcement authorities as part of a parallel or subsequent investigation into the same conduct, or required to be produced through other compulsory legal processes.

Unless otherwise specified by the student, the University will respond to third-party requests for a student's disciplinary records (e.g. requests by graduate schools or employers) by disclosing only a record associated with an outcome where a student was deemed not in good disciplinary standing. This record includes the student's violation(s), the corresponding sanction(s), and the date of determination.

Additional information about FERPA can be found at:

- Columbia University's [Essential Policies for the Columbia Community](#);
- Barnard College's [Policy and Guidelines Regarding Student Records Under the Family Educational Rights and Privacy Act of 1974 (FERPA)](#); and
- Teachers College's [Student Records and Family Education Rights and Privacy Act (FERPA) Statement](#).

### Reporting of Crime and Disciplinary Statistics

A federal law called the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act") requires the University to record and report certain information about campus safety, including the number of incidents of certain crimes on or near campus, some of which constitute gender-based misconduct under this Policy. As described in the chart in the Resources listing at the back of the Policy, many employees who receive reports of gender-based misconduct are required by the Clery Act to notify University Public Safety about such incidents for statistical reporting purposes only; these notifications may include the classification and location of the reported crime, but do not identify the students involved.

Additionally, as a matter of policy unrelated to the Clery Act, the University annually reports aggregate information to the University community concerning reported incidents of gender-based misconduct and the results of student disciplinary proceedings. Such reports do not contain information identifying individual student participants.

### V: AMENDMENTS

The University may amend the Policy or the Procedures periodically. Nothing in the Policy or Procedures shall affect the inherent authority of the University to take such actions as it deems appropriate to further the educational mission or to protect the safety and security of the University community.

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

A. New York State Students’ Bill of Rights

B. Resource Guide for Students Involved in Gender-Based Misconduct
New York State law requires that all institutions of higher education in New York publish the following Bill of Rights for all students attending higher education institutions in the State. All students have the right to:

1. Make a report to local law enforcement and/or state police

2. Have disclosures of domestic violence, dating violence, harassment, stalking, sexual exploitation, sexual assault, and retaliation treated seriously

3. Make a decision about whether or not to disclose a crime or violation and participate in the University gender-based misconduct process and/or criminal justice process free from pressure by the University

4. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard

5. Be treated with dignity and to receive from the University courteous, fair, and respectful health care and counseling services, where available

6. Be free from any suggestion that the Complainant is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations

7. Describe the incident to as few University representatives as practicable and not be required to unnecessarily repeat a description of the incident

8. Be protected from retaliation by the University, any student, the accused and/or the Respondent, and/or their friends, family, and acquaintances within the jurisdiction of the University
9. Access to at least one level of appeal of a determination

10. Be accompanied by an advisor of choice who may assist and advise a Complainant, accused, or Respondent through the judicial or conduct process included during all meetings and hearings related to such process

11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice or judicial or conduct process of the University
Appendix G

Hate or Bias Crime Reporting

URL:  http://www.tc.columbia.edu/policylibrary/Hate or Bias Crime Reporting

1. Introduction

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

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

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

2. Federal Law

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

3. New York State Law

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

The specified offenses are assault in the third degree; assault in the second degree; assault in the first degree; aggravated assault upon a person less than eleven years old; menacing in the first degree; menacing in the second degree; menacing in the third degree; reckless endangerment in the second degree; reckless endangerment in the first degree; manslaughter in the first degree; manslaughter in the second degree; murder in the second degree; stalking in the fourth degree; stalking in the third degree; stalking in the second degree; stalking in the first degree; rape in the first degree; criminal sexual act in the first degree; sexual abuse in the first degree; aggravated sexual abuse in the second degree; aggravated sexual abuse in the first degree; unlawful imprisonment in the second degree; unlawful imprisonment in the first degree; kidnapping in the second degree; kidnapping in the first degree; coercion in the second degree; coercion in the first degree; criminal trespass in the third degree; criminal trespass in the second degree; criminal trespass in the first degree; burglary in the third degree; burglary in the second degree; burglary in the first degree; criminal mischief in the fourth degree; criminal mischief in the third degree; criminal mischief in the second degree; criminal mischief in the first degree; arson in the fourth degree; arson in the third degree; arson in the second degree; arson in the first degree; petit larceny; grand larceny in the fourth degree; grand larceny in the third degree; grand larceny in the second degree; grand larceny in the first degree; robbery in the third degree; robbery in the second degree; robbery in the first degree; harassment in the first degree; aggravated harassment in the second degree; or any attempt or conspiracy to commit any of the foregoing offenses.

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

4. Policy and Procedure

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

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

There are times when an individual may believe that he or she has been victim to or witnessed an act of bias activity but there has been no apparent crime committed. In those incidents, victims or witnesses may contact the Department of Public Safety or may choose one of the other resources listed below.
The Ombuds Office offers confidential and neutral complaint handling. The Ombuds Office helps callers assess options and makes referrals to appropriate College resources. It is an independent resource for conflict resolution. It serves all members of Teachers College community—students, faculty, and employees.

Hate Crimes are against New York law and are violations of the College’s anti-discrimination policy. Concerning the law and the penalties of the law, please refer to this website:

5. Reporting

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

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

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

Hate Crimes are against New York law and are violations of the College’s anti-discrimination policy. Concerning the law and the penalties of the law, please refer to this website: http://criminaljustice.state.ny.us/internet/crimnet/clf/hatecrimesact2000.pdf
Reporting Hate Crimes and incidents, even those that you might not consider “serious,” is important to monitoring and stopping future incidents. By keeping detailed information on incidents, you can strengthen the case for official action.

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

Missing Students

URL: http://www.tc.columbia.edu/policylibrary/Missing Students

1. **Introduction:**

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

2. **Contact Procedure:**

Consistent with the law, TC invites students residing in student housing to identify confidential contacts who can be contacted if the student has been missing for more than 24 hours. Procedures for identifying confidential contacts and for determining required notifications are provided to all resident students by the Office of Residential Services. Confidential contact information may only be accessed by authorized College officials and law enforcement authorities in furtherance of a missing person investigation.

Whenever a Teachers College student is believed to be missing, the College will try to locate the student or to determine why the student is presumed missing.

The Office of Public Safety investigates incidents of missing students through the use of both on-campus and off-campus resources. Public Safety will coordinate with the Office of Residential Services, the Office of the Provost, and other appropriate offices. If a resident student cannot be located within 24 hours or the circumstances require a police investigation, the Office of Public Safety will notify the local police precinct and assist the NYPD as requested.
Appendix I

Teachers College Policy on Protection from Harassment

Interim Policy effective October 5, 2015

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This Policy has been updated to ensure compliance with current laws, including New York State Education Law section 129-B (effective October 5, 2015). This is an Interim Policy and will be reviewed within Teachers College.

Gender Based Misconduct between students is governed by the Columbia University Gender-Based Misconduct Policy for Students, sexualrespect.columbia.edu, rather than by this Policy. This Policy contains special procedures for addressing allegations of sexual assault, domestic violence, dating violence and stalking involving members of the Teachers College community not subject to the Gender-Based Misconduct Policy for Students.9

Please see www.tc.edu/policylibrary/RESOURCES for information about campus and off-campus resources relating to this Policy.

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Teachers College (“TC” or the “College”) is committed to providing a working and learning environment free from harassment and to fostering a vibrant, nurturing community founded upon the fundamental dignity and worth of all of its members. Continuing its long-standing support of active equality for all, the College prohibits discrimination, including harassment, on the basis of race, color, religion, creed, sex, sexual orientation, national origin, ancestry, age, marital status, citizenship status, veteran status, disability, pregnancy, gender expression, or any other criterion specified by federal, state or local laws, www.tc.edu/policylibrary/non_discrimination_policy. The term “sexual harassment,” as used in this policy, includes other forms of gender-based misconduct, including sexual assault, domestic violence, dating violence and stalking.

Consistent with this commitment and with applicable federal, state, and local laws, it is the policy of the College (1) not to tolerate discriminatory harassment in any form, (2) to actively foster prevention of harassment in the TC community, and (3) to provide faculty, students, administrators, and staff with mechanisms for seeking informal or formal resolution of harassment concerns and complaints. TC

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9 If a situation appears to trigger both this Policy and another College or University policy, the College will use procedures appropriate under the circumstances. Only one College or University entity will investigate a complaint. The College reserves the right to modify procedures as appropriate.
encourages those who have experienced, witnessed or become aware of conduct that violates this Policy to come forward so that the College can take appropriate steps to prevent such conduct from occurring in the future and to ameliorate its effects.

This policy includes the following guidance:

- Principles and definitions concerning discriminatory harassment and related matters, including Retaliation and Reporting Obligations
- Special definitions and procedures for Sexual Assault, Dating Violence, Domestic Violence and Stalking (Appendix)
- Education and Prevention
- Options for those concerned about discriminatory harassment, including Confidential resources, Informal procedures, Formal procedures and Resolution and Appeal
- Other resources

Harassment is detrimental to the supportive setting TC strives to provide for its community. Whether or not this behavior is unlawful, any action that impedes the performance or experience of others as employees or students at TC is damaging to the enjoyment of the fundamental freedoms of inquiry, work, and study. The policy of the College remains unequivocal in all domains of its activity: discriminatory harassment cannot and will not be tolerated.

In accordance with the College’s firm opposition to harassment, this policy outlines the responsibilities of TC community members and visitors and their options when faced with possible discriminatory harassment, as well as the College’s commitment to education and prevention.

Nothing in this Policy shall abridge academic freedom or the College’s educational mission. Prohibitions against harassment do not extend to statements or written materials that are relevant and appropriately related to the subject matter of academic courses.

I. **Principles and Definitions**

A. **Discriminatory Harassment.**

Teachers College opposes all forms of harassment. This Policy, however, focuses on discriminatory harassment. *Discriminatory Harassment* is defined as subjecting an individual to humiliating, abusive, or threatening conduct, whether verbal or physical, that creates an intimidating, hostile, or abusive work or educational environment and alters the conditions of employment or education or unreasonably interferes with an individual's work or educational performance **on the basis of that individual's membership in a protected group.**

Other forms of harassment. Individuals concerned about other forms of harassment or mistreatment may seek advice and guidance about resources through other College grievance procedures outlined at: www.tc.edu/policylibrary/grievance_proceduresoutline.
B. Retaliation Prohibited.

For purposes of this Policy, retaliation is any adverse or action or threatened action, taken or made, personally or through a third party, against an individual (or group) because of participation in any manner in an investigation or proceeding under this Policy, including individuals who file a third-person report and witnesses who are interviewed or otherwise provide evidence in the investigation. Retaliation is conduct that would discourage a reasonable person from reporting misconduct, participating in an investigation, or taking other actions protected by this Policy.

Retaliation against anyone who raises concerns about discriminatory harassment, files a complaint, or participates in an investigation violated College policy. Any person found to have retaliated against another for reporting discriminatory harassment will be subject to disciplinary action even if the alleged harassment is found not to have violated this Policy.

The College seeks to protect the rights of all persons, accusers and accused, to fair procedures. Accusations of harassment can have injurious and far-reaching effects on the careers and lives of accused individuals. Allegations of harassment must be made in good faith and must not be knowingly false or frivolous. Faculty, staff and students will not suffer adverse actions for reporting instances of alleged harassment unless it becomes clear that they knew an allegation to be false when making it.

C. Reporting Obligations and Confidentiality.

All members of the College community are expected to adhere to this Policy and to cooperate with the procedures it describes. They are also encouraged to report any conduct they believe to be in violation of this policy.

Management and supervisory personnel are responsible for consulting with appropriate College officials - - the Harassment Panel Chair, the VP for Diversity and Community Affairs, or the Assistant Vice President of Human Resources -- so that the College can take appropriate actions to prevent harassment and respond promptly and thoroughly to any such claims.

For purposes of this policy, faculty members are supervisors of other faculty members when they are acting in a supervisory role such as that of department chair, dean, director, coordinator or principal investigator. Faculty members are also obligated to consult with appropriate College officials concerning student allegations of harassment concerning other students, faculty, staff, administrators or others who are present in the TC community.

College employees who serve in a privileged professional capacity (e.g., counselors, clergy, and rape crisis counselors) are not subject to these reporting obligations. Similarly, persons serving as confidential Ombuds Officers will not provide the College or Title IX Coordinator with identifying

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10 Different professionals have different obligations of confidentiality and different exceptions. For example, many must report child abuse, [www.tc.edu/policylibrary/abuse_and_harassment_of_minors_and_adults](http://www.tc.edu/policylibrary/abuse_and_harassment_of_minors_and_adults), and psychologists, counselors and others have obligations to disclose certain confidences to protect a client/patient or others from harm.
information concerning individuals who report incidents of discriminatory harassment, but will provide the Title IX Coordinator with limited, non-identifying information intended to permit the College to assess the incidence of such misconduct and, where appropriate, include such incidents in the College’s annual Campus Security Report. Ombuds officers will also provide individuals reporting discriminatory harassment with information on other resources and options.

For more on confidentiality, see Confidentiality and Confidential Resources, below.

D. Definitions & Principles specific to Sexual Harassment & Gender-Based Misconduct

Sexual harassment is a unique area of harassment because it arises in unique contexts. As described in more detail below, sexual harassment may occur when sexual favors are demanded in exchange for a benefit (or to avoid a detriment). Gender-based misconduct comprises a broad range of behaviors focused on sex and gender. Individuals of any gender can commit sexual harassment and other forms of gender-based misconduct and any can be victims. Such misconduct may involve individuals of the same or different genders. Different laws govern sexual harassment (including gender-based misconduct) and the U.S. Department of Education has issued extensive guidance focused on institutional obligations to address it. Effective October 5, 2015, New York State also has special requirements for reports of sexual assault, domestic violence, dating violence, and stalking. In light of these legal requirements, TC has adopted Supplemental Procedures for Charges of Sexual Assault, Dating Violence, Domestic Violence, or Stalking (attached).

Employment-related harassment on the basis of sex is a violation of Title VII of the Civil Rights Act. For purposes of this Policy, sexual harassment is defined, as in the Equal Employment Opportunity Commission (EEOC) Guidelines, as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- submission to such conduct is explicitly or implicitly made a term or condition of an individual's employment,
- submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
- such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

While EEOC guidelines apply in the employment context, sexual harassment of students violates Title IX of the Education Amendments of 1972. In this context, sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment of a student can deny or limit, on the basis of sex, the student’s ability to participate in or to receive benefits, services or opportunities in the school’s program.

Whether in the context of employment or education, sexual harassment is not exclusively a sexual issue. Rather it must also be understood as an exploitation of a power relationship. Sexual harassment takes various forms, including but not limited to: generalized sexist remarks or behavior, off-color jokes, vulgar
comments, unwelcome and offensive sexual advances with or without explicit threats or promises of reward; solicitation of sexual activity or other sex-linked behavior by promise of reward; coercion of sexual activity by threat of punishment; and sexual assaults. All these forms of sexual harassment share certain reprehensible qualities. Those engaged in such behavior distort the relationship of trust that must exist in a college environment to foster independent, creative and pleasurable learning. They treat individuals in reductive, stereotypical ways that are offensive and demeaning, and they often misuse their authority and power to exploit a vulnerable person, contaminating the relations of teacher and student, counselor and client, administrator and teacher, or supervisor and employee.

Gender-based harassment is also prohibited. Gender-based harassment includes acts of aggression, intimidation, or hostility based on gender or gender-stereotyping. Gender-based harassment can occur if individuals are harassed for exhibiting what is perceived as a stereotypical characteristic of their sex or for failing to conform to such stereotypical notions.

To constitute unlawful harassment, the conduct must unreasonably interfere with another person’s education or participation in educational programs or activities, or work or create an intimidating, hostile, demeaning, or offensive working, academic or living environment.

Sexual assault, Domestic Violence, Dating Violence, and Stalking are also prohibited by this policy and subject to special federal and state legal requirements. For more information on these forms of Gender-Based Misconduct and the College’s response to them, please see the Supplemental Procedures attached as an Appendix.

Truly consensual romantic or sexual relationships do not violate this Policy, but may violate other College policies. Historically, the College discouraged but did not prohibit “consensual, romantic relationships” between faculty and other employees and students and individuals who work together. In 2015, the College adopted a policy on Romantic or Sexual Relationships between Faculty (and other Instructional staff) and Students which provides: “no faculty member shall exercise academic or professional authority over any student with whom they have or previously have had a romantic or sexual relationship.” This applies to all faculty and instructional staff as well as teaching assistants, research assistants, student-teaching supervisors, and anyone else who exercises academic or professional authority, as that is defined in the policy. Conforming policies applicable to relationships between and among faculty and staff are in development.

II. Education and Prevention

Avoiding discriminatory harassment is, of course, better than remedying harassment after it takes place. The College conducts educational and training programs for various parts of the College community, including special training required for new students as part of their orientation and other training required by federal and state laws.

As part of new full-time employee and faculty orientation, the College offers a program on Promoting Mutual Respect and Preventing Workplace Harassment & Title IX. On-line training is provided for continuing and part-time employees.
For more information, please contact the Vice President for Diversity and Community Affairs and Title IX Coordinator, [http://www.tc.columbia.edu/titleix/](http://www.tc.columbia.edu/titleix/).

III. Options for those Concerned about Discriminatory Harassment

Teachers College provides a range of options for those concerned about discriminatory harassment.Outlined below are options for (A) individuals who seek confidential counseling or guidance, (B) informal procedures and (C) formal procedures. Choosing any one of these options does not prevent you from later using another. Sexual assault, domestic and dating violence and stalking are subject to Supplemental Procedures (attached).

A. Confidentiality and Confidential Resources.

The College strives to protect, to the greatest extent possible, the confidentiality of persons reporting harassment and of those accused of harassment. Because the College has an obligation to address harassment, however, it cannot always guarantee confidentiality where that would conflict with the College’s obligation to investigate meaningfully or take corrective action. Even when some disclosure of the College’s information or sources is necessary, it will be limited. The College will, to the extent permitted by law, keep confidential all records of complaints, responses and investigations.

If you want to discuss possible harassment in a more confidential setting or clarify your feelings about whether and how you wish to proceed, you may want to consult a social worker, therapist or member of the clergy, who has the legal right to protect confidentiality. See Resources for options.

The TC Ombuds Office is a confidential resource available to all members of the College community. Ombuds officers will not disclose information obtained from persons seeking assistance without their permission (except as required by law). Ombuds officers are available to provide information and clarification about College policies and procedures, and may assist individuals in evaluating options. The Ombuds Office may refer individuals to other offices and resources within the College, including counseling and support services, and may, in appropriate circumstances, offer to engage in informal mediation in an effort to resolve the concerns and claims of those who contact them. Mediation is not available in situations involving allegations of sexual assault.

Long-time Ombuds Officer Dr. Erwin Flaxman is available to address a wide range of concerns. 
Dr. Riddhi Sandil, Department of Clinical and Counseling Psychology (CCP), serves as Ombuds Officer for Gender-Based Misconduct. Individuals seeking a confidential resource with whom to discuss Gender-Based Misconduct may contact either Dr. Flaxman or Dr. Sandil. Individuals with concerns about faculty, staff or students in CCP should contact Dr. Flaxman rather than Dr. Sandil. For communications outside of her Ombuds role, Dr. Sandil must, like other TC faculty, share the reports she receives with the Title IX Coordinator.

**Important note about certain professionals and Confidentiality:** Individuals trained as psychologists, counselors and lawyers have a legal obligation of confidentiality to their patients and clients, but not to their students, colleagues or others. While faculty will protect student privacy to the extent possible, the law does not protect student or colleague confidences shared with administrators or faculty members.
B. Informal Procedures

1. Self-Help

A person who believes that he or she has been harassed on the basis of membership in a protected group may choose to deal with the alleged offender directly through, for example, a face-to-face discussion, a personal telephone conversation, e-mail correspondence, or letters. In some cases this may effectively resolve the situation. However, individuals should not feel that they must address the individual directly or handle the matter alone and are not expected to do so. Such an approach may be ineffective in correcting the problem, or an individual may be uncomfortable in handling the situation alone. If so, assistance is available as set out below.

2. Informal Procedures

The College has multiple points of access for individuals who want to approach a knowledgeable person for advice, solicit feedback regarding their interpretation of circumstances that appear to reflect harassment, or discuss available options. Individuals who wish to take advantage of this option may choose to contact any of the resources on the attached list.

Depending on the concerns expressed, non-confidential resources may need to consult with each other or other College officials to determine whether an investigation is required. Under applicable laws, the College generally has an obligation to investigate allegations of discriminatory harassment.

If an individual seeks confidentiality, TC will attempt to comply, but such compliance may limit the College’s ability to investigate and respond to the complaint. TC must weigh a complainant’s request for complete confidentiality with the College’s commitment and obligation to provide a reasonably safe and non-discriminatory environment. In particular, in situations where the College becomes aware of an alleged pattern of harassing behavior by an individual, TC must take appropriate action in an attempt to protect the community. As noted above, individuals who seek a greater assurance of confidentiality may wish to consult with the Ombuds Office or other confidential resources.

After an informal investigation under these procedures, the appropriate Vice President(s) may take appropriate actions as set out in “Resolution and Appeal” below.

Mediation. Mediation is an informal and confidential process where parties can participate in a search for mutually acceptable solutions. Mediation requires the consent of both parties and suspends any formal procedures for up to thirty (30) working days, which can be extended with the consent of both parties and at the discretion of a Harassment Panel Chair. The parties may agree to have their concerns mediated by the Mediation Clinic at Columbia Law School, the International Center for Cooperation and Conflict Resolution (ICCCR) at TC, or another mutually agreeable mediation entity. Parties may agree upon a variety of resolutions such as modification of work assignment, training for the staff in a department, or an apology. Because mediation is a voluntary process, formal disciplinary action cannot be imposed against the respondent. Parties may agree to a resolution that is oral or embodied in a written agreement. The final resolution is confidential unless the parties agree otherwise. Mediation is not available in situations involving allegations of sexual assault.
C. **Formal Procedures.**

1. **Complaint.**

Any individual who wishes to make a formal complaint of sexual or other discriminatory harassment may present a written complaint to Harassment Panel Chair or a member of the Panel, who shall promptly notify the chair. The formal complaint must include a written statement signed by the complainant specifying:

- the identity and status (e.g., employee, student) of the complainant (the person or persons making the complaint) and respondent (the person or persons claimed to have violated this policy);
- details concerning the incident(s) or conduct that gave rise to the complaint, including the date(s) of the incident(s), and location(s) of the incident(s);
- the identity and status of any witness(es) to the incident(s) with telephone numbers, e-mail addresses, and street addresses if known; and,
- the action(s) requested to resolve the complaint.

If a complainant feels unable to prepare a written complaint themselves, the Chair or designee will make a record of the complainant’s oral statements which the complainant may review, correct any inaccuracies, and sign.

2. **Preliminary Review and Investigation.**

Upon receipt of a formal complaint, the Chair or designee will conduct a preliminary review unless an adequate investigation has already taken place. The preliminary review will normally include discussions with the complainant and respondent. After the preliminary review, the Chair or designee, in consultation with at least one other panel member and the responsible Vice President\(^1\) will make a determination as to whether or not the circumstances reported in the complaint warrant further investigation.

If the Panel Chair or designee finds that the complaint does not warrant further investigation, the Chair or designee will so advise the complainant, who shall have the Appeal rights set out below.

If the Chair or designee determines that the circumstances reported in the complaint may warrant further investigation, the Panel Chair shall determine whether the investigation should be conducted internally or by external experts. A trained individual will be designated to conduct the investigation. If the Panel Chair determines that the matter should be investigated by outside counsel, the College’s General Counsel will retain an investigator.

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\(^1\) If an officer is charged with harassment or otherwise disqualified, the President or Chair of the Board’s Audit Committee shall appoint an alternative individual to fulfill any roles this Policy assigns to the Vice President.
If a formal investigation is initiated, the Panel Chair or investigator will notify the complainant that the formal complaint warrants further investigation, and, if appropriate, notify relevant supervisors or department chairs about the complaint. In consultation with the Panel Chair and the appropriate Vice President(s), the supervisor or department chair may take temporary actions pending the completion of the investigation. The goal of any such temporary actions is to alleviate conflict pending a final resolution of the claims and all reasonable efforts would be made to create an environment where both parties can continue their work or education. The investigator will not consider any temporary action evidence about the merits of the complaint.

The standard applicable in any proceeding under this Policy is “preponderance of evidence” – more likely than not.

The investigator will report findings to the Chair or designee and the relevant Vice President(s), who shall act in accordance with “Resolution and Appeal” below.

3. **Hearing**

If a matter is not resolved to the satisfaction of the complainant and respondent, the Chair may, in the Chair’s discretion, convene a three member Hearing Committee to consider evidence regarding the allegations. The Hearing Committee shall include three members chosen by the Panel Chair from the Panel and other trained individuals.

The parties will be given a minimum of seven (7) working days notice prior to any hearing. A hearing may take place over one or more sessions, as needed. Both parties have the right to be present at the hearing, but may not cross-examine witnesses. Parties may, however, suggest questions to the Committee and request that the questions be asked of the attendees or witnesses. The parties also have the right to review any documents or other evidence considered and to rebut any evidence presented as part of the defense. Both parties may have an advisor present but this adviser only speaks quietly with the party and may not participate in the hearing.

The Committee will communicate with both complainant and respondent until the complaint is resolved. The complainant and respondent will be informed of procedures being followed although not of the specific conversations held outside the hearing.

The Committee will resolve complaints expeditiously. To the extent possible it will complete the hearing and make its recommendation within 60 days from the time the formal investigation is initiated. If circumstances require more than 60 days, the Committee will explain the reason for the delay.

**D. Resolution and Appeal**

1. **Findings and Recommendations.**

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12In appropriate circumstances, the Committee may adopt alternative procedures that ensure that both parties hear all testimony but do not require them to be present in the same room.
After an investigation or hearing, the investigator and/or the Committee will:

- Resolve the complaint to the satisfaction of the complainant and the respondent and report the resolution to the appropriate Vice President and, where allegations of sexual or gender-based harassment are concerned, to the Title IX Coordinator; OR

- Report findings to the appropriate Vice President and, where allegations of sexual or gender-based harassment are concerned, to the Title IX Coordinator. If it is determined that there has been a violation of this policy, the investigator or Committee will also recommend corrective action and/or sanctions.

Any recommended corrective action and/or sanction shall be designed to correct or to remedy any injury to the complainant and to prevent any further harassment. Recommended actions will reflect the nature and extent of the violation and injury.

2. **Corrective Action and Sanctions**

Where a violation of this Policy has been found, the appropriate Vice President will take such further action as the Vice President deems necessary, including discipline or the initiation of disciplinary proceedings. The investigator or committee’s role is to make a recommendation and not to affect any sanction or corrective action.

Corrective actions and sanctions may include written warnings and reprimands, “no contact” orders, restricted access to facilities or activities (including College housing) probation, transfer, restriction, suspension, dismissal or expulsion; referral to counseling or training or any other measure Teachers College believes will be effective in ending harassment and preventing further harassment.

Corrective action may include a change of grade or other academic record for a student who has been the victim of harassment or gender-based misconduct. If corrective action involves a change of grade, procedures will conform with the Grade Correction Policy.

The College may also determine that additional measures are appropriate to respond to the effects of the incident on the College community. Additional responses for the benefit of the community may include increased monitoring, supervision, or security at locations or activities where the prohibited conduct occurred, additional training and educational materials for students and employees, and revision of policies.

3. **Appeal of Determination and Disciplinary Recommendations**

Either party may appeal the Vice President’s decision (based on the investigatory or committee determination and/or recommendation). The appeal must be in writing, should identify the specific portions of the determination appealed, and must be delivered to the appropriate Vice President within five (5) working days of the participants’ receipt of notice of the Vice President’s decision. Such notices may be sent by email. Issues not appealed in this time frame shall be deemed to be conceded. If the appeal is timely filed, the Vice President will forward the appeal to the President, who shall appoint an appeal officer to make a final decision.
The appeal officer may conduct such review as the officer deems appropriate, but will generally not hear testimony. The role of the officer is to determine if the investigation or hearing was conducted in a fair manner, if the determination is consistent with the evidence presented, and if the disciplinary recommendations are commensurate with the findings.

The appeal officer will render a written decision within thirty (30) working days following receipt of the appeal, or as soon thereafter as practicable, and will forward a recommendation to the President for approval. Once approved by the President, the appeal officer will provide notice to the parties of the final disposition of the complaint. Such notification shall be in writing and provided to the parties within fifteen (15) working days following receipt of the appeal officer’s decision by the President.

Once approved by the President, the decision of the appeal officer is not subject to further review other than the reserved right of the President and the Trustees of the College to review any decision affecting matters of overall College policy and any challenges established by law. Faculty members have additional appeal rights under the College’s Statutes; as required by applicable law, any available appeal rights will be available to both the complainant and the respondent in any matter.

Adoption and Review of Policy.

Further revisions to this Policy have been made in light of (a) further guidance from federal authorities, (b) New York State Education Law Article 129-B and (c) the September 2015 revision of the Columbia University Gender-Based Misconduct Policy for Students. In particular, Supplemental Procedures, based in part of Columbia University procedures, have been adopted and the policy format has been reorganized to separate out Resources.

This interim policy is effective immediately and will be reviewed with faculty, staff and student bodies during 2015-16. Comments may be sent to protection_policy@tc.columbia.edu.

Responsibility for implementing this Policy rests with many offices. For purposes of review and maintenance, however, the Policy will be housed within the Office of the Vice President for Diversity and Community Affairs. Katie Embree, Vice Provost, chairs the Harassment Panel.
APPENDIX

Supplemental Procedures for Charges of

Sexual Assault, Dating Violence, Domestic Violence, or Stalking Against Employees

Teachers College is committed to fostering an environment that is free from violence and the threat of violence. These Supplemental Procedures for Sexual Assault, Dating Violence, Domestic Violence, and Stalking (collectively, “Gender Violence”) govern the investigation and resolution of reports that employees engaged in Gender Violence. The Supplemental Procedures are intended to promote a safe and non-discriminatory educational environment and comply with Title IX and other applicable law, including New York State Education Law Article 129-B (“129-B”).

The Supplemental Procedures cover Prohibited Conduct that: (1) occurs at TC or in connection with College programs or activities; (2) contributes to a hostile environment for TC students or employees; or (3) involves a College or other Columbia University student. These Procedures provide supplemental principles and definitions as well as a procedure that applies only to Gender Violence.

To the extent that these Procedures conflict with other provisions of the Policy on Protection from Harassment, these procedures govern with respect to matters involving allegations of Gender Violence made by or against a faculty or staff member. Allegations against students are governed by the Columbia University Gender-Based Misconduct Policy for Students, sexualrespect.columbia.edu.

Reports may be submitted anonymously, by witnesses, or by others made aware of the incident. Nothing in the Supplemental Procedures shall affect the College’s inherent authority to take actions it deems appropriate to further the educational mission or to protect the safety and security of the TC community, including its authority to terminate at-will employees immediately, with or without cause. While these Supplemental Procedures identify TC office or employee who typically perform certain roles, the College may designate others to perform any roles or duties described.

Prohibited Conduct

- **Sexual Assault-Intercourse.** Any form of sexual intercourse (vaginal, anal, or oral). Intercourse includes vaginal or anal penetration (however slight) by a penis, object, tongue, or finger and oral copulation (mouth-genital) contact.

- **Sexual Assault-Contact.** Any intentional sexual touching without a person’s consent. Intentional sexual contact includes contact with the breasts, buttocks, or groin, or touching another with any of these body parts; making another person touch any of these body parts; emission of ejaculate on the clothing or body of another person; and any intentional bodily contact in a sexual manner.

- **Domestic Violence.** The use of physical violence, coercion, threats, intimidation, isolation, stalking, or other forms of abuse directed towards (a) a current/former spouse or intimate partner; (b) a person with whom one shares a child; or (c) anyone who is protected from the respondent’s acts under state
domestic or family violence laws. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or physically injure someone. Domestic violence can be a single act or a pattern of behavior in relationships.

- **Dating Violence.** The use of physical violence, coercion, threats, intimidation, isolation, stalking, or other forms of abuse directed towards a person who is or has been in a social relationship of a romantic or sexually intimate nature with the victim. This includes behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or physically injure someone. Dating violence can be a single act or a pattern of behavior in relationships.

- **Stalking.** Engaging in a course of conduct directed at a specific person that would cause a reasonable person (in similar circumstances and with similar identities) to fear for the person’s safety or the safety of others or to suffer substantial emotional distress. Stalking involves repeated and continued harassment against the expressed wishes of another individual, which causes the targeted individual to feel emotional distress, including fear or apprehension. Stalking behaviors may include: pursuing or following; unwanted communication or contact—including face-to-face, telephone calls, voice messages, electronic messages, web-based messages, text messages, unwanted gifts, etc.; trespassing; and surveillance or other types of observation.

**Definitions**

These definitions provide further guidance as to the conduct this Policy prohibits:

**Complainant.** *The person who experienced the alleged Prohibited Conduct.*

**Respondent.** *The person alleged to have engaged in Prohibited Conduct.*

**Coercion.** *Unreasonable pressure for sexual activity. When someone makes it clear that he or she does not want to engage in sexual activity or go beyond a certain point of sexual activity, continued pressure beyond that point can be considered coercive. The use of coercion can involve the use of pressure, manipulation, substances, and/or force. Ignoring another’s objections is a form of coercion.*

**Consent.** *Consent is voluntary participation.*

- Consent can be given by words or actions.
- Silence or lack of resistance, in and of itself, does not demonstrate consent.
- Consent to any sexual act or prior consensual sexual activity between or with one person, in and of itself, does not demonstrate consent to any other sexual act.
- Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
- Consent cannot be procured by use of coercion, intimidation, force, or threat of harm or when a person is incapacitated.
- Consent, once given, may be withdrawn at any time. When consent is withdrawn or can no longer be given, sexual activity must stop.
- The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.
A person is legally incapable of consent when (a) less than 17 years old; (b) mentally disabled; (c) mentally incapacitated; (d) physically helpless; or (e) in certain institutional settings. Under Article 129B, the standard for consent among students is “affirmative consent.” Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Such consent can be given by words or actions, as long as they clearly express willingness to engage in the sexual activity.

**Incapacitation.** Incapacitation occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be associated with a person’s lacking consciousness; being asleep; being involuntarily restrained; having a disability that impedes consent; or if an individual otherwise cannot consent due to other forms of helplessness. Depending on the degree of intoxication, someone under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent. Being intoxicated, impaired or incapacitated by alcohol or other drugs is never an excuse for committing a policy violation and does not diminish anyone’s responsibility to obtain informed and freely-given consent. The use of alcohol or other drugs never makes someone at fault for experiencing gender-based violence.

**Procedures**

**Rights of the Complainant and Respondent.** Throughout the process described in these Supplemental Procedures, both complainant and respondent have the following rights:

- To respect, dignity, and sensitivity.
- To a prompt and thorough investigation of the allegations.
- To appropriate support from the College.
- To privacy to the extent possible consistent with applicable law and College policy.
- To information about applicable College policies.
- To the presence of an advisor throughout the process in cases of sexual assault, domestic violence, dating violence, and stalking.
- To participate or to decline to participate in the investigation process. However, a decision to refrain from participating in the process either wholly or in part will not prevent the process from proceeding with the information available.
- To adequate time to review and comment on any summary of his or her investigative interview.
- To refrain from making self-incriminating statements. Employees should understand, however, that the decision not to respond honestly and fully to questions asked during the investigation may result in discipline up to and including termination of employment.
- To report the incident to law enforcement at any time or to decline to do so.
- To know that information collected in the process may be subpoenaed in criminal or civil proceedings.
- To notification in writing of the case resolution, including the outcome of any appeal.
Members of the TC community are entitled to these protections. When TC employees or students make complaints against third parties or unknown individuals, the College will investigate to the extent possible and appropriate and, when possible, take appropriate steps to protect employees, students, and the community. Students should also see the Student Bill of Rights for Victims/Survivors of Gender Based Violence, www.tc.columbia.edu/policylibrary/129b-rights.

Privacy. The College will reveal information about its investigations and evaluation of matters under these Procedures only to those who need to know in order to carry out their duties and responsibilities. It will inform all individuals participating in an investigation or proceeding that they are expected to maintain the privacy of the process. This does not prohibit either a complainant or respondent from obtaining the assistance of family members, counselors, therapists, clergy, doctors, attorneys, or similar resources nor does it prohibit either party from discussing the incident itself.

Advisors. The complainant and respondent may be accompanied to any meeting related to an incident of Prohibited Conduct by the advisor of their choice (including an attorney). Advisors may lend support and provide advice about the investigation and disciplinary process. During meetings, the advisor may talk quietly with the advisee or pass notes in a non-disruptive manner, but may not intervene or speak on behalf of the party.

Time Frames. The College will seek to resolve every report under these Supplemental Procedures within approximately sixty calendar days of an initial report. Time frames may vary depending on the details of a case and at certain times of the academic year (for example, during breaks, study periods or final exams). The College may extend any time frame for good cause.

Conflict of Interest. Individuals involved in investigating and decided matters must disclose to the Vice President for Diversity and Community Affairs any potential or actual conflict of interest. If a complainant or respondent believes that any individual involved in the process has a conflict of interest, he or she may make a request to the Vice President that the individual not participate. Any request should include a description of the conflict. If the Vice President determines that a conflict of interest exists, the College will take steps to address the conflict in order to ensure an impartial process.

Investigation.

Before starting an investigation, the Title IX Coordinator (or designee) will inform the complainant, who may request that an investigation not be undertaken. While such a request may limit the College’s ability to investigate and respond to the reported misconduct, the Coordinator, in consultation with appropriate other officials, will consider such a request in light of the College’s commitment to provide a safe and non-discriminatory environment and will honor such a request when appropriate.  

13 In considering the request, the College will weigh these factors: Circumstances that suggest an increased risk of Respondent committing additional acts of gender-based misconduct or other acts, such as other gender-based misconduct complaints about that Respondent, whether Respondent threatened further misconduct against
determines not to investigate, it will notify the complainant in writing.

**Informal Resolution.** If both parties consent and sexual assault is *not* involved, the Office of Diversity and Community Affairs (the “Office”) may offer to facilitate mediation or other informal procedures involving both parties. Such approaches will be pursued only with the consent of both parties, and either party has the right to terminate the process and begin the formal process at any time. If an alternative procedure results in a resolution, any formal procedures will be concluded and the matter closed. If the parties are unable to reach a resolution, a Complainant may choose to proceed with formal resolution.

**Accommodations & Interim Measures.** Where appropriate, the Office will work with individuals affected by the prohibited conduct to promote their safety and well-being. This assistance may take the form of accommodations to support or protect the employee in the immediate aftermath of an incident and interim measures while an investigation or a disciplinary action is pending. Such measures may include moving an on-campus residence, adjusting a campus work schedule, changing a student’s academic schedule, allowing a student to withdraw from or retake a class without penalty, providing other academic support, modification of supervision or work schedules while an investigation is pending and temporary suspensions from work or other activities. Parties may request accommodations even in cases where an investigation is not undertaken or the Complainant or Respondent has declined to participate in the University proceeding or the criminal process. The Office will evaluate the need and propriety for accommodations and interim measures in light of the circumstances and information available at the time. Both the Complainant and the Respondent may request a prompt and reasonable review of the need for and terms of any such interim measure and accommodation that directly affects him or her and may submit evidence in support of his or her request. Requests for review of the interim measures or accommodations shall be submitted in writing to the Title IX Coordinator.

**Formal Investigation.** Depending on the circumstances, investigations may be conducted by Teachers College employees or trained investigators retained by the College.

When beginning an investigation, the Office will notify the respondent in writing that a report has been filed and appoint an investigator or investigators. The notice will describe the allegations in the report. The complainant and respondent will be given the opportunity to meet separately with the investigator to review these Procedures and any applicable policies.

The College will seek to resolve every complaint within approximately 60 calendar days of an initial report. Time frames may vary depending on the details of a case and at certain times of the academic term.
year. The College may extend any time frame for good cause. The College’s process for responding to and investigating matters under these Supplemental Procedures will continue during any law enforcement proceeding. The College may need to temporarily delay an investigation while the police are gathering evidence but it will resume the investigation after it learns that the police have finished gathering evidence and will not wait for the conclusion of any related criminal proceeding.

The investigator will interview the Complainant, the Respondent, and any other persons with relevant information about the alleged incident(s). The investigator may also review personnel records and other documents deemed relevant to the investigation. The investigator acting has the authority and responsibility to gather information from all sources judged necessary for a fair resolution of a complaint. The Complainant and the Respondent may suggest witnesses the investigator should interview and documentation the investigator should consider, but the investigator has discretion to determine which witnesses to interview and which documents to consider.

In consultation with the Title IX Coordinator and with legal advice from the Office of General Counsel, the investigator will prepare a report detailing the relevant content from the interviews and the documentation gathered. The report will include the investigator’s assessment of individual credibility and recommended findings of responsibility. The respondent and complainant will each have the opportunity to review a copy of the investigative report. The names and other identifying information of students will be redacted from such materials in accordance with the Family Educational Rights and Privacy Act except to the extent that doing so would interfere with the purpose of Title IX to eliminate sex-based discrimination. The parties will have an opportunity to review the investigative report.

**Evidentiary Rules.** In conducting the investigation and drafting the investigative report, the investigator will follow the protocols set forth below:

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

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

*Romantic or Sexual History in Sexual Assault Cases.* The investigator will not consider information concerning the romantic or sexual history of either the Complainant or the Respondent, except from either the Complainant or Respondent regarding their shared sexual history. If either offers such information, the other will have the right to respond.
Prior Conduct Violations. The investigator may consider the Respondent’s prior conduct violations, where the previous incident was substantially similar to the present allegation(s) and/or the information indicates a pattern of behavior by the Respondent.

Mental Health Treatment/Diagnosis. Each party has the right to request that evidence regarding his or her mental health diagnosis and/or treatment be excluded from consideration when responsibility is being determined.

Resolution

Written Submissions. Following their review of the draft investigation report, both the complainant and respondent will have the opportunity to submit to the investigator written responses to the draft report. Each of the complainant and respondent will have the opportunity to review any written submissions by the other. The Office may set reasonable parameters for these written submissions. In his or her written submission, the respondent will be required to respond to the alleged violation in one of the following ways: 1) Responsible; 2) Not Responsible; or 3) No Response. If the respondent accepts responsibility, the matter will immediately proceed to the sanctions stage. If the respondent does not accept responsibility, the investigator(s) will review the written submissions and make any appropriate revisions to the draft report.

Responsibility Determination. The final investigation report will include a determination whether the respondent is responsible for the alleged Prohibited Conduct. The investigator(s) will make this determination after consulting with the Title IX Coordinator and Office of General Counsel. The investigator(s) will use “preponderance of the evidence” as the standard of proof to determine whether the respondent is responsible. To find a respondent responsible for violating the Policy, the investigator(s) must conclude that the respondent was more likely than not to have engaged in the conduct at issue.

Sanctions and Other Remedies

How Sanctions Are Determined.

The Provost or appropriate Vice President or designee will serve as Sanctioning Officers for these matters. To promote consistency in the handling of similar cases, sanctioning officers will receive training and, prior to imposing any sanction, will consult with the Title IX Coordinator about sanctions imposed in any similar cases. Similar offenses may result in different sanctions where there are distinguishing facts and circumstances in the opinion of the Sanctioning Officer.

All investigator determinations of responsibility will be referred to the designated Sanctioning Officer. The Sanctioning Officer will solicit the views of the respondent’s supervisor regarding the appropriate sanction. The Sanctioning Officer will impose sanctions that are fair and appropriate given the facts of the particular case; adequate to protect the safety of the campus community; and reflective of the seriousness of the Prohibited Conduct.

The Sanctioning Officer will consider relevant factors, which may include: (1) the specific conduct at issue; (2) the circumstances accompanying any lack of consent (such as force, threat, coercion, intentional incapacitation, etc.); (3) the respondent’s state of mind (intentional, knowing, bias-motivated, reckless,
negligent, etc.); (4) the impact of the offense on the complainant; (5) the respondent’s prior disciplinary history; (6) the safety of the College community; and (7) the respondent’s conduct during the disciplinary process. In determining what sanctions will protect the safety of the College community, the Sanctioning Officer may be advised by Public Safety or other experts and will consider: (1) the risk that the respondent may engage in additional Prohibited Conduct; and (2) the deterrent or permissive effect of a particular sanction on the campus community, including on particular individuals and organizations aware of the offense (keeping in mind that a sanction must always be fair and appropriate for the particular case).

The Sanctioning Officer will generally render a sanctioning decision within 10 days following issuance of final investigation report. The sanctioning decision will be communicated in writing to the complainant and the respondent.

**Discipline.** Discipline may include: reprimand/warning, change of job duties, disciplinary probation, revocation of honors and awards, restricted access to College facilities or activities, a “no contact” order, movement of a College-provided residence, movement of a workplace, demotion, suspension, and dismissal or restriction from College employment. The College may also require training or recommend counseling.

**Restrictions on Sanctions.** Some college policies or contracts require TC to use additional processes before taking certain employment-related actions with respect to faculty and certain other employees. Where a person covered by such a policy or contract has allegedly engaged in Prohibited Conduct, the investigation and sanctioning process will proceed in accordance with these Supplemental Procedures, except that the Sanctioning Officer will not impose a sanction that would require the use of additional processes. Instead, the Sanctioning Officer will impose all appropriate sanctions that do not require the use of additional processes and then refer the matter, if appropriate, for action under the additional process. The College’s disciplinary action will be considered complete with the Sanctioning Officer’s imposition of sanctions and referral, subject to any appeals.

**Appeal.** Either party may appeal the investigator’s determination on the grounds that: (1) the party has new information, unavailable at the time of the investigation, that may change or affect the outcome; or (2) there was a procedural error that may have impacted the outcome. Disagreement with the finding is not, by itself, grounds for appeal.

The appeal must be in writing and may be no longer than 5 double-spaced, type-written pages. The appeal must be delivered to the Title IX Coordinator within 10 business days of delivery of the investigator’s determination to the parties (via email, mail or hand delivery). Failure to meet the deadline for appeal waives the right to appeal. The College reserves the right to investigate and take any necessary action of its own accord based on new information or events that were not known during an initial investigation.
On receipt of the appeal, the President will designate an Appeal Officer. The Title IX Coordinator will notify the party who is not appealing that an appeal has been filed, the grounds for appeal asserted, and the identity of the Appeal Officer. The non-appealing party may submit a written response to the appeal, which shall be no longer than five double-spaced type-written pages, to the Title IX Coordinator within five business days of receiving notice of the appeal.

Appeal Officers shall receive appropriate training relating to issues of Gender Based Violence and the role of Appeal Officer.

**Additional Responses.** The College may also determine that additional measures are appropriate to respond to the effects of the incident on the College community. Additional responses for the benefit of the College community may include increased monitoring, supervision, or security at locations or activities where the Prohibited Conduct occurred; additional training and educational materials for students and employees; further revision of College policies.
Appendix J

Smoke-Free Campus

URL: http://www.tc.columbia.edu/policylibrary/Smoke-Free Campus

POLICY 407

1.0 PURPOSE

To establish Teachers College policy and procedure conforming with State regulations pertaining to smoking on College property.

2.0 SCOPE

This policy applies to all employees.

3.0 RESPONSIBILITY

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

4.0 POLICY

In accordance with the Smoke-Free Air Act and the Clean Indoor Air Acts, smoking is prohibited in all College buildings and common areas including private offices, lounges, roof tops, residence hall rooms/apartments and the Russell Courtyard. Smoking is also prohibited within fifty (50) feet of building entrances.

Smoking where prohibited is a violation of both Teachers College policy and, in most cases, New York City and State law. Violation of this policy may result in disciplinary action within TC as well as legal penalties.
Appendix K

Violence-Free Workplace

URL: http://www.tc.columbia.edu/policylibrary/Violence Free Workplace

POLICY 412

1.0 PURPOSE

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

2.0 SCOPE

This policy applies to all employees.

3.0 RESPONSIBILITY

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

4.0 POLICY

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

4.2 Prohibited Conduct

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

Examples of prohibited conduct include but are not limited to:

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

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

4.4 Any potentially dangerous situations must be reported immediately to the Director of Public Safety or, if s/he is not available, a Public Safety Officer. All reported incidents or concerns will be investigated. Reports or incidents warranting confidentiality will be handled appropriately and information will be disclosed to others only on a need-to-know basis.
Appendix L

Drug-Free Workplace

URL: http://www.tc.columbia.edu/policylibrary/Drug Free Workplace

POLICY 408

1.0 PURPOSE

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

2.0 SCOPE

This policy applies to all employees.

3.0 RESPONSIBILITY

The interpretation and administration of this policy shall be the responsibility of the Assistant Vice President, Human Resources.

4.0 POLICY

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

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

4.3 The College must certify to contracting government agencies that it provides a drug-free workplace in connection with its government contracts. All employees are therefore given and required to sign a statement explaining the policy. The College complies with its legal obligation to notify the federal government of any employee’s workplace-related drug conviction.
4.4 Each College employee agrees, as a condition of employment, to abide by this policy and to notify his or her supervisor no later than five (5) days after any conviction under a criminal drug statute.

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

Responsible office: Human Resources

Last updated: November 9, 2015