

Teachers College Policy and Procedures on Discrimination and Harassment

Teachers College (“TC” or the “College”) is committed to providing a working, learning and living environment free from discrimination and harassment¹ and to fostering a vibrant, nurturing community founded upon the fundamental dignity and worth of all of its members.

The College prohibits discrimination and harassment on the basis of race, color, religion, creed, sex, gender, gender identity or expression, sexual orientation, national origin, age, marital or partnership status, citizenship or immigration status, military status, disability, pregnancy, genetic predisposition or carrier status, status as a victim of domestic violence, or any other legally protected status specified by federal, state and local laws.² In furtherance of this commitment, the College complies with Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Violence Against Women Act, the New York State Human Rights Law, New York Education Law, the New York City Human Rights Law and other federal, state and local laws prohibiting discrimination and harassment against protected classes in College employment and educational programs and activities.

Consistent with this commitment and with applicable federal, state and local laws, it is the policy of the College to not tolerate discrimination or harassment in any form; to actively foster prevention of discrimination and harassment in the TC community; and to provide faculty, staff, students, visitors and those doing business with the College with mechanisms for seeking informal and formal resolution of concerns. TC encourages those who have experienced, witnessed or become aware of conduct that violates this Policy to come forward so that the College can take appropriate steps to prevent such conduct from occurring in the future and to ameliorate its effects.

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

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

¹ For purposes of this Policy, the term “discrimination and harassment” refers to discrimination, harassment and all forms of gender-based misconduct.

² See the [Teachers College Non-Discrimination Statement](#).

To comply with these regulations, the College has adopted a new policy for those types of misconduct alleged against employees - the Title IX Policy and Procedures. These new regulations do not cover all of the types of misconduct or places in which misconduct occurs that Teachers College believes must be addressed in keeping with our own commitment to non-discrimination and our obligations under additional federal, state and local laws. The Teachers College Policy and Procedures on Discrimination and Harassment addresses other types of discrimination, harassment and gender-based misconduct by employees that are not covered by the new regulations. Both policies are important to creating and supporting a College community that rejects all forms of discrimination, harassment and gender-based misconduct. In addition, Columbia University, Teachers College and Barnard College maintain the [Gender-Based Misconduct Policy and Procedures for Students](#) for instances of gender-based misconduct where the Respondent is a student.

Under both the Title IX Policy and Procedures and the Policy and Procedures on Discrimination and Harassment, Teachers College remains committed to diligently investigating reports of misconduct, supporting students and employees who experience gender-based misconduct, and responding fairly and firmly when employee members of the College community violate College policy.

SCOPE OF POLICY AND PROCEDURES

This Policy governs the conduct of College employees and third parties³ that: (1) occurs on any College campus or in connection with College-sponsored programs or activities; or (2) creates, contributes to, or continues a hostile work, educational or living environment for College employees, students, or third parties.

The Procedure sections below describe the general response, resolution and disciplinary processes that apply when the person accused of prohibited conduct (referred to as the “Respondent”) is a current College employee or a third party.

As noted above, federal, state⁴ and local laws set forth specific requirements for addressing allegations of sexual harassment, sexual assault, dating violence, domestic violence and stalking, as well as other types of gender-based misconduct (including gender-based harassment, and sexual exploitation). The **Sexual Misconduct Procedures** describe the general response, resolution and disciplinary process that applies to these prohibited conducts when the Respondent is a current

³ For purposes of this Policy, “third parties” includes non-employees who are (or are employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in the workplace. Non-employees include persons commonly referred to as independent contractors, “gig” workers and temporary workers. Also included are persons providing equipment repair, cleaning services or any other services provided pursuant to a contract with the employer.

⁴ New York law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace from workplace harassment. A perpetrator of workplace harassment can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, visitor, or student. This includes by students, staff or third party.

College employee or a third party. For allegations meeting the federal definition of sexual harassment under Title IX, the Teachers College Title IX Policy and Procedures is applicable.

POLICY

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

This Policy includes the following guidance:

- Principles and definitions concerning discrimination, harassment, gender-based misconduct and related matters
- Reporting obligations and options
- Informal and formal procedures
- Resources
- Legal Protections and External Remedies

DEFINITIONS OF PROHIBITED CONDUCT

Discrimination

Discrimination is defined as treating members of a protected class less favorably because of their membership in that class or as having a policy or practice that adversely impacts the members of one protected class more than others.

Discriminatory Harassment

Discriminatory harassment is defined as subjecting an individual to unwelcome conduct, whether verbal, physical or visual that creates an intimidating, hostile or abusive working, learning or campus living environment; that alters the conditions of employment or education; or unreasonably interferes with an individual's work or academic performance on the basis of the individual's membership in a protected class.

Discriminatory harassment may include, but is not limited to: verbal abuse; epithets or slurs; negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; insulting or obscene comments or gestures; and display or circulation (including in hard copy, by email or text, or through social media) in the working, learning or living environment of written or graphic material that denigrates or shows hostility or aversion toward an individual or group. Sexual harassment and gender-based harassment, which are described below, are forms of discriminatory harassment.

The College will determine whether the conduct was humiliating, abusive or threatening based on both subjective and objective factors, based on the totality of the circumstances surrounding an alleged incident or course of conduct, including without limitation, the frequency, nature and severity of the conduct. The College will determine whether that conduct created a hostile

environment by examining whether a reasonable person would find the environment hostile or abusive (as well as whether the Complainant viewed it as such).

Sexual Harassment

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, gender identity and the status of being transgender. Sexual harassment is considered a form of employee misconduct and sanctions will be enforced against individuals engaging in sexual harassment and against managers and supervisors who knowingly allow such behavior to continue.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:

- Such conduct is made either explicitly or implicitly a term or condition of an individual's employment, academic, co-curricular or student life activities; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment, academic evaluation, grades, advancement or student life decisions affecting that individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance, education or participation in educational programs or activities or creating an intimidating, hostile or offensive employment, academic, or campus living environment, even if the complaining individual is not the intended target of the sexual harassment.

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone, which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient's job performance.

Examples of Sexual Harassment:

- Physical assaults of a sexual nature, such as:
 - Touching, pinching, patting, grabbing, brushing against another person's body or poking another person's body.
- Unwanted sexual advances or propositions, such as:
 - Requests for sexual favors accompanied by implied or overt threats concerning the victim's job performance evaluation, a promotion or other job benefits or detriments;
 - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks, jokes, or comments about a person's sexuality or sexual experience, which create a hostile work or learning environment.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:

- Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
 - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
 - Sabotaging an individual's work;
 - Bullying, yelling, name-calling.

Sexual harassment can occur between individuals, regardless of their sex or gender. Sexual harassment can occur on or off campus, including while traveling for business or at TC-sponsored events or parties. Calls, text messages and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises or not during work hours.

Gender-Based Harassment

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

Gender-Based Misconduct

Gender-based misconduct includes a broad range of behaviors focused on sex and/or gender that may or may not be sexual in nature. Gender-based misconduct encompasses gender-based harassment, sexual harassment, sexual assault, sexual exploitation, stalking, dating violence and domestic violence.

Sexual Assault: Penetration

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

Sexual Assault: Contact

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

Domestic Violence

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

Dating Violence

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

Stalking

A course of unwanted attention that is repeated or obsessive, directed toward an individual or a group that is reasonably likely to cause alarm, fear or substantial emotional distress. Stalking may take many forms, including but not limited to: lying in wait for, monitoring or pursuing contact. Stalking may occur in person or through telephone calls, text messages, unwanted gifts, letters, emails, surveillance, or other types of observation and communication.

Sexual Exploitation

Non-consensual abuse or exploitation of another person's sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage, or any other illicit purpose. Acts of sexual exploitation include, but are not limited to: (1) non-consensual streaming, sharing or distribution of images, photography, video, or audio recording of sexual conduct, nudity or state of undress when and where there is a reasonable expectation of privacy, without the knowledge and affirmative consent of all participants; (2) observing, photographing, videotaping or making any other visual or audio recording of sexual conduct or nudity or state of undress when and where there is a reasonable expectation of privacy, without the knowledge and affirmative consent of all participants; (3) exposing one's genitals in non-consensual circumstances; (4) inducing incapacitation for the purpose of making another person vulnerable to gender-based misconduct.

Retaliation

Retaliation is unlawful under federal, state and local law. Retaliation is any adverse action or threatened action, taken or made, personally or through a third party, against an individual (or group of individuals) because of that individual's participation in any manner in an investigation or proceeding under this Policy, including individuals who file a third-person report and those who are interviewed or otherwise provide evidence in an investigation (witnesses). Retaliation is conduct that would discourage a reasonable person from reporting misconduct, participating in an investigation or taking other actions protected by this Policy. The adverse action need not be academic or job-related or occur in the classroom or workplace to constitute retaliation.

- Any individual or group of individuals, not just the Respondent or Complainant can be found to have engaged in retaliation.
- Retaliation includes threatening, intimidating, harassing or any other conduct that would discourage a reasonable person from engaging in activity protected under this Policy. Protected activity includes: reporting misconduct (either internally or with any antidiscrimination agency); participating in an investigation or adjudication; seeking services; receiving protective measures and accommodations.
- Retaliation includes maliciously and purposefully interfering with, threatening, or damaging the academic or professional career of another individual, before, during or after the investigation and resolution of a report of misconduct under this Policy.
- This provision does not apply to reports made or information provided in good faith, even if the facts alleged in the report are determined not to be accurate.
- Retaliation may be found even when the underlying charge does not constitute discrimination, harassment or gender-based misconduct in violation of College policies.
- Any person found to have retaliated against another will be subject to disciplinary action even if the alleged discrimination, harassment or gender-based misconduct is found not to have violated this Policy.

CONSENSUAL ROMANTIC AND SEXUAL RELATIONSHIPS

Consensual romantic or sexual relationships between faculty (and other instructional staff) and students are not a violation of this Policy; however, such relationships are prohibited in certain circumstances. A complete explanation of the rules governing such relationships may be found in the [*Romantic or Sexual Relationships between Faculty \(and other instructional staff\) and Students Policy*](#).

DISABILITY ACCOMMODATIONS AND ACCESS

The College is committed to complying with all applicable provisions of the Americans with Disabilities Act (“ADA”) as well as with other relevant federal, state and local disability laws. It is the College’s policy not to discriminate against any qualified employee, student or applicant with regard to any terms or conditions of employment or education based on that individual’s disability or perceived disability. Consistent with this policy of nondiscrimination, the College will provide reasonable accommodations to a qualified individual with a disability who has made the College aware of their disability and has engaged in an interactive process with the College to determine appropriate and reasonable accommodations (unless doing so places an undue hardship on the College or represents a fundamental alteration of the job, program or course).

Individuals with disabilities who believe they need reasonable accommodations to perform the essential functions of their job or to participate fully and equally in their education should contact the Office of Access and Services for Individuals with Disabilities (OASID) at: www.tc.columbia.edu/oasid, (212) 678-3689, or via email at oasid@tc.columbia.edu to discuss those concerns with OASID staff.

In addition, the College is committed to fostering a campus that is equally accessible to employees, students and applicants. Individuals with disabilities who have physical or digital access needs to the Teachers College community should also contact OASID to discuss their concerns.

REASONABLE ACCOMMODATION OF PREGNANCY

In accordance with federal, state and local law, the College will provide reasonable accommodations to employees and students based on the needs of pregnancy, childbirth or related medical conditions, unless doing so places an undue hardship on the College.

Employees seeking a reasonable accommodation based on the needs of pregnancy, childbirth or related medical conditions should contact [TC Human Resources](#) for guidance and assistance.

Students seeking a reasonable accommodation based on the needs of pregnancy, childbirth or related medical conditions should contact the TC Title IX Coordinator, Janice S. Robinson at jrobinson@tc.columbia.edu, or via telephone at (212) 678-3391 for guidance and assistance.

REASONABLE ACCOMMODATION OF RELIGION

In accordance with federal, state and local law, the College will provide reasonable accommodations of religious practices and beliefs, unless doing so places an undue hardship on the College.

Employees seeking a religious accommodation should contact their supervisor or [TC Human Resources](#).

Students seeking a religious accommodation should initially work with their course instructor. If they cannot reach a suitable arrangement, students should consult with the appropriate program director or department chair. Students also may take the matter to the Office of the Provost for additional appeal.

Faculty, staff and students will not be penalized or retaliated against for requesting **any** type of accommodation.

DUTY TO ACT

Management and supervisory personnel are expected to take reasonable and necessary action to prevent discrimination and harassment, to take appropriate action when they learn directly or indirectly of conduct that may violate College policies, and to respond promptly and thoroughly to any such claims. Management and supervisor personnel are also responsible for reasonably accommodating their direct reports. For additional information regarding this obligation, please see the [TC Reasonable Accommodation Policy for Employees](#).

A manager or supervisor who fails to take appropriate action may be found to have violated the College's policies even in situations where the underlying event does not constitute discrimination or harassment. Upon notice that a direct report is a Respondent in an allegation of prohibited conduct, the Respondent's immediate supervisor(s) will take prompt and effective remedial action to immediately stop the prohibited conduct, as well as prevent its recurrence.

For purposes of this Policy, management and supervisory personnel include:

- Any employee having formal supervisory responsibility over employees;
- Faculty in such roles as department chair, program director, institute director, center director, dean or similar position supervising other faculty and/or staff;⁵ and
- Principal Investigators on a grant or contract act in a supervisory capacity over the individuals in the lab or research they lead.

DUTY TO REPORT

Abuse of Minors

All College employees are directed contact the police (911) if they believe a child is in immediate danger and to then report to Michael Feerman, TC General Counsel at (212) 678-3438, Janice S. Robinson, Vice President for Diversity and Community Affairs and TC Title IX Coordinator at (212) 678-3391, or Public Safety at (212) 678-3333

To report child abuse externally, employees are directed to contact the NYS Child Abuse Hotline (800-635-1522 (mandated reporters) or 800-342-3720 (others)), and then must report to Michael Feerman, TC General Counsel at (212) 678-3438, Janice S. Robinson, Vice President for Diversity and Community Affairs and TC Title IX Coordinator at (212) 678-3391, or Public Safety at (212) 678-3333.

A copy of the College's policy on Abuse and Harassment of Minors can be found here: [Guidance for Teachers College Faculty and Staff on Reporting Obligations](#).

Prohibited Gender-Based Misconduct

All Teachers College employees have a duty to report any instance or allegation of prohibited gender-based misconduct, including: sexual harassment, sexual assault, dating violence, domestic violence, stalking, gender-based harassment and sexual exploitation, that is disclosed to, observed, or otherwise known by that employee.

Prohibited gender-based misconduct should be reported immediately to the TC Title IX Coordinator, Janice S. Robinson at:

- Via report form
- By phone at (212) 678-3391
- By email jrobinson@tc.columbia.edu

⁵ For example, faculty and other instructional staff may supervise teaching assistants, course assistants, research assistants, department secretaries and other staff members.

- By mail at 525 West 120th Street, 128 Zankel Hall Box 220, New York, NY 10027
- By hand delivery to 128 Zankel Hall

Other Prohibited Conduct

The College strongly encourages all employees to report any other form of discrimination or harassment to the Office of the Vice President for Diversity and Community Affairs (ODCA) and/or the employee's designated Human Resources representative.

Managers and Supervisors

Managers and supervisors **must** report any instance or allegation of prohibited conduct by an employee or third party that is disclosed to, observed or otherwise known by them to ODCA and/or their designated human resources representative (who will report to immediately and coordinate with ODCA regarding the appropriate College response).

Failure of a manager or supervisor to report any instance or allegation of prohibited conduct by an employee or third party that is disclosed to, observed or otherwise known by him or her will constitute a violation of this Policy and may result in disciplinary action, even in situations where the College determines that the underlying conduct does not constitute a policy violation.

Employees Not Required to Report

College employees serving in a privileged professional capacity (e.g., counselors)⁶ are not obligated to report and, absent a request by the Complainant, should not report information disclosed to them in their capacity as a privileged professional, except as required by law.

Similarly, the College Ombuds Officer will not provide the College or the Title IX Coordinator with identifying information concerning individuals who disclose possible incidents of discrimination or harassment. The College Ombuds Officer will quarterly provide the College with limited, nonidentifiable information intended to permit the College to assess the incidence of such prohibited conduct and, where appropriate, include such incidents in the College's Annual Security Report.

If an employee has any question about who is the appropriate College contact to whom that employee should report potential prohibited conduct, the employee should contact ODCA staff at (212) 678-3391 or via email at odca@tc.columbia.edu for guidance.

PRIVACY AND CONFIDENTIALITY

The College values the privacy of its faculty, staff, students and all community members. Some campus resources are confidential and will not share any identifying information with others, except as required by law in emergency situations. Other resources are not confidential, but will

⁶ Individuals trained as psychologists, counselors and lawyers have a legal obligation of confidentiality to their patients and clients, but not to their students, colleagues or others. While faculty will protect student privacy to the extent possible, the law does not protect student or colleague confidences shared with administrators or faculty members. Psychologists hired as faculty/instructors/lecturers/adjuncts are not confidential.

protect the privacy of a faculty, staff or student to the greatest extent possible and will share information with other staff on a need to know basis. Appendix B contains resource information regarding including whether the resource is confidential.

EDUCATION AND TRAINING PROGRAMS

All College employees are expected to read, understand and adhere to this Policy. The College provides educational and training programs for faculty and staff concerning conduct that may constitute a violation of College policies and the procedures applicable to alleged violations. All College employees are required⁷ to participate in training programs offered to them and to be knowledgeable about the College's policies and procedures.

Requests for live training as well as any questions about the College's policies and procedures should be addressed to the Office of the Vice President for Diversity and Community Affairs at odcatraining@tc.columbia.edu.

ACADEMIC FREEDOM

Nothing in this Policy shall abridge academic freedom or the College's educational mission. This Policy is not intended to inhibit or restrict academic freedom or genuine contributions to the marketplace of ideas. Prohibitions against discrimination and harassment do not extend to statements or written materials that are relevant and appropriately related to the subject matter of educational courses.

RESOURCES

The College provides a variety of resources for individuals who believe they have experienced prohibited conduct and all parties involved in the resolution and investigative processes. Contact information for these resources and other community providers is provided Appendix B.

⁷ All Teachers College employees are required to complete annual online discrimination, harassment and gender-based misconduct training. Access to the training platform may be found in the myTC portal under Support Resources.

PROCEDURES

COMPLAINTS OF PROHIBITED CONDUCT

Teachers College provides a range of options for those who believe they have experienced Prohibited Conduct and individuals are encouraged to bring their concerns to the College's attention immediately. The College takes allegations of Prohibited Conduct very seriously, will actively respond to alleged discrimination and/or harassment and will take remedial action, where appropriate. The College does not limit the time for submitting a complaint of Prohibited Conduct, but strongly urges the immediate reporting of complaints or concerns. Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of discrimination and/or harassment. The College's ability to investigate and respond effectively may be reduced with the passage of time.

Where to Report

Those who have experienced Prohibited Conduct by a College employee or third party may notify ODCA. If particular circumstances make a discussion with, or a complaint to ODCA inappropriate (for instance, the complaint involves an ODCA employee), incidents may be reported to Human Resources or the Complainant's supervisor. The College takes allegations of Prohibited Conduct very seriously and will take appropriate action against all alleged discrimination and/or harassment, even in the absence of a complaint.

Complaints may be submitted in writing or made orally to ODCA. Complaints may be submitted to ODCA by any of the following methods:

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

To the extent possible, the complaint should include the following information: the identity and status of the Complainant and the Respondent (e.g., employee, student); details concerning the incident(s) or conduct that gave rise to the complaint; date(s) of, and location(s) of the incident(s); the identity and status of any witness(es) to the incident(s) with telephone numbers, e-mail addresses, and street addresses if known. Reports may be submitted anonymously, by witnesses, or by others who are made aware of the incident.

The College will, as appropriate, assess complaints against third parties or unknown individuals discriminating against or harassing College employees or students. The College will take appropriate steps to protect employees, non-employees providing services on campus, students, and the College community as a whole.

If employees choose to direct their complaints or allegations of Prohibited Conduct to their managers, supervisors, or Human Resources, then those individuals, as mandatory reporters, will report the alleged conduct to ODCA. Except in matters falling under the Sexual Misconduct Procedures (described below), union members may file complaints with their collective

bargaining unit unless prohibited by their collective bargaining agreement, or unless an inherent conflict of interest would interfere with a fair adjudication in the collective bargaining unit. The proceedings will be governed by the applicable procedures of the applicable collective bargaining agreement: <https://www.tc.columbia.edu/human-resources/policies--union-contracts/union-contracts/> .

If an individual files a complaint with more than one College department or office regarding the same incident, ODCA, in consultation with the other departments, will determine the appropriate department to conduct the investigation. Complaints shall not be investigated by more than one department or office simultaneously, nor will a department or office investigate a complaint after another department/office has completed an investigation into that claim.⁸

Action Taken By ODCA

Initial Assessment of Complaints

After receiving a report of possible prohibited conduct, ODCA will conduct an initial assessment to evaluate whether, if substantiated, the conduct constitutes a Policy violation and whether there is a reasonable basis to engage in the investigative process. Reasonable basis is defined as the existence of some credible information to support the alleged violation and can include a credible witness or Complaint's narrative, among others. ODCA will assess the available information, determine if a complaint is supported or unsupported by any such information, and take the following actions:

- ODCA may dismiss the complaint if it determines that the report does not allege facts that, if substantiated, would constitute a violation of the Policy, or that the facts as alleged in the report are refuted by evidence or information known to or possessed by the Office;
- ODCA may refer the report to another office such as Human Resources to address the alleged conduct through alternate means;
- ODCA will review available options for resolution with the parties, including but not limited to investigation, and other options for informal resolution such as personal informal resolution, administrative resolution, mediation, facilitated dialogues and/or communications between the parties. Informal resolution is not available for allegations of sexual harassment and sexual assault.

ODCA can require an investigation upon assessment of a complaint, even if the parties request an alternative resolution. ODCA's assessment includes, without limitation, whether there is sufficient information to conduct an investigation and the nature and scope of the alleged prohibited conduct.

Resolutions

Individuals who believe they have experienced Prohibited Conduct (non-gender based misconduct) have various options for resolution both informally and formally.

⁸ "Grievances of academic appointees shall first be considered or given a hearing through regular administrative channels. If action taken is not satisfactory to the complainant, appeal may be taken to the Faculty Advisory Committee." See Faculty Handbook Section 2.VI.B.13.

Options for Informal Resolution

Informal resolution options are not available for individuals who have experienced sexual harassment or sexual assault.

Options for informal resolution may be available for individuals who have experienced domestic violence, dating violence and/or stalking depending on the resolution involved.

For all other forms of Prohibited Conduct, the College will provide each party with sufficient information to make an informed decision to consent to any form of informal resolution.

Personal Informal Resolution

A person who believes that they have experienced discrimination or harassment, based on their membership in a protected class may choose to work with the alleged offender directly through various approaches including:

- a face to face discussion,
- a personal telephone conversation,
- email correspondence, or
- other communication.

In some cases, this may effectively resolve the situation; in others, they may be ineffective or place the complaining individual in an uncomfortable, insecure or compromised position. Under no circumstances should an individual feel pressured to attempt informal resolution. If these measures prove unsuccessful, the individual may choose to pursue other methods of resolution.

College-Assisted Informal Resolution Options

If both parties consent and sexual harassment or sexual assault is *not* involved, the College may offer to facilitate informal procedures involving both parties. Such approaches will be pursued only with the consent of both parties, and either party has the right to terminate the process and begin the formal process at any time. If any of these approaches result in a resolution, any formal procedures will be concluded and the matter closed. If the parties are unable to reach a resolution, a Complainant may choose to proceed with a formal resolution.

Facilitated Conversation

TC encourages a facilitated conversation whenever practical and appropriate. A facilitated conversation may take place only if the Complainant and Respondent both agree to participate. A matter is resolved through a facilitated conversation only if all parties agree on the resolution.

Employees may seek assistance from their manager or supervisor, or other College entity to facilitate a conversation between the parties to discuss the allegations and a possible resolution of the matter. *Students* may seek out their faculty member or instructor, program director or department chair for assistance in requesting a facilitated conversation to discuss the allegations and a possible resolution of the matter.

Formal Mediation

Mediation is a private process where parties can participate in a search for mutually acceptable solutions. Mediation requires the consent of both parties and suspends any formal procedures for up to thirty (30) business days, which can be extended with the consent of both parties and at the discretion of the College. TC may facilitate mediation between parties who agree to mediation.

Parties may agree upon a variety of resolutions such as modification of work assignment, training for department staff, or an apology. Because mediation is a voluntary process, formal disciplinary action cannot be imposed against a Respondent. Parties may agree to a resolution that is oral or embodied in a written agreement. The final resolution is private unless the parties agree otherwise.

Alternate Resolution

The College may seek to resolve certain Prohibited Conduct through an informal process involving both the Complainant and Respondent. This form of resolution can take place prior to a formal resolution.

Supportive and Interim Measures

Where appropriate, the College will work with individuals affected by Prohibited Conduct to ensure their safety and promote their well-being. In addition to providing preliminary information regarding the resolution processes, ODCA Staff will discuss the availability of supportive and interim measures with both parties. This assistance may take the form of supportive measures intended to support or to protect the employee or student in the aftermath of an incident and interim measures while an investigation or disciplinary action is pending. Parties may request supportive or interim measures even in cases where an investigation is not undertaken or the Complainant or Respondent has declined to participate in the College proceeding or where applicable, a criminal process. The College will evaluate any request for supportive or interim measures in light of the circumstances and information available at the time of the request.

Supportive and interim measures may include extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence or administrative leave, no contact directives, increased security and monitoring of certain areas of the campus, and other similar measures.

The College also will assist parties seeking accommodations for a disability in connection with the process of reporting or responding to an incident of prohibited conduct by working with the Office of Access and Services for Individuals with Disabilities (OASID).

The imposition of supportive and interim measures does not indicate that the College has made a final decision about the report of prohibited conduct. The College will provide notice about these supportive and interim measures only to those who need to know in order to make them effective. Failure to comply with supportive and/or interim measures or other directives is a violation of College Policy and may lead to additional disciplinary action.

All parties and witnesses are expected to continue to perform their job responsibilities during the course of an ODCA resolution process. Supportive and interim measures are intended to support parties in fulfilling their job responsibilities.

Formal Resolution

Investigation

Any individual who wishes to make a formal complaint of prohibited conduct may submit a written complaint to the ODCA. If a Complainant feels unable to prepare a written complaint themselves, ODCA will make a record of the Complainant's oral statements that the Complainant may review, correct any inaccuracies, and sign. To the extent possible, the Complainant should include the following information: the identity and status of the Complainant and Respondent; details concerning the incident(s) or conduct that gave rise to the complaint, including the date(s) of the incident(s) and location(s) of the incident(s); and the identity and status of any witness(es) to the incident(s) with telephone numbers, email addresses and street addresses.

Except in matters falling under the **Sexual Misconduct Procedures** (described below), union members also may file complaints with their collective bargaining unit unless prohibited by their collective bargaining agreement or unless inherent conflict of interest would interfere with a fair adjudication in the collective bargaining unit. The proceedings will be governed by the applicable procedures of the applicable [collective bargaining agreement](#).

Upon receiving a written or verbal formal complaint that a College employee or third party has allegedly engaged in Prohibited Conduct, ODCA will initiate an investigation. The Vice President for Diversity and Community Affairs will assign an investigative team to conduct the investigation and may, in their sole discretion, assign the investigation an outside investigator.

Confidentiality

A Complainant may request that the College not disclose the Complainant's identity to anyone else, including the alleged offender; however, the College cannot guarantee that the Complainant's identity will not be disclosed. The College strives to preserve the privacy of information shared with the College leading up to and during an investigation where such privacy does not conflict with its obligations to conduct a prompt and thorough investigation.

The investigative team will interview the Complainant, the Respondent, witnesses, and any other persons with relevant information about the alleged incident(s). The investigative team may also review personnel records and other documents deemed relevant to the investigation. The investigative team acting on behalf of the College has the authority and responsibility to gather information from all sources judged necessary for a fair resolution of a complaint. The Complainant and Respondent may suggest witnesses the investigative team should interview and documentation they should consider. The investigative team, however, has complete discretion to determine which witnesses to interview and which documents to consider. Complainants, Respondents, witnesses and advisors will not be permitted to record anything related to the investigation and/or disciplinary process.

During the investigation process, no party is permitted to be represented by legal counsel. The **Sexual Misconduct Procedures** for claims of sexual assault, dating violence, domestic violence and stalking and student complaints of gender-based misconduct permit advisors of choice (who may be an attorney) (as described below). Members of collective bargaining units are entitled to union representation during any investigation process. The union representative may not actively participate in or interfere with the investigative process.

Participants are expected to cooperate fully with the College investigation. Providing false or misleading information, or submitting a report or complaint in bad faith, may subject an individual to discipline under this Policy. All parties and witnesses involved in an investigative process are urged to respect the integrity of the procedures and legitimate privacy interests of the parties and witnesses. This does not prohibit either a Complainant or Respondent from consulting with or obtaining support from family members, counselors, therapists, clergy, doctors, attorneys or similar resources.

Investigative Findings and Disciplinary Recommendations

The College strives to conduct all investigations fairly and complete them in a timely fashion (and if applicable, within any time period prescribed by law).

Upon conclusion of the investigation, the investigative team will provide a written investigative report (Investigative Report) to the Complainant, the Respondent, and the Respondent's supervisor(s). The Investigative Report will summarize the alleged prohibited conduct that was the subject of investigation, identify the Prohibited Conduct at issue, briefly detail the investigative steps, and inform the parties of ODCA-respective finding(s) as to whether the conduct constituted a violation of the Policy. If the investigative team finds that the Respondent has engaged in the Prohibited Conduct at issue, the investigative team will forward a disciplinary recommendation to the Respondent's supervisors. The Investigative Report will also inform the parties that they have five (5) days to appeal as described below.

Discipline

If the investigative team finds that the Respondent has engaged in Prohibited Conduct, the Respondent's supervisor(s) will be informed of the finding(s) and based on the facts and circumstances of the case and, in consultation with appropriate College officials (including ODCA), will be tasked with implementing appropriate discipline for the Respondent.

The Respondent's supervisor(s) may consider instances of previous Prohibited Conduct, the seriousness of the violation, the totality of the information available, and any extenuating or aggravating circumstances the designated supervisor(s) deems relevant.

Discipline may include, but is not limited to: reprimand/warning, change of Respondent's job duties, disciplinary probations, revocation of honors and awards, restricted access to College and University facilities or activities (including College housing), a "no contact" order, transfer of a Respondent's College-provided residence, transfer of Respondent's workplace/station, demotion, suspension, and dismissal or restriction from College employment. The College may also require training or recommend counseling.

Appeal

Either party may appeal the determination. There are two grounds for appeal: (1) the party has new information, unavailable at the time of the investigation; that may change or affect the outcome; or (2) there was a procedural error that may have impacted the outcome. Disagreement with the finding is not, by itself, grounds for appeal. The appeal must be in writing and may be no longer than five double-spaced, type-written pages. The appeal must be delivered to the Vice President for Diversity and Community Affairs within five (5) business days of delivery of the Investigative Report to the parties (via email, mail or hand delivery). Failure to meet the deadline for appeal shall result in waiver of the right to appeal. The College reserves the right to investigate and take any necessary action of its own accord based on new information or events that were not known during the course of the initial investigation.

On receipt of the appeal, the Vice President will designate an Appeal Officer in the matter and will forward the appeal to the Appeal Officer for review. The designated Appeal Officer will be a senior administrator at the College. Thereafter, the Vice President will notify the party who is not appealing that an appeal was filed, the grounds for appeal asserted, and the identity of the Appeal Officer. The non-appealing party will be permitted to submit a written response to the appeal, which shall be no longer than five double-spaced type-written pages to the Vice President within five (5) business days of receiving notice of the appeal. The Vice President will forward any response to the Appeal Officer.

The Appeal Officer may conduct such proceedings as the officer deems appropriate, but will not normally hear the testimony of witnesses.

The Appeal Officer should render a written decision within ten (10) business days of receipt of any response from the non-appealing party, and will forward the written decision to the Vice President. The Vice President will provide written notice to the parties of the final disposition of the matter. Once submitted to the Vice President, the decision of the Appeal Officer is not subject to further review. Faculty members have additional appeal rights under the College's Statutes; as required by applicable law, any available appeal rights will be available to both the Complainant and the Respondent in any matter.

Any discipline imposed prior to the filing of the appeal will stand during the appeal period. Discipline may also be imposed while the appeal is pending.

Corrective Action

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

PROCEDURES

SEXUAL MISCONDUCT

- For allegations of **sexual harassment**
- For allegations of **sexual assault, domestic violence, dating violence, or stalking** when the Complainant is an employee or third party; and all types of **gender based misconduct** when the Complainant is a student

The Sexual Misconduct Procedures apply to reports of sexual harassment,⁹ sexual assault, domestic violence, dating violence, stalking and retaliation relating to such claims against employees and third parties when the complainant is an employee or third party. These procedures also apply to all gender-based misconduct (including sexual assault, domestic violence, dating violence, stalking, sexual harassment, gender-based harassment, sexual exploitation, retaliation and other forms of discrimination based on gender or sex) against employees and third parties when the complainant is a student. Allegations of Gender Based Misconduct against Teachers College students are governed by the [*Gender Based Misconduct Policy and Procedures for Students*](#).

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

The College encourages all students, staff and faculty and third parties affected by Sexual Misconduct to seek immediate assistance. Seeking assistance promptly may be important to ensure someone's physical safety or to obtain medical care or other support. It may also be necessary to preserve evidence, which can assist the College and/or law enforcement in responding effectively. Assistance is available 24 hours a day, 7 days a week.

COMPLAINTS OF SEXUAL MISCONDUCT

Teachers College provides a range of options for those who believe they have experienced sexual misconduct and individuals are encouraged to bring their concerns to the College's attention immediately. The College takes allegations of Sexual Misconduct very seriously, will actively

⁹ Please be aware that the federal definition of sexual harassment under the new Title IX regulations is different from the definitions found in NYC and NYS laws. Therefore, as noted above, Teachers College has created a separate policy to address those behaviors that fall under the federal definition.

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

Where to Report

Those who have experienced Sexual Misconduct by a College employee or third party should notify the TC Title IX Coordinator. If particular circumstances make a discussion with, or a complaint to the Title IX Coordinator inappropriate (for instance, the complaint involves the Title IX Coordinator), incidents may be reported to a designee. The College takes allegations of Sexual Misconduct very seriously and will take appropriate action against all alleged sexual harassment, sexual assault, domestic violence, dating violence, stalking and all forms of student reports of gender-based misconduct, even in the absence of a complaint.

Reports and/or complaints may be made in writing or made orally to an employees' manager or supervisor, or to the TC Title IX Coordinator. All employees, especially management and supervisory personnel, have a duty to report allegations of Sexual Misconduct to the TC Title IX Coordinator. Complaints and/or reports should be submitted directly to the TC Title IX Coordinator by any of the following methods:

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

To the extent possible, the complaint and/or report should include the following information: the identity and status of the Complainant and the Respondent (e.g., employee, student); details concerning the incident(s) or conduct that gave rise to the complaint; date(s) of, and location(s) of the incident(s); the identity and status of any witness(es) to the incident(s) with telephone numbers, e-mail addresses, and street addresses if known. Reports may be submitted anonymously, by witnesses, or by others who are made aware of the incident.

The Title IX Coordinator will, as appropriate, assess complaints against third parties or unknown individuals engaging in Sexual Misconduct against College employees or students. The College will take appropriate steps to protect employees, non-employees providing services on campus, students, and the College community as a whole.

All College employees (including participants) are expected to cooperate fully with the College investigation. Providing false or misleading information, or submitting a report or complaint in bad faith, may subject an individual to discipline under this Policy. All parties and witnesses involved in an investigative process are urged to respect the integrity of the procedures and legitimate privacy interests of the parties and witnesses. This does not prohibit either a

Complainant or Respondent from consulting with or obtaining support from family members, counselors, therapists, clergy, doctors, attorneys or similar resources.

Initial Assessment of Complaints and Reports

After receiving a report of possible sexual misconduct, the Title IX Coordinator will designate the report to the ODCA Title IX Staff who will conduct an initial assessment to evaluate whether, if substantiated, the conduct constitutes a Policy violation and whether there is a reasonable basis to engage in the investigative process. Reasonable basis is defined as the existence of some credible information to support the alleged violation and can include a credible witness or Complaint's narrative, among others. The ODCA Title IX Staff will assess the available information, determine if a complaint is supported or unsupported by any such information, and take the following actions:

- The ODCA Title IX Staff may dismiss the complaint if it determines that the report does not allege facts that, if substantiated, would constitute a violation of the Policy, or that the facts as alleged in the report are refuted by evidence or information known to or possessed by the Office;
- The ODCA Title IX Staff may refer the report to another office such as Human Resources to address the alleged conduct through alternate means;
- The ODCA Title IX Staff will review available options for resolution with the parties, including but not limited to investigation, and other options for informal resolution such as personal informal resolution, administrative resolution, mediation, facilitated dialogues and/or communications between the parties. Informal resolution is not available for allegations of sexual harassment and sexual assault.

ODCA Title IX Staff can require an investigation upon assessment of a complaint, even if the parties request an alternative resolution. ODCA's assessment includes, without limitation, whether there is sufficient information to conduct an investigation and the nature and scope of the alleged misconduct.

ALLEGATIONS OF SEXUAL HARASSMENT

Formal Resolution - Investigation

The College will investigate all complaints and/or reports about suspected sexual harassment in a private and timely manner.

Upon receipt of a written or verbal complaint and/or report that a College employee or third party has allegedly engaged in sexual harassment, the Title IX Coordinator will designate the ODCA Title IX Staff to conduct an immediate review of the allegations and take any interim actions, as appropriate. If the complaint is oral, the Complainant will be encouraged to complete the TC Complaint Form. If the Complainant refuses, the ODCA Title IX Staff will prepare the Complaint Form based on the oral reporting. The Title IX Coordinator will assign the investigation to an appropriate College Title IX investigative team or to an outside investigator to conduct the investigation.

The investigative team will conduct a prompt, thorough and private investigation that ensures a fair process for all parties. The investigative team will interview the Complainant, the Respondent and any other persons with relevant information about the alleged incident(s). The investigative team will inform Complainants of their right to file a sexual harassment complaint or a charge externally.¹⁰ The investigative team will preserve, obtain and review all evidence including documents, emails or phone records relevant to the allegations. Acting on behalf of the College, the investigative team has the authority and responsibility to gather information from all sources judged necessary for a fair resolution of a complaint. The Complainant and Respondent may suggest witnesses the investigative team should interview and documentation they should consider. The investigative team, however, has complete discretion to determine which witnesses to interview and which documents to consider. Complainants, Respondents, and witnesses will not be permitted to record anything related to the investigation and/or disciplinary process.

During the sexual harassment investigation process, no party is permitted to be represented by legal counsel. Members of collective bargaining units are entitled to union representation during any resolution or investigation process.

Investigative Findings and Disciplinary Recommendations

The investigative team will complete the investigation and submit a determination to the Title IX Coordinator in a timely fashion. The investigative team will make a determination on the basis of preponderance of the evidence (it is more likely than not that the behavior occurred), taken in its totality and considering any attendant circumstances.

Upon conclusion of the investigation, the investigative team will provide a written investigative report to the Complainant, the Respondent, and the Respondent's supervisor(s). The Investigative Report will summarize the alleged sexual harassment, briefly detail the investigative steps, and inform the parties of the investigative team's respective finding(s) as to

¹⁰ For a list of external agencies, please see Appendix C.

whether the conduct constituted a violation of the Policy. The Investigative Report will also inform the parties that they have ten days to appeal.

If the investigative team finds that the Respondent has engaged in sexual harassment, the investigative team will forward a disciplinary recommendation to the Respondent's supervisors. In making such a recommendation, the investigative team shall consider records of previous conduct or behavior, the seriousness of the violation, the totality of the information available (including investigative records) and any extenuating or aggravating circumstances the investigator deems relevant.

Discipline

The Title IX Coordinator will consult with the Respondent's supervisor regarding possible discipline and along with the supervisor, based on the facts and circumstances of the case, they may consider instances of previous Prohibited Conduct or Misconduct, the seriousness of the violation, the totality of the information available, and any extenuating or aggravating circumstances the supervisor deems relevant in determining appropriate discipline. The Respondent's supervisor will impose discipline that is fair and appropriate given the facts of the particular case; adequate to protect the safety of the campus community and reflective of the seriousness of the sexual harassment.

The Respondent's supervisor and Title IX Coordinator will consider relevant factors, which may include: (1) the specific conduct at issue; (2) the circumstances accompanying any lack of consent (such as force, threat, coercion, intentional incapacitation, etc.); (3) the Respondent's state of mind (intentional, knowing, bias-motivated, reckless, negligent, etc.); (4) the impact of the offense on the Complainant; (5) the Respondent's prior disciplinary history; (6) the safety of the College community; and (7) the Respondent's conduct during the disciplinary process.

In determining what discipline will protect the safety of the College community, Respondent's supervisor may be advised by Public Safety or other experts and will consider: (1) the risk that the Respondent may engage in additional Misconduct; and (2) the deterrent or permissive effect of a particular discipline on the campus community, including on particular individuals and organizations aware of the offense (keeping in mind that discipline must always be fair and appropriate for the particular case).

The Respondent's supervisor will generally render a disciplinary decision within 10 business days following issuance of the final investigation report. The Respondent's supervisor will communicate the disciplinary decision in writing to the Title IX Coordinator who will notify the Complainant and Respondent in writing.

Discipline may include, but is not limited to: reprimand/warning, change of Respondent's job duties, disciplinary probations, revocation of honors and awards, restricted access to College and University facilities or activities (including College housing), a "no contact" order, transfer of a Respondent's College-provided residence, transfer of Respondent's workplace/station, demotion, suspension, and dismissal or restriction from College employment. The College may also require training or recommend counseling.

Appeal

Either party may appeal the determination. There are two grounds for appeal: (1) the party has new information, unavailable at the time of the investigation that may change or affect the outcome; or (2) there was a procedural error that may have impacted the outcome. Disagreement with the finding is not, by itself, grounds for appeal. The appeal must be in writing and may be no longer than five double-spaced, typewritten pages. The appeal must be delivered to the Title IX Coordinator within ten (10) business days of delivery of the determination to the parties (via email, mail or hand delivery). Failure to meet the deadline for appeal shall result in waiver of the right to appeal. The College reserves the right to investigate and take any necessary action of its own accord based on new information or events that were not known during the course of the initial investigation.

On receipt of the appeal, the Title IX Coordinator will designate an Appeal Officer in the matter and will forward the appeal to the Appeal Officer for review. The appeal officer will be a senior administrator at the College. Thereafter, the Title IX Coordinator will notify the party who is not appealing that an appeal was filed, the grounds for appeal asserted, and the identity of the Appeal Officer. The non-appealing party will be permitted to submit a written response to the appeal, which shall be no longer than five double-spaced typewritten pages to the Title IX Coordinator within five (5) business days of receiving the notice of the appeal. The Title IX Coordinator will forward any response to the Appeal Officer.

The Appeal Officer may conduct such proceedings as the officer deems appropriate, but will not normally hear the testimony of witnesses.

The Appeal Officer will render a written decision within ten (10) business days of the initial receipt of the appeal, and will forward the written decision to the Title IX Coordinator. The Title IX Coordinator will provide written notice to the parties of the final disposition of the matter. Once submitted to the Title IX Coordinator, the decision of the Appeal Officer is not subject to further review. Faculty members have additional appeal rights under the College's Statutes; as required by applicable law, any available appeal rights will be available to both the Complainant and the respondent in any matter.

Any discipline imposed prior to the filing of the appeal will stand during the appeal period. Discipline may also be imposed while the appeal is pending.

Corrective Action

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

ALLEGATIONS OF OTHER SEXUAL MISCONDUCT (INCLUDING SEXUAL ASSAULT, DATING VIOLENCE, DOMESTIC VIOLENCE, STALKING AND STUDENT COMPLAINTS OF GENDER BASED MISCONDUCT)

Confidentiality

A Complainant may report Sexual Misconduct to the Title IX Coordinator and request in writing that the Title IX Coordinator not disclose the Complainant's identity to anyone else, including the person who allegedly committed the misconduct. While such a request may limit the ability to investigate and respond to the reported sexual misconduct, the Title IX Coordinator will consider the request in light of the College's commitment to provide a safe and non-discriminatory environment and will honor the request whenever possible.

In considering the request, the Title IX Coordinator will weigh the following factors:

- Circumstances that suggest there is an increased risk of the Respondent committing additional acts of sexual misconduct or other acts, such as:
 - Whether there have been other sexual misconduct complaints about the same Respondent
 - Whether the Respondent threatened further misconduct against the Complainant or others, and/or
 - Whether the sexual misconduct was committed by multiple perpetrators.
- Circumstances that suggest there is an increased risk of future acts of sexual misconduct under similar circumstances, such as a pattern of perpetration, via illicit use of drugs or alcohol, a given location or by a particular group,
- Misconduct alleged involved the use of a weapon,
- Age of the Complainant,
- Whether the College possesses other means to obtain relevant evidence, such as security cameras, witnesses and/or physical evidence.

The Title IX Coordinator will promptly notify the Complainant in writing whether the College will be able to honor the Complainant's request for confidentiality. At the Complainant's written request, the Title IX Coordinator will also notify the Respondent in writing, including that the Complainant asked the Title IX Coordinator not to investigate.

Whether or not the Title IX Coordinator is able to grant a request to keep the Complainant's identity confidential, College personnel will reveal information about investigations and disciplinary proceedings related to Sexual Misconduct only to those who need to know in order to carry out their duties and responsibilities. In all cases, the College will take appropriate steps designed to counteract the effects of the alleged Sexual Misconduct, prevent its recurrence and provide supportive measures for the parties involved.

Student Amnesty for Alcohol and/or Drug Use

The health and safety of every student at TC is of utmost importance. TC recognizes that students who have been drinking and/or using drugs (whether use is voluntary or involuntary) at the time

that violence, including but not limited to sexual assault, domestic violence, dating violence, or stalking occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. The College strongly encourages students to report sexual assault, domestic violence, dating violence, or stalking to TC officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any assault to College officials or law enforcement will not be subject to disciplinary action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the sexual assault, domestic violence, dating violence, or stalking.

A Complainant has the option to choose whether they will notify and seek assistance from law enforcement and from campus authorities.

Advisors of Choice

Student Complainants may be accompanied by an advisor of their choice to any meeting related to any incident of gender-based misconduct, including sexual assault, domestic violence, dating violence, stalking, sexual harassment, gender-based harassment, sexual exploitation, related retaliation and other forms of discrimination based on gender or sex.

Employee Complainants and Respondents may be accompanied by the advisor of their choice to any meeting related to an incident of sexual assault, dating violence, domestic violence, stalking or retaliation relating to an incident of such misconduct. For incidents of sexual assault, dating violence, domestic violence, stalking, sexual harassment, gender-based harassment, sexual exploitation, related retaliation and other forms of discrimination based on gender or sex – when a student is the complainant and exercises their right to be accompanied by an advisor, employee respondents will be permitted to be accompanied by an advisor as well.

Guidelines for Advisors of Choice

Advisors may provide support and advice about the resolution and investigation process. An advisor may not intervene in a meeting or address an investigator or other disciplinary officials. If any advisor's conduct is not consistent with these guidelines, the advisor may be excluded from the process. While efforts will be made to accommodate the schedules of advisors, the process will not be unduly delayed due to an advisor's unavailability. Advisors who are attorneys are permitted whenever advisors are permitted (as set forth above).

Options for Informal Resolution

Informal resolution options are not available for individuals who have experienced sexual harassment or sexual assault.

Options for informal resolution may be available for individuals who have experienced domestic violence, dating violence and/or stalking depending on the resolution involved.

Personal Informal Resolution

A person who believes that they have experienced sexual misconduct, may choose to work with the alleged offender directly through various approaches including:

- a face to face discussion,

- a personal telephone conversation,
- email correspondence, or
- other communication.

In some cases, this may effectively resolve the situation; in others, they may be ineffective or place the complaining individual in an uncomfortable, insecure or compromised position. Under no circumstances should an individual feel pressured to attempt informal resolution. If these measures prove unsuccessful, the individual may choose to pursue other methods of resolution.

College-Assisted Informal Resolution

If both parties consent and sexual assault is *not* involved, the College may offer to facilitate informal procedures involving both parties. Such approaches will be pursued only with the consent of both parties, and either party has the right to terminate the process and begin the formal process at any time. If any of these approaches result in a resolution, any formal procedures will be concluded and the matter closed. If the parties are unable to reach a resolution, a Complainant may choose to proceed with a formal resolution.

Facilitated Conversation

TC encourages a facilitated conversation whenever practical and appropriate. A facilitated conversation may take place only if the Complainant and Respondent both agree to participate. A matter is resolved through a facilitated conversation only if all parties agree on the resolution.

Employees may seek assistance from their manager or supervisor, or other College entity to facilitate a conversation between the parties to discuss the allegations and a possible resolution of the matter. *Students* may seek out a faculty member or instructor, program director or department chair for assistance in requesting a facilitated conversation to discuss the allegations and a possible resolution of the matter.

Formal Mediation

Mediation is a private process where parties can participate in a search for mutually acceptable solutions. Mediation requires the consent of both parties and suspends any formal procedures for up to thirty (30) working days, which can be extended with the consent of both parties and at the discretion of the College. The Title IX Coordinator (or designee) may facilitate mediation between parties who agree to mediation.

Parties may agree upon a variety of resolutions such as modification of work assignment, training for department staff, or an apology. Because mediation is a voluntary process, formal disciplinary action cannot be imposed against a Respondent. Parties may agree to a resolution that is oral or embodied in a written agreement. The final resolution is private unless the parties agree otherwise.

Alternate Resolution

The College may seek to resolve certain Misconduct through an informal process involving both the Complainant and Respondent. This form of resolution can take place prior to a formal resolution.

Supportive & Interim Measures

Where appropriate, the College will work with individuals affected by Prohibited Conduct to ensure their safety and promote their well-being. In addition to providing preliminary information regarding the resolution processes, ODCA Staff will discuss the availability of supportive and interim measures with both parties. This assistance may take the form of supportive measures intended to support or to protect the employee or student in the aftermath of an incident and interim measures while an investigation or disciplinary action is pending. Parties may request supportive or interim measures even in cases where an investigation is not undertaken or the Complainant or Respondent has declined to participate in the College proceeding or where applicable, a criminal process. The College will evaluate any request for supportive or interim measures in light of the circumstances and information available at the time of the request.

Supportive and interim measures may include extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence or administrative leave, no contact directives, increased security and monitoring of certain areas of the campus, and other similar measures.

The College also will assist parties seeking accommodations for a disability in connection with the process of reporting or responding to an incident of prohibited conduct by working with the Office of Access and Services for Individuals with Disabilities (OASID).

The imposition of supportive and interim measures does not indicate that the College has made a final decision about the report of prohibited conduct. The College will provide notice about these supportive and interim measures only to those who need to know in order to make them effective. Failure to comply with supportive and/or interim measures or other directives is a violation of College Policy and may lead to additional disciplinary action.

All parties and witnesses are expected to continue to perform their job responsibilities during the course of an ODCA resolution process. Supportive and interim measures are intended to support parties in fulfilling their job responsibilities.

Formal Resolution

Investigation

Any individual who wishes to make a formal complaint of sexual assault, domestic violence, dating violence, stalking and/or a student complaining of gender-based misconduct, should submit a written complaint to the Title IX Coordinator. If a Complainant feels unable to prepare a written complaint themselves, the Title IX Coordinator will make a record of the Complainant's oral statements, which the Complainant may review, correct any inaccuracies and sign. To the extent possible, the Complainant should include the following information: the identity and status of the Complainant and Respondent; details concerning the incident(s) or conduct that gave rise to the complaint, including the date(s) of the incident(s) and location(s) of the incident(s); and the identity and status of any witness(es) to the incident(s) with telephone numbers, email addresses and street addresses.

Upon receipt of a written or verbal complaint that a College employee or third party has allegedly engaged in misconduct, the Title IX Coordinator will initiate an investigation. The Title IX Coordinator will assign an investigative team to conduct the investigation and may, in their sole discretion, assign the investigation to an outside investigator.

As soon as possible after the start of an investigation, the Investigative Team will provide notice to the Complainant and Respondent with a written explanation of their rights and resources available. The Title IX Coordinator will additionally provide updates on a regular basis and notice at key stages of the investigation, including notice of all meetings with the Complainant and/or Respondent regarding the complaint. Such notices shall be simultaneous and in writing. Notice will describe the allegations in the report. The Complainant and Respondent will be given the opportunity to meet separately with the investigative team to review these Procedures and any applicable policies.

The investigative team will interview the Complainant, the Respondent and any other persons with relevant information about the alleged incident(s). The investigative team may also review personnel records and other documents deemed relevant to the investigation. Acting on behalf of the College, the investigative team has the authority and responsibility to gather information from all sources judged necessary for a fair resolution of a complaint. The Complainant and Respondent may suggest witnesses the investigative team should interview and documentation they should consider. The investigative team, however, has complete discretion to determine which witnesses to interview and which documents to consider. Complainants, Respondents, witnesses and advisors will not be permitted to record anything related to the investigation and/or disciplinary process.

Participants are expected to cooperate fully and with the College investigation. Providing false or misleading information, or submitting a report or complaint in bad faith, may subject an individual to discipline under this Policy. All parties and witnesses involved in an investigative process are urged to respect the integrity of the procedures and legitimate privacy interests of the parties and witnesses. This does not prohibit either a Complainant or Respondent from consulting with or obtaining support from family members, counselors, therapists, clergy, doctors, attorneys or similar resources.

Evidentiary Rules

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

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

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

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

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

Time Frame

The College will seek to resolve every report under these Procedures as expediently and efficiently as possible. Time frames may vary depending on the details of a case and at certain times of the academic year (for example during breaks, study periods or final exams). The College may extend any time frame for good cause.

The College's process for responding to, investigating and adjudicating Misconduct reports will continue during any law enforcement proceeding. The College may need to temporarily delay an investigation while the police are gathering evidence but it will resume the investigation after it learns that the police department has completed its evidence-gathering and will generally not wait for the conclusion of any related criminal proceeding. In all cases, the College will complete a preliminary review of the allegations and ensure appropriate interim measures are provided.

Written Report

In consultation with the Title IX Coordinator, the investigative team will prepare a draft report detailing the relevant content from the interviews and the documentation gathered. The draft report will include the investigative team's assessment of individual credibility and recommended findings of responsibility. The Respondent and Complainant will each have the opportunity to review a copy of the investigative report. The names and other identifying information of students will be redacted from such materials in accordance with the Family Educational Rights and Privacy Act (FERPA) except to the extent that doing so would interfere with the purpose of Title IX to eliminate sex-based discrimination.

Following their review of the draft investigation report, both the Complainant and Respondent will have the opportunity to submit to the investigative team written responses to the draft report. The Complainant and Respondent will have the opportunity to review any written submissions by the other. The Title IX Coordinator may set reasonable parameters for these written submissions. In the written submission, the Respondent will be required to respond to the alleged violation in one of the following ways: 1) Responsible; 2) Not Responsible; or 3) No Response. If the Respondent accepts responsibility, the matter will immediately proceed to the disciplinary stage. If the Respondent does not accept responsibility, the investigative team will review the written submissions and make any appropriate revisions to the draft report.

The final investigation report will include a determination whether the Respondent is responsible for the alleged Sexual Misconduct. The investigative team will make this determination after consulting with the Title IX Coordinator. The investigative team will use "preponderance of the

evidence” as the standard of proof to determine whether the Respondent is responsible. To find a Respondent responsible for violating the Policy, the investigative team must conclude that the Respondent was more likely than not to have engaged in the conduct at issue.

Discipline

If the investigative team finds that the Respondent has engaged in sexual harassment, the Respondent’s immediate supervisor will take prompt and effective remedial action to immediately stop the sexual harassment, as well as prevent its recurrence.

The Title IX Coordinator will consult with Respondent’s supervisor regarding possible discipline and along with the supervisor, based on the facts and circumstances of the case, they may consider instances of previous Prohibited Conduct or Misconduct, the seriousness of the violation, the totality of the information available, and any extenuating or aggravating circumstances the supervisor deems relevant in determining appropriate discipline. The Respondent’s supervisor will impose discipline that is fair and appropriate given the facts of the particular case; adequate to protect the safety of the campus community and reflective of the seriousness of the Sexual Misconduct.

The Respondent’s supervisor and Title IX Coordinator will consider relevant factors, which may include: (1) the specific conduct at issue; (2) the circumstances accompanying any lack of consent (such as force, threat, coercion, intentional incapacitation, etc.); (3) the Respondent’s state of mind (intentional, knowing, bias-motivated, reckless, negligent, etc.); (4) the impact of the offense on the Complainant; (5) the Respondent’s prior disciplinary history; (6) the safety of the College community; and (7) the Respondent’s conduct during the disciplinary process.

In determining what discipline will protect the safety of the College community, Respondent’s supervisor may be advised by Public Safety or other experts and will consider: (1) the risk that the Respondent may engage in additional Misconduct; and (2) the deterrent or permissive effect of a particular discipline on the campus community, including on particular individuals and organizations aware of the offense (keeping in mind that discipline must always be fair and appropriate for the particular case).

The Respondent’s supervisor will generally render a disciplinary decision within 10 business days following issuance of the final investigation report. The Respondent’s supervisor will communicate the disciplinary decision in writing to the Title IX Coordinator who will notify the Complainant and Respondent in writing.

Discipline may include, but is not limited to: reprimand/warning, change of Respondent’s job duties, disciplinary probations, revocation of honors and awards, restricted access to College and University facilities or activities (including College housing), a “no contact” order, transfer of a Respondent’s College-provided residence, transfer of Respondent’s workplace/station, demotion, suspension, and dismissal or restriction from College employment. The College may also require training or recommend counseling.

Appeal

Either party may appeal the determination. There are two grounds for appeal: (1) the party has new information, unavailable at the time of the investigation that may change or affect the outcome; or (2) there was a procedural error that may have impacted the outcome. Disagreement with the finding is not, by itself, grounds for appeal. The appeal must be in writing and may be no longer than five double-spaced, typewritten pages. The appeal must be delivered to the Title IX Coordinator within ten (10) business days of delivery of the determination to the parties (via email, mail or hand delivery). Failure to meet the deadline for appeal shall result in waiver of the right to appeal. The College reserves the right to investigate and take any necessary action of its own accord based on new information or events that were not known during the course of the initial investigation.

On receipt of the appeal, the Title IX Coordinator will designate an Appeal Officer in the matter and will forward the appeal to the Appeal Officer for review. The appeal officer will be a senior administrator at the College. Thereafter, the Title IX Coordinator will notify the party who is not appealing that an appeal was filed, the grounds for appeal asserted, and the identity of the Appeal Officer. The non-appealing party will be permitted to submit a written response to the appeal, which shall be no longer than five double-spaced typewritten pages to the Title IX Coordinator within five (5) business days of receiving the notice of the appeal. The Title IX Coordinator will forward any response to the Appeal Officer.

The Appeal Officer may conduct such proceedings as the officer deems appropriate, but will not normally hear the testimony of witnesses.

The Appeal Officer will render a written decision within ten (10) business days of the initial receipt of the appeal, and will forward the written decision to the Title IX Coordinator. The Title IX Coordinator will provide written notice to the parties of the final disposition of the matter. Once submitted to the Title IX Coordinator, the decision of the Appeal Officer is not subject to further review. Faculty members have additional appeal rights under the College's Statutes; as required by applicable law, any available appeal rights will be available to both the Complainant and the respondent in any matter.

Any discipline imposed prior to the filing of the appeal will stand during the appeal period. Discipline may also be imposed while the appeal is pending.

Corrective Action

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

RIGHTS OF EMPLOYEE COMPLAINANTS AND RESPONDENTS

Throughout the process described in these Sexual Misconduct Procedures, both the Complainant and Respondent have the following rights:

- To respect, dignity, and sensitivity.
- To appropriate support from the College.
- To privacy to the extent possible consistent with applicable law and College policy.
- To information about applicable College policies.
- To the presence of an advisor throughout the process in cases of sexual assault, domestic violence, dating violence, and stalking.
- To an opportunity to challenge the investigator(s), disciplinary officer, and/or appeal officer for a possible conflict of interest.
- To a prompt and thorough investigation of the allegations.
- To adequate time to review and comment on a summary of his or her the Complainant's or Respondent's investigative interview.
- To refrain from making self-incriminating statements. Employees should understand, however, that the decision not to respond honestly and completely to questions asked during the investigation may result in disciplinary action up to and including termination of employment.
- To report the incident to law enforcement at any time.
- To understand that information collected in the process may be subpoenaed in criminal or civil proceedings.
- To notification in writing of the case resolution, including the outcome of any appeal.

RIGHTS OF STUDENT COMPLAINANTS

- To respect, dignity, and sensitivity.
- To appropriate support from the College.
- To privacy to the extent possible consistent with applicable law and College policy.
- To information about applicable College policies.
- To the presence of an advisor throughout the process.
- To an opportunity to challenge investigator(s), disciplinary officer, and/or the appeal officer for a possible conflict of interest.
- To participate or to decline to participate in the investigation process. However, a decision to refrain from participating in the process either wholly or in part will not prevent the process from proceeding with the information available.
- To a prompt and thorough investigation of the allegations.
- To adequate time to review and comment on a summary of the Complainant's investigative interview.
- To refrain from making self-incriminating statements.
- To report the incident to law enforcement at any time.
- To understand that information collected in the process may be subpoenaed in criminal or civil proceedings.
- To notification in writing of the case resolution, including the outcome of any appeal.

- All students also have the rights set forth in the Students' Bill of Rights established by New York State law (see Appendix D)

APPENDIX A

DEFINITIONS

Complainant. The person who experienced the alleged Prohibited Conduct.

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

Protected Class. A class of persons who are protected under applicable federal, state and local laws against discrimination and harassment on the basis of: race, color, religion, creed, sex, sexual orientation, national origin, ancestry, age, marital status, citizenship status, veteran status, disability, pregnancy, gender expression, or any other criterion specified by federal, state and local laws.

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

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

Force. Force refers to the use of physical violence and/or imposing on someone physically to gain sexual access. Force can also include threats, intimidation (implied threats) or coercion used to overcome resistance.

Intimidation. Any threat of violence or other threatening behavior directed toward another person or group that reasonably leads the target(s) to fear for their physical well-being or to engage in sexual conduct for self-protection.

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

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

Incapacitation may be associated with a person's lacking consciousness; being asleep; being involuntarily restrained; having a disability that impedes consent; or if an individual otherwise cannot consent due to other forms of helplessness.

Depending on the degree of intoxication, someone under the influence of alcohol, drugs or other intoxicants may be incapacitated and therefore unable to consent. Being intoxicated, impaired or incapacitated by alcohol or other drugs is never an excuse for committing a policy violation and does not diminish anyone's responsibility to obtain informed and freely given consent. The use of alcohol or other drugs never makes someone at fault for experiencing gender-based violence.

APPENDIX B

Resources

Campus Resources for Faculty and Staff

Confidential

Ombuds Office

Katie Embree, College Ombuds

ombuds@tc.columbia.edu

(212) 678-4169

280 Grace Dodge Hall

Non Confidential

Office of the Vice President for Diversity and Community Affairs

Janice S. Robinson

Vice President for Diversity and Community Affairs

TC Title IX Coordinator jsr167@tc.columbia.edu

(212) 678-3732

128 Zankel Hall

Melissa Rooker

Associate Vice President for Diversity and Community Affairs & Equity

Section 504 Compliance Officer

mor2102@tc.columbia.edu

(212) 678-7508

128 Zankel Hall

Juan Carlos Reyes

Director, Diversity, Community Affairs & Equity

Deputy Section 504 Compliance Officer

jcr2101@tc.columbia.edu

(212) 678-

128 Zankel Hall

Human Resources

Lisa Seales

Associate Vice President, Human Resources

ls2007@tc.columbia.edu

120 Whittier Hall

Svetla Eneva

Director

Eneva@tc.columbia.edu

(212) 678-4026

120 Whittier Hall

Office of the Vice Provost

Tom Rock

Vice Provost for Student Affairs

tpr4@tc.columbia.edu

(212) 678-3083

163 Thorndike Hall

Public Safety

(212) 678-3333 (emergency)

(212) 678-3220 (non-emergency)

Whittier Hall Suite 1A

John DeAngelis

Assistant Vice President Public Safety and Environmental Health

deangelis@tc.columbia.edu

(212) 678-4180

100 Whittier Hall

Non-Teachers College Resources for Faculty and Staff

Employee Assistance Program (EAP) *confidential*

Call toll-free 24/7:

(855) 789-5915 TTY: 711

mhn.advantageengagement.com

company code: tceap

Mt. Sinai/St. Luke's Hospital Crime Victims Treatment Center

(212) 523-4728

Safe Horizon

Sexual Assault Hotline

(212) 227-3000

Domestic Violence Hotline

(800) 621-HOPE (4673)

NYC Gay and Lesbian Anti-Violence Project

(212) 714-1141

Local Law Enforcement:

Emergency

911

26th Precinct

(212) 678-1311

New York County (Manhattan) District Attorney's Office

Domestic Violence Unit

(212) 335-4308

Sex Crimes Unit

(212) 335-9373

Special Victims Bureau – Manhattan Family Justice Center

(212) 335-4300

APPENDIX C

Legal Protections and External Remedies for Sexual Harassment

Sexual harassment is not only prohibited by Teachers College, but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at Teachers College, employees may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

State Human Rights Law (HRL)

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Beginning on August 12, 2020, complaints with DHR may be filed any time **within three years** of the sexual harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, **within three years** of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to Teachers College does not extend your time to file with DHR or in court. The three years is counted from date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: www.dhr.ny.gov.

Contact DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

Civil Rights Act of 1964

The United States Equal Employment Opportunity Commission (EEOC) enforces federal antidiscrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a “Charge of Discrimination.” The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1800-6694000 (TTY: 1-800-669-6820), visiting their website at www.eeoc.gov or via email at info@eeoc.gov.

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

The Office for Civil Rights (OCR)

The Office for Civil Rights enforces Title IX of the Education Amendments of 1972, the federal law that prohibits sex discrimination in programs or activities that receive federal financial assistance from the Department of Education. A complaint of discrimination can be filed by anyone who believes that an education institution that receives federal financial assistance has discriminated against someone on the basis of sex. Complaints must be filed within 180 calendar days after the discrimination. The following is the contact information for the OCR’s New York office:

United States Department of Education
Office for Civil Rights (OCR)
New York Office
32 Old Slip, 26th Floor
New York, NY 10005-2500
Telephone: 646-428-3900
FAX: 646-428-3843; TDD: 800-877-8339
Email: OCR.NewYork@ed.gov

Local Protections

Employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 40 Rector Street, 10th Floor, New York, New York; call 311 or (212) 306-7450; or visit www.nyc.gov/html/cchr/html/home/home.shtml.

Contact the Local Police Department

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

APPENDIX D

NYS Student's Bill of Rights

All students reporting dating violence, domestic violence, sexual assault and/or stalking have the right to:

1. Make a report to local law enforcement and/or state police;
2. Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously;
3. Make a decision about whether or not to disclose a crime or violation and participate in the conduct process and/or criminal justice process free from pressure by the College;
4. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
5. Be treated with dignity and to receive from the College courteous, fair, and respectful health care and counseling services, where available;
6. Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;
7. Describe the incident to as few College representatives as practicable and not be required to unnecessarily repeat a description of the incident;
8. Be protected from retaliation by the College, any student, the Respondent and/or their friends, family and acquaintances within the jurisdiction of the College;
9. Access to at least one level of appeal of a determination;
10. Be accompanied by an advisor of choice who may assist and advise a reporting individual or Respondent throughout the conduct process including during all meetings and hearings related to such process; and
11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or conduct process of the College.



Reporting Form: Discrimination, Harassment & Gender-Based Misconduct

I. If you believe that you were subjected to discrimination, harassment and/or gender-based misconduct, you are encouraged to complete this form and submit it to:

Your immediate supervisor

Faculty Concerns

- Debra A. Noumair, Professor of Psychology and Education; Director of Executive Education Programs in Charge & Consultation, noumair@tc.columbia.edu, 212-678-3395, 218 B Zankel Hall

Office of Human Resources

- Lisa Seales, Associate Vice President, Human Resources, ls2007@tc.columbia.edu, 120 Whittier Hall
- Svetla Eneva, Director, Eneva@tc.columbia.edu, (212) 678-4026, 120 Whittier Hall

Office of the Vice President for Diversity and Community Affairs

- Janice S. Robinson, Vice President for Diversity and Community Affairs & TC Title IX Coordinator, jsr167@tc.columbia.edu, (212) 678-3732, 128 Zankel Hall
- Melissa Rooker, Associate Vice President for Diversity and Community Affairs & Equity; Section 504 Compliance Officer, mor2102@tc.columbia.edu, (212) 678-7508, 128 Zankel Hall

You will not be retaliated against for filing a report.

II. If you are an employee who is reporting an instance or allegation of discrimination, harassment and/or gender-based misconduct you may use this form to report that behavior to:

Janice S. Robinson

Vice President for Diversity and Community Affairs, TC Title IX Coordinator

- By phone at (212) 678-3391

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

As a reminder, all College faculty and staff (except the College Ombuds) who learn of possible sexual misconduct are required to report that behavior immediately to Janice S. Robinson, TC Title IX Coordinator. Additionally, all managers and supervisors are also required to report any instance of discrimination and harassment to:

Janice S. Robinson

Vice President for Diversity and Community Affairs, TC Title IX Coordinator

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

If there is an immediate safety or health concern, please contact TC Public Safety at 212-678-3333.

REPORTER INFORMATION

Full Name:

Job Position/Title:

Work Phone Number:

Work Email Address:

Work Physical Address:

Select Preferred Communication Method: Email Phone In person

DISCRIMINATION, HARASSMENT, GENDER-BASED MISCONDUCT INFORMATION

1. Who is the person(s) alleged to have engaged in the discrimination, harassment and/or gender-based misconduct:

Full Name:

Job Position/Title:

Work Phone Number:

Work Email Address:

Work Physical Address:

2. Please describe what happened. Use additional sheets of paper if necessary.

3. Date(s) discrimination, harassment and/or gender-based misconduct occurred:

Is the discrimination, harassment and/or gender-based misconduct continuing? Yes/No

Location of discrimination, harassment and/or gender-based misconduct:

4. Please list the name and contact information of any witnesses or individuals who may have information related to the report:

5. If you have any supporting documentation (such as emails, text messages, etc.) please attach them to this form.

Signature: _____

Date: _____

Responsible Office: Vice President for Diversity and Community Affairs

Effective Date: October 9, 2018

Last updated/edited August 14, 2020