



# Student Gender-Based Misconduct Prevention and Response

2022-2023 ANNUAL REPORT

GENDER-BASED MISCONDUCT OFFICE

**COLUMBIA UNIVERSITY STUDENT GENDER-BASED MISCONDUCT  
PREVENTION AND RESPONSE  
2022-2023 Annual Report**

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# I. INTRODUCTION

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

This report includes information about many topics, including:

- Ongoing efforts by the University community to enhance **resources** and **prevention and training efforts** related to gender-based misconduct prevention and response;
- Information regarding the University’s **Gender-Based Misconduct and Interim Title IX Policies and Procedures for Students** (“Policies” and “Procedures”); and
- Data from the Gender-Based Misconduct and Interim Title IX process for students during the 2022-2023 academic year.

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

# II. OVERVIEW OF RESOURCES, TRAINING, AND EDUCATION

This section reviews Columbia’s resources and initiatives that address gender-based misconduct prevention and response through support, education and training, and policy enforcement.

The following student resources are confidential, meaning that they will not provide information to others without the student’s permission: Sexual Violence Response (SVR), Counseling and Psychological Services (Morningside), Mental Health Services (CUIMC), Medical Services (Morningside), Student Health Service (CUIMC), Disability Services (Morningside, CUIMC), Office of the University Chaplain, and the Ombuds Office. The Ombuds Office is also a confidential resource for faculty and staff as well as SVR.

The University has additional non-confidential resources that are specially trained to provide support and assistance. By “non-confidential,” we mean that staff members who work with these resource offices are required to report incidents to the Gender-Based Misconduct Office, Equal Opportunity and Affirmative Action, or the Title IX Office but will also protect individuals’ privacy to the greatest extent possible. These resources include: The Department of Public Safety, University Life and Student Affairs offices across the University.

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<sup>1</sup> Throughout this Report, references to “the University” include Columbia University and Teachers College. Barnard College adopted its own policy and procedures for addressing gender-based misconduct accusations against Barnard students; information regarding matters handled under that policy is not included here. The policy and resources described in this report apply to undergraduate, graduate, and professional school students of Columbia University or Teachers College. Some of the resources described here are available to Barnard College students as well.

Our major resources for preventing and responding to gender-based misconduct are:

- [Sexual Violence Response](#)
- [Gender-Based Misconduct Office](#)
- [Title IX Coordinator](#)
- [Equal Opportunity and Affirmative Action](#)<sup>2</sup>

In addition to these, the University has numerous other resources that work with and support students who have experienced or have concerns about gender-based misconduct, including counseling services, the Center for Student Success and Intervention (CSSI), Religious Life, the Ombuds office and more.

## **A. Sexual Violence Response**

[Sexual Violence Response](#) (“SVR”) is a confidential department within Columbia Health that is supervised by La'Shawn Rivera, Senior Executive Director, reporting to Dr. Melanie Bernitz, Senior Vice President for Columbia Health. SVR provides trauma-informed, confidential support, and prevention programs focused on ending gender and power-based violence. SVR aims to end gender and power-based violence through collective community action. SVR is committed to social change by building a compassionate and accountable community, with a commitment to increasing resources and support for survivors and co-survivors of violence. A professionally trained staff of 18, SVR works within the three-point model of Advocacy, Prevention and Outreach, using all three of these approaches to address gender and power-based violence.

SVR was established in 1992 through a group of Barnard and Columbia student organizers who worked together to create affirming spaces for survivors of sexual and intimate partner violence. With the support and collaboration of administrators, what was then known as the Rape Crisis Center officially opened its doors in Butler Library providing supportive services. In 1998 SVR became the first—and continues to be—the only New York State Department of Health certified rape crisis center that is based in an institution of higher education. This certification grants the SVR team (staff and volunteers) confidentiality and privilege rights as Rape Crisis Counselors under NYS law and signifies the importance and rigor of SVR’s training and services. After 30 years, SVR has continued to expand staffing (professionals, volunteers, and interns), advance prevention programming and services to survivors, inform efforts around campus policies, and promote community standards for a respectful and safe campus community.

### **1. Advocacy**

SVR employs Survivor Advocates (SA) who assist survivors and co-survivors of sexual, intimate partner, and gender-based violence by helping them navigate resources within and outside of the University and explore their rights and options while also supporting their individual choices. Survivor Advocates engage resources that provide support to students in both short- and long-term capacities, during and after an abusive or traumatic experience. Survivor Advocates also support students who may be dealing with previous exposure to these types of issues. Advocates connect survivors with support services that they, together with the survivor, identify as being

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<sup>2</sup> Please see the 2022-2023 EOAA Annual Report, published in <https://eoaa.columbia.edu/content/annual-eoaa-reports>

helpful to the survivor's emotional, psychological, physical, familial, residential, and spiritual well-being. SVR operates a 24/7, year-round, crisis Helpline 212- 854-HELP (4357) that can be accessed at any time by students looking to speak with an advocate, or individuals that may be helping someone facing these issues (active bystanders, friends, partners, roommates, classmates, faculty, staff, co-workers, etc.).

## 2. Prevention

SVR's Training and Prevention team implements prevention strategies aimed at eradicating the underlying conditions that foster unhealthy, abusive and violent behaviors. The team's approach to violence prevention involves cultivating positive attitudes, actions, and norms through education and encouraging a community of accountability when harm has occurred.

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

## 3. Outreach

SVR applies a social justice approach to outreach activities by working to understand campus culture, the needs of students, and promoting and modeling non-violent behaviors to strengthen Columbia's community.

I AM & I CAN: The SVR team launched, "I AM & I CAN," a campaign centered on reminding the community that from small steps to big leaps and everything in between, whoever you are or wherever you are from, you CAN help build a compassionate and accountable community where sexual assault can end. The SVR team curated educational programs and awareness events with the "I AM & I CAN," message as the foundation.

### **Relationship Violence Awareness Month (RVAM) – October 2022**

SVR hosted Wear Purple Day and two events, 'Surviving and Thriving When Dating Goes Digital,' and 'The Intersection of Reproductive Justice and Gender-Based Violence: A Discussion on the Impact of Violence on the Reproductive Health of Black Women.'

'Surviving and Thriving When Dating Goes Digital,' featured guest speaker, Adam Dodge, Founder of the organization ENDTAB. The session provided participants with an understanding of the various challenges and types of harm commonly experienced as relationships and dating primarily occur online. This included a discussion of online sexual harassment in the form of verbal harassment or the sending of unsolicited and inappropriate photos. Adam discussed current tools and technologies used to abuse such as Stalkerware and Deepfakes. In this newer landscape of online harassment and abuse, participants also learned about how they can survive and even thrive in the modern world of online dating, where boundaries, consent, and safety are not minimized.

'The Intersection of Reproductive Justice and Gender-Based Violence: A Discussion on the Impact of Violence on the Reproductive Health of Black Women,' held on the CUIMC campus, featured nationally recognized researcher and educator, Dr. Binta Alleyne-Green. Through this lunch and learn event, participants engaged in conversations deepening their understanding of the connections between gender-based violence, healthcare disparities, and other racial injustices that impact the reproductive health of Black women.

The following is a sample of some of the feedback received:

Surviving and Thriving When Dating Goes Digital:

- *“Helpful tips provided”*
- *“Yes, the information and resources are very helpful in knowing how to keep safe in this digital world.”*
- *“The resources on how to opt is so useful. thank you.”*
- *“Great event! Thank you to all involved in making this happen.”*

The Intersection of Reproductive Justice and Gender-Based Violence: A Discussion on the Impact of Violence on the Reproductive Health of Black Women:

- *“Really enjoyed the event. Would love if there is a screening tool that exists to be provided to clinicians to use during appointments.”*
- *“Great session! I learned a lot and will definitely be revisiting once the recording is available”*
- *“I learned a ton of new information that I will be carrying with me. Thank you!”*
- *“Thank you so much for this presentation Dr. Green. This was a really good discussion and I learned a lot about the different statistics and definitions about reproductive health and ACE.”*
- *“I loved listening to Dr. Alleyne-Green!”*

### **Sexual Assault Awareness Month (SAAM) – April 2023**

The SVR team organized seven opportunities for engagement which included a variety of events, programs, tabling, and campaigns with a total of 574 attendees and participants.

- Embracing Rejection in Consent Culture – Sex Educator, Bianca Laureano spoke to participants about how we respond to rejection and honor ‘no’ as we strive toward a culture of consent. Attendees considered how they experience rejection in their bodies and minds through the somatic social emotional response as we reject the practice of moving closer to a ‘yes,’ and move closer to liberation. (20 participants)
- Disrupting the Culture of Online Sexual Violence – Speaker, Adam Dodge, of ENDtab dispelled the myth that online sexual violence is only a “women’s issue.” Even though female-identifying students historically experience higher rates of harm, emerging data shows abuse targeting male-identifying students is on the rise. Adam explored what abuse in online spaces looks like, how different genders experience it, and how we can all be part of the solution. (30 participants)
- Kinky and Curious: Skills for Consensual Kink 101 – Participants learned about kink culture from Sex and Pleasure Educator Luna Matatas, through a discussion on the myths about kink and skill building around exploring and communicating desires, giving and receiving consent, and navigating shame. Attendees were given the opportunity to actively engage with Luna, asking questions and accessing the information needed to feel empowered about pleasure. (75 participants)
- Vagina Obscura: A history of the female body through the eyes of medicine – Rachel E. Gross, author of “Vagina Obscura: An Anatomical Voyage” explored the practical impact of science’s neglect of “female bodies.”



This talk focused on how a lack of knowledge puts women at increased risk for violence, including violence by medical providers. The author explored the impacts of “feminist science” on research and unconscious bias, and how patients can experience healing through knowledge and self-advocacy. (52 participants)

- Denim Day Tabling (Morningside) – Columbia community members made a social statement with their fashion statement, wearing jeans or denim as a visible sign of support for survivors of sexual assault. Community members took photos in front of the step and repeat which were shared on social media and compiled into a video broadcast on our digital screens around campus. (300 participants)
- Denim Day Tabling (CUIMC) – CUIMC community members made a social statement with their fashion statement, wearing jeans or denim as a visible sign of support for survivors of sexual assault. Community members at the CUIMC campus also took photos in their denim which were shared on social media and compiled into a video broadcast on our digital screens around campus. (97 participants)

Additionally, throughout the month of April, SVR worked in collaboration with Alice! Health Promotion to answer 10 questions connected to the theme of Sexual Assault Awareness Month (SAAM) on the Go Ask Alice! Platform (<https://goaskalice.columbia.edu/>).

Evaluations were collected for our more public facing events. The following is a sampling of some of the feedback received:

Disrupting the Culture of Online Sexual Violence with Adam Dodge -

- *“It was well done. Thank-you for making this issue a free conversation online.”*
- *“Adam did a phenomenal job as a facilitator.”*

Kinky and Curious: Skills for Consensual Kink 101 with Luna Matatas -

- *“Would definitely attend another session/event. Luna was wonderful and I look forward to reading up on more of her work.”*
- *“More sessions like these please! It's so important to demystify sexuality and remove taboos around people's diverse preferences and experiences with sex.”*
- *“Luna is fantastic!! I had a great experience and learned so much. I only wish the session had been longer!”*
- *“I just loved how easygoing the discussion was about a topic that may be considered taboo by many people.”*
- *“Excellent presenter”*
- *“Amazing session learned so much!!”*
- *“Absolutely loved it.”*

Vagina Obscura: A history of the female body through the eyes of medicine -

- *“Fantastic presentation on a really important issue. As someone who has worked on this topic before, it was engaging and had new information I hadn't previously seen.”*

- *“What a fantastic discussion - a place for us to learn more about women's sexual health and destigmatize the discussion about our bodies and pleasure!”*
- *“This talk was informative and engaging. I wish I could share it with colleagues and friends.”*
- *“Thank you for creating this space for us to learn! I really enjoyed and learned from the presenter.”*

#### 4. Locations

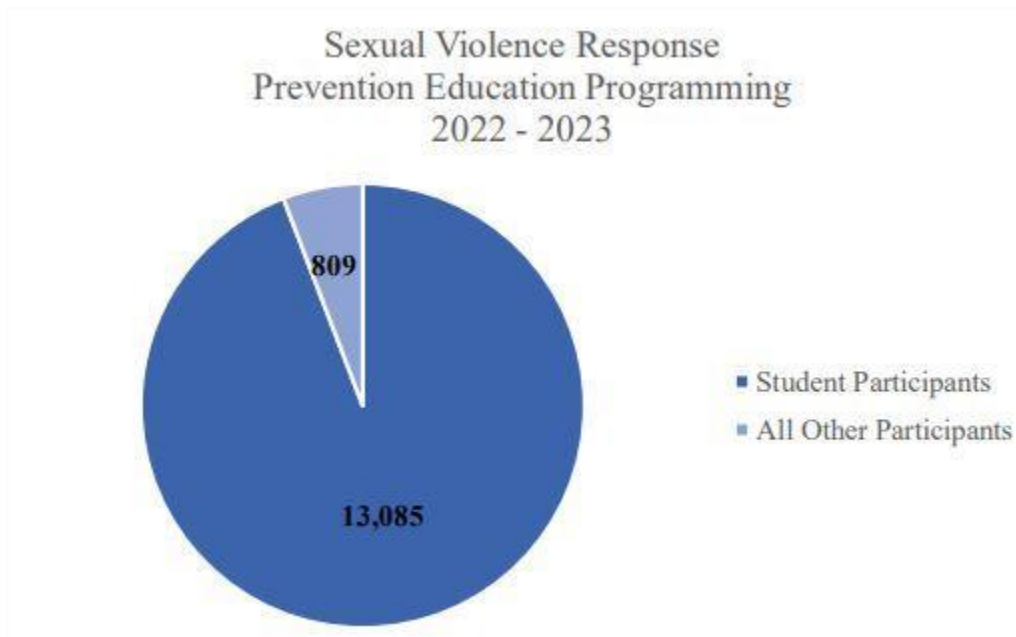
SVR has [three locations](#) for students from Columbia University and its affiliate institutions.

- SVR’s main office, located in Alfred Lerner Hall 700, serves as the primary hub for SVR operations. This location houses the majority of the SVR team.
- SVR has two satellite offices, one on the Barnard campus in Hewitt Hall, Room 105, and one on the Columbia University Irving Medical Center Campus at 50 Haven Avenue, Room 206.

Students are welcome to schedule an appointment or visit any of these three locations to seek services from SVR staff, explore designing an educational program, ask to partner on an event, or seek information about volunteering and other ways to engage in movement building around these issues

#### 5. Training, Prevention, and Education Efforts

From July 1, 2022 to June 30, 2023, SVR reached 13,894 students, faculty, staff, and community members at Columbia University through 413 training, education, and prevention activities. The chart below highlights the breakdown of these programs based on audience.





## 6. Annual Sponsored Projects: 2022-23

### New York State Office for The Prevention of Domestic Violence Enough Is Enough Grant

The Enough is Enough (EIE) law addresses sexual assault, dating violence, domestic violence, and stalking on college campuses. College students have the right to a safe, healthy, and nurturing environment free from discrimination and violence, and through the Enough is Enough program, the department supports 52 Rape Crisis and Sexual Violence Programs statewide to assist colleges and universities in implementing the response services, training, and prevention education components required in the Enough is Enough law. The Enough is Enough initiative aims to combat sexual assault on all New York college and university campuses and to provide trauma-informed assistance to college and university students who have experienced sexual violence. SVR is among one of the organizations awarded a three-year grant which provided funds to support EIE efforts in NYC. In May of 2022, SVR was awarded \$292,836 in grant funds to support staffing for frontline positions in SVR.

### New York State Department of Criminal Justice Services Grant

SVR received a continuation of their Sexual Assault Crisis and Prevention Program grant, distributed by the New York State Department of Criminal Justice. This grant, originally awarded in October of 2018, supports providing sexual assault services and rape prevention initiatives in New York State.

This grant was renewed in October of 2022 and SVR was awarded \$51,080 to continue to support SVR's efforts outlined below:

- [Survivor Care Packages](#) (includes critical items to support survivors in the immediate aftermath)
- [Peace and Presence](#) – A series of holistic wellness workshops that introduces survivors and co-survivors to non-verbal and experiential healing using various techniques.
- Professional Development – Identifying and implementing training opportunities to further develop service providers (professionals and volunteers) from multiple disciplines on effective ways to apply an intersectional framework to respond to and prevent sexual violence.

## 7. Engagement, Partnerships and Collaborations

### SVR Volunteer Programming

SVR engages, trains, and supervises students who volunteer as peer advocates and peer educators. SVR's Volunteer program is one of the cornerstones of the teams' model to prevent sexual and intimate partner violence at Columbia University. SVR volunteers are students of all identities who are committed to preventing sexual and intimate partner violence. Volunteers participate in a 40- hour New York State Department of Health certification training to prepare them to educate, emotionally support, and advocate for their peers.

- [Peer Advocacy](#): Peer Advocates provide survivors and their supporters with confidential emotional support, accompaniment, and referrals to on-campus and off-campus resources. They help survivors make informed decisions about their medical, legal, and disciplinary options. In 2022-23, SVR had 30 certified Peer Advocate volunteers actively supporting the Columbia University community.

- [Peer Education](#): Peer Educators lead interactive workshops and provide the campus community with information about sexual, intimate partner, and gender-based violence, how to have thriving intimate relationships, campus resources, and positive ways to communicate about sex. In 2022-23, 22 students volunteered with SVR as Peer Educators.

### **Men's Engagement**

The role of SVR's Men's Engagement initiative is to assist male-identified students in developing a healthy self-concept that will foster greater respect towards all genders and decrease all forms of gender-based violence. One-on-one consultations with male-identified students and employees, community coordinated response with student organizations, and the Men's Engagement Task Force are some of the strategies SVR utilizes to foster connection, community, and leadership to positively influence campus culture and build capacity around disrupting behaviors that contribute to a culture of rape, sexual violence, and relationship violence.

## B. The Gender-Based Misconduct Office

During the 2022-23 academic year, the [Gender-Based Misconduct Office](#) (“GBMO”) reported to Joseph Greenwell, Senior Vice President for Student Affairs in the Office of University Life.

GBMO is located in Watson Hall on West 115th Street and provides the following services:

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

### 1. Case Managers

Case Managers serve as the primary resource within GBMO to support students who file a complaint or respond to an accusation of a Policy violation. The Gender-Based Misconduct Office provides Case Managers to Complainants and Respondents to ensure that students understand their rights within the Policy and, if necessary, the investigation and adjudication process. Case Managers share this information during the intake session and, as needed, in subsequent meetings and communications with the Case Manager.

Case Managers may also help facilitate a variety of support for students:

- Academic support, including notifying academic advisors regarding missed classes, dropping classes, withdrawal, exam extensions, etc.;
- Referrals to supportive and confidential resources on campus, such as Counseling and Psychological Services (“CPS”) and Sexual Violence Response (“SVR”);
- Exploration of housing options, including emergency housing;
- Referrals to Attorney-Advisors;
- Identification of other supportive services on and off campus to meet students’ needs;
- Navigation of the Gender-Based Misconduct process from filing a complaint to resolution, e.g., alternative resolution, including administrative resolutions, restorative justice, mediation, and investigation, adjudication, and appeal.

Case Managers abide by FERPA, the federal law restricting disclosure of certain student information, and are not a confidential resource. Importantly, Case Managers protect student privacy to the greatest extent possible and only share essential information with other resources and partner offices as needed to assist the student appropriately. Case Managers also engage the campus community through trainings for students, faculty, and staff to promote community standards, including the University’s standard of sexual respect.

## 2. Title IX Investigators

GBMO has a staff of six full-time attorney investigators who work in teams of two and whose primary responsibility is to investigate complaints made against Columbia students under the Gender-Based Misconduct and Interim Title IX Policies, make credibility assessments, and recommend findings of responsibility to hearing panelists in a written Investigative Report. Investigators work in teams (“the Investigative Team”). All investigators are experienced attorneys and receive specialized training related directly to their responsibilities and other relevant competencies. GBMO is responsible for designating the Investigative Team to conduct each inquiry and, when appropriate, will conduct an Investigation and recommend by a *preponderance of the evidence* standard whether a violation of the Policy occurred.

In cases that do not involve a formal investigative process, the investigators also work in conjunction with Case Managers to facilitate resolutions as set out in the Policies, such as mediation and restorative justice. Additionally, the Investigative Team provides ongoing training to students, faculty, and staff throughout the academic year to ensure that the University community is educated on the contents of the Policy and the expectations the University has of students.

## 3. Continued Training

In addition to training on Title IX investigation and adjudication, all staff involved in administering the Gender-Based Misconduct and Interim Title IX processes receive ongoing training on a variety of related topics, including alternative resolution methods (e.g., mediation and restorative justice), trauma informed training, LGBTQ+ awareness, implicit bias, substance use on campus, resources available for victims and survivors in New York City, the role of law enforcement and the Department of Public Safety, domestic violence, diversity, and effective communication.

## 4. Adjudication by Hearing Panel

Gender-based misconduct and Interim Title IX cases may be adjudicated by a hearing panel, as specified by the Policies. The Gender-Based Misconduct Hearing Panel will generally have three members drawn from specially trained administrators, excluding the Investigative Team and other administrators responsible for the report. The Title IX Hearing Panel will generally have two members drawn from specially trained administrators, excluding the Investigative Team and other administrators responsible for the report, as well as an external Hearing Chair.

The Complainant and Respondent are always informed of the panel’s membership before the hearing process begins and may request a panelist substitution if a conflict exists. In addition to their continued professional training, all panelists receive relevant training on the dynamics of sexual assault at least once annually. The hearing panel determines outcomes based on a *preponderance of the evidence* standard, which is applied to consideration of the investigative report, supplementary materials, and presentations by the parties during a hearing. In cases under the Interim Title IX Policy, each Party’s advisor is permitted to ask the other Party and any witnesses questions that are relevant to the facts in the case. This questioning is called “cross examination.” It is monitored by the Hearing Panel Chair and is restricted by rules regarding relevance and rules of decorum designed to create a respectful and fair hearing environment.

## C. Title IX Coordinator at Columbia University

Columbia University's Title IX Coordinator, Associate Vice President Marjory Fisher works to ensure a safe, welcoming and harassment-free environment for all members of the Columbia community. Ms. Fisher is responsible for ensuring that University policies and procedures are in compliance with Title IX, the federal law that prohibits sex discrimination in federally-funded educational institutions. The Title IX team is governed by the regulations that were issued on May 6, 2020 by the U.S. Department of Education, effective August 14, 2020, and incorporated into Columbia's policies on gender-based harassment for both students and staff in the Columbia community.

In addition, Ms. Fisher oversees and provides guidance on Title IX investigations involving both students, faculty and staff at the University, oversees Deputy Title IX Coordinators, and is responsible for training University staff and students on Title IX issues. Ms. Fisher oversees the prompt and fair investigation and resolution of all complaints related to sexual assault, gender-based harassment, and intimate partner violence, sexual exploitation, and stalking, and ensures that Columbia complies with Title IX and state laws prohibiting gender-based discrimination. She also participates in the investigation of complaints as needed.

Ms. Fisher, along with the Title IX Investigators, train University staff who interact with students and serve as mandated reporters of gender-based misconduct, and assists in annual training of investigators, adjudicators, and appellate officers who play a role in these cases. Ms. Fisher also collaborates with staff in the Gender-Based Misconduct Office to arrange accommodation for students who need them when they are going through the gender-based misconduct adjudication process. For pregnant students, Ms. Fisher and her Title IX Program Assistant ensure that the unique, individually-based accommodations for pregnant students that Title IX requires are granted by coordinating with their professors and department administrators. During the 2022-2023 academic year, the Title IX office worked to accommodate approximately 61 pregnant or parenting students. Since 2016, the Title IX office has accommodated approximately 280 pregnant and parenting students.

Under New York State's law governing sexual assault on campus, and Columbia's requirements, new students on campus, student leaders and athletes must be trained about important issues regarding gender-based misconduct, including the concept of affirmative consent and reporting options and obligations. Since 2016, Ms. Fisher and the Title IX team have conducted 442 trainings for students including 58 in 2022-2023, training over 1,000 students, and during 2022 orientation, 12,100 students on the topics of sexual assault, the meaning of consent, dating and domestic violence, stalking, sexual exploitation, and gender-based and sexual harassment. Ms. Fisher has conducted numerous trainings for staff and faculty on the duty to report such cases, and most recently, on sexual harassment in an academic setting and in the workplace. Ms. Fisher has also participated in town hall meetings with students and staff on issues involving reporting sexual harassment, and the concerns that students, faculty, and staff have with the risk of retaliation.

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

Similar to previous years, all newly-admitted Columbia students completed two tutorials prior to the beginning of their program: *Welcome to Columbia* and *Sexual Assault Prevention for Undergraduates* (undergraduate students) or *Sexual Assault Prevention for Graduate Students* (graduate students). *Welcome to Columbia* covers important resources available to support students throughout their time at Columbia. The tutorial also covers key policies and concepts, including community citizenship, inclusion and belonging, sexual respect, and well-being.

*Sexual Assault Prevention* focuses in depth on sexual respect and shares essential information about identifying and responding to all forms of gender-based misconduct.

### **1. Community Citizenship Initiative**

Beginning in Fall 2020, the Sexual Respect and Community Citizenship Initiative expanded to include a second component focusing on Inclusion & Belonging, and was renamed simply the Community Citizenship Initiative.

Similar to the Pre-Orientation tutorials, all first-year Columbia students were required to participate. All continuing students were invited to participate as well. Students must complete any one option in Sexual Respect and any one option for Inclusion & Belonging. The options for both components ranged from: professionally-facilitated workshops, student-led workshops, online video collections, online documentaries, and tutorials to student-designed independent projects. The Sexual Respect component also had an option titled Resources for Healing and Resilience, which is designed for students who have experienced trauma, supported someone through trauma, or are interested in trauma and healing. In the 2022-2023 academic year, more than 12,000 students completed the Community Citizenship Initiative. For more information about the Community Citizenship Initiative and related work at Columbia, please visit <https://universitylife.columbia.edu/CCI>.



### III. UPDATES TO THE POLICIES

The Gender-Based Misconduct and Interim Title IX Policies and Procedures for Students are updated at the beginning of each academic year to reflect any updates to Federal or State guidance as well as the many recommendations and comments that come from students throughout the University, including students who received support from the Case Management Team within the Gender-Based Misconduct Office, students who were parties or witnesses in the disciplinary process, and other students on campus. Attorney-advisors and others who participated in the process during the past year also provided valuable input. For 2022-2023, the Policies were posted on the Sexual Respect and the Gender-Based Misconduct website on September 1, 2023. The policy updates for the 2023-2024 academic year will be discussed in this year's Annual Report. This updating process is in keeping with the University's commitment to ongoing policy review.

### IV. REPORTED VIOLATIONS OF THE GENDER-BASED MISCONDUCT AND INTERIM TITLE IX POLICIES FOR STUDENTS: JULY 1, 2022 – JUNE 30, 2023

This is the tenth annual data report released analyzing reported violations of the University's Gender-Based Misconduct and Interim Title IX Policies for Students. The primary reasons for providing this data are:

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

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

The disclosure of aggregate data and the discussion it generates is one among many initiatives at the University to prevent gender-based misconduct and to respond to its occurrence effectively and fairly. In addition to reading this report, we urge you to visit Columbia's Sexual Respect website, <https://sexualrespect.columbia.edu>, to familiarize yourself with available resources and learn more about the University's efforts to prevent and respond to gender-based misconduct<sup>3</sup>.

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<sup>3</sup> In addition to examining aggregate data, Columbia also conducted research to determine the individual, interpersonal, and structural factors that shape sexual health and sexual violence for undergraduates. SHIFT was directed by Jennifer S. Hirsch, Professor of Sociomedical Sciences at the Mailman School of Public Health, and Claude Ann Mellins, Professor of Medical Psychology in the Division of Gender, Sexuality, and Health in the Departments of Psychiatry and Sociomedical Sciences at the Columbia University Irving Medical Center (CUIMC). The research team included faculty co-investigators from across the University. See Columbia University's Sexual Health Initiative to Foster Transformation (SHIFT) Final Report, published in March 2019, at: [https://sexualrespect.columbia.edu/files/sri/content/shift\\_final\\_report\\_4-11-19\\_1.pdf](https://sexualrespect.columbia.edu/files/sri/content/shift_final_report_4-11-19_1.pdf). The SHIFT Report found, among other things, that "unwanted and/or

## A. Understanding the Data

The data in this Report include alleged violations reported to the Gender-Based Misconduct Office in which complainants and respondents are both University affiliates and non-affiliates. In cases where the Respondent is a non-affiliate and the complainant is a University student, the student complainants receive support from the Gender-Based Misconduct Office. Title IX cases require both the complainant and the respondent to be known students at the University. Cases with non-affiliate, undisclosed, or unknown parties do not fall under the Title IX policy.

The data discussed here includes reports both filed and resolved between July 1, 2022 and June 30, 2023. During the period covered by this Report, students who experienced gender-based misconduct may have chosen to discuss their experiences with peer counselors at the Sexual Violence Response and Rape Crisis/Anti-Violence Support Center, with University clergy, Health Services staff, University counselors, University Ombuds officers, or other “confidential” resources, but decided not to file a complaint under the Gender-Based Misconduct and Interim Title IX Policies for Students. Some students also chose to speak with friends, family, medical professionals, faith leaders and/or law enforcement outside of the University. These communications, some of which are confidential, are not included in the data reported here.

There are many reasons students may choose not to pursue disciplinary action within the University. For some, the trauma leaves them feeling unready to engage in an investigation and disciplinary process that requires further conversation with investigators and, possibly, a hearing panel. Others believe they will heal from their experience more quickly if they devote their energy to an alternative resolution. Still other students are concerned about the degree to which engaging in a formal disciplinary process will distract their attention from their studies or other campus activities. **While students may choose among these alternatives, the University remains committed to providing a supportive, sensitive, and fair process to all parties, so no student feels dissuaded from reporting violations within the University system.** Accordingly, students can report gender-based misconduct they have experienced at any time during their matriculation, i.e. regardless of any time lapse between the alleged incident and the decision to report. As a result, the data here may include incidents alleged to have occurred prior to the 2022-2023 academic year.

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

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non-consensual sexual contact has been found in higher rates among certain groups of students, including women, students outside the gender binary, and lesbian, gay, bisexual or queer students.”

to note that Clery statistics do not include findings or resolutions.) For additional information regarding Columbia University's Clery report, please visit: <https://publicsafety.columbia.edu/>.

## 1. Total Number of Reports

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

- In 7.7% of **sexual assault reports**<sup>4</sup> identified in the aggregate data for the 2022-2023 academic year (four cases of penetration, one case of fondling, and six cases of non-consensual contact), either an investigation was conducted or an alternative resolution was put in place because the respondent was an affiliate. In 60% of sexual assault reports identified in the aggregate data for the 2022-2023 academic year (twenty-one cases of penetration, two cases of fondling, thirty-one cases of non-consensual contact, and thirty-one cases where the type was not specified), the Complainant did not respond to outreach, declined to participate, or did not provide sufficient detail to support an investigation. In one case of sexual assault fondling identified in the aggregate data for the 2022-2023 academic year, the behavior described by the reporting individual did not meet the definition of a violation of the Gender-Based Misconduct Policy and the case was referred to a partner office for follow up. Support was provided to both parties by a Case Manager in these instances. Sixteen cases of penetration, one case of fondling, two cases of non-consensual contact, and four cases where the type was not specified currently have investigation and disciplinary proceedings ongoing; updates on the outcomes of those matters will be included in the next release of aggregate data.
- In 11% of **sexual assault reports** identified in the aggregate data for the 2022-2023 academic year (five cases of penetration, one case of fondling, four cases of non-consensual contact, and six cases where the type was not specified), no further investigation could be conducted because either the complainant or third-party reporter did not know the identity of the respondent or the respondent was a non-affiliate. In one case of non-consensual contact and one case where the type was not specified, the complaint was withdrawn. Support was provided to the complainant by a Case Manager in these instances.
- In 5.5% of **dating and domestic violence reports** identified in the aggregate data for the 2022-2023 academic year (four cases of Dating Violence), either an investigation was conducted or an alternative resolution was put in place because the respondent was an affiliate. In 63% of dating and domestic violence reports identified in the aggregate data for the 2022-2023 academic year (twenty-four cases Dating Violence, twenty-two cases of Domestic Violence), the Complainant did not respond to outreach, declined to participate, or did not provide sufficient detail to support an investigation. In 9.6% of dating and domestic violence reports identified in the aggregate data for the 2022-2023 academic year (two cases of Dating Violence, five cases of Domestic

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<sup>4</sup> The Policy includes five categories of sexual assault: Title IX Sexual Assault: Rape, Title IX Sexual Assault: Fondling, GBM Sexual Assault: Penetration, and GBM Sexual Assault: Contact, and GBM Sexual Assault: Type Not Specified. (Please see below for the definitions of each type of violation.) In certain cases, included in this data, the assault type is not specified because the complainant or third-party reporter did not provide sufficient detail of the alleged assault.

Violence), the behavior described by the reporting individual did not meet the definition of a violation of the Gender-Based Misconduct Policy and the case was referred to a partner office for follow up. Support was provided to both parties by a Case Manager in these instances. Seven cases of Dating Violence currently have investigation and disciplinary proceedings ongoing; updates on the outcomes of those matters will be included in the next release of aggregate data.

- In 11% of **dating and domestic violence** reports identified in the aggregate data for the 2022-2023 academic year (eight cases of Domestic Violence), no further investigation could be conducted because either the complainant or third-party reporter did not know the identity of the respondent or the respondent was a non-affiliate. In one case of Domestic Violence, the complaint was withdrawn. Support was provided to the complainant by a Case Manager in these instances.
- In 27.6% of **stalking reports** identified in the aggregate data for the 2022-2023 academic year (sixteen cases of Stalking) either an investigation was conducted or an alternative resolution was put in place because the respondent was an affiliate. In 50% of stalking reports identified in the aggregate data for the 2022-2023 academic year (twenty-nine cases of Stalking), the Complainant did not respond to outreach, declined to participate, or did not provide sufficient detail to support an investigation. In 3.4% of stalking reports identified in the aggregate data for the 2022-2023 academic year (twenty-seven cases of Stalking), the behavior described by the reporting individual did not meet the definition of a violation of the Gender-Based Misconduct Policy and the case was referred to a partner office for follow up. Support was provided to both parties by a Case Manager in these instances. Four cases of Stalking currently have investigation and disciplinary proceedings ongoing; updates on the outcomes of those matters will be included in the next release of aggregate data.
- In 10.3% of **stalking reports** identified in the aggregate data for the 2022-2023 academic year (six cases of Stalking), no further investigation could be conducted because either the complainant or third-party reporter did not know the identity of the respondent or the respondent was a non-affiliate. Support was provided to the complainant by a Case Manager in these instances.
- In 5% of **sexual harassment reports** identified in the aggregate data for the 2022-2023 academic year (four cases of Sexual Harassment), an alternative resolution was put in place because the respondent was an affiliate. In 56.2% of sexual harassment reports identified in the aggregate data for the 2022-2023 academic year (forty-five cases of Sexual Harassment), the Complainant did not respond to outreach, declined to participate, or did not provide sufficient detail to support an investigation. In 6.3% of sexual harassment reports identified in the aggregate data for the 2022-2023 academic year (five cases of Sexual Harassment), the behavior described by the reporting individual did not meet the definition of a violation of the Gender-Based Misconduct Policy and the case was referred to a partner office for follow up. Support was provided to both parties by a Case Manager in these instances. Fifteen cases of Sexual Harassment currently have an investigation and disciplinary proceedings ongoing; updates on the outcomes of those matters will be included in the next release of aggregate data.
- In 12.5% of **sexual harassment reports** identified in the aggregate data for the 2022-2023 academic year (ten cases of Sexual Harassment), no further investigation could be conducted because either the complainant or

third-party reporter did not know the identity of the respondent or the respondent was a non-affiliate. In one case of Sexual Harassment, the complaint was withdrawn. Support was provided to the complainant by a Case Manager in these instances.

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

Types of gender-based misconduct other than sexual assault include domestic violence, dating violence, sexual exploitation, stalking, sexual harassment, gender-based harassment, gender-based harassment where the type is not specified, Title IX sexual harassment, Title IX domestic violence, Title IX dating violence, and Title IX stalking. The tables in this report consolidate the 256 reports of misconduct, other than sexual assault, made during the period July 1, 2022, to June 30, 2023, in a manner similar to the sexual assault cases described above, with two important exceptions and one clarification noted below:

- First, for these cases, the Gender-Based Misconduct and Interim Title IX Policies permit options other than investigation and adjudication for resolving the reported violation. If the parties agree to an alternative resolution option, there may be no formal investigation, determination of responsibility, or disciplinary action. Instead, the resolution of these cases can take the form of a directive prohibiting contact between the parties (“no-contact directive”), an access restriction, another accommodation to support and protect a student, and education for a party relevant to the alleged misconduct. Additionally, a case may be resolved by the parties participating in mediation or a restorative justice process, and in consultation with the Gender-based Misconduct Office and Title IX Coordinator, agreeing to a resolution and outcome that will close the case. If the parties engage in mediation or restorative justice, either party may opt out of the alternate process at any time and proceed with an investigative process.
- The second point of differentiation are the sixteen reports of gender-based misconduct where the complainants’ allegations were accepted as true and accurate, but the Gender Based-Misconduct Office determined that the behavior described was not a violation of the Policy. These cases were referred to a partner office within the University for follow up.

Of those cases resolved through alternative resolution, the parties and the Gender-Based Misconduct Office reached alternative resolutions for 26 reports of gender-based misconduct other than sexual assault (four cases of Dating Violence, one case of Sexual Exploitation, four cases of Sexual Harassment, one case of Gender-Based Harassment, and sixteen cases of Stalking). In addition, four cases of Sexual Assault: Penetration, seven cases of Sexual Assault Fondling/Non-consensual Contact, and three cases of Sexual Assault: Type Not Specified were resolved with an alternative resolution. At the parties request, the Title IX Coordinator deemed an alternate resolution to be consistent with preserving a safe and non-discriminatory University environment.

Any allegations of retaliation may be reviewed through the gender-based investigation process or through Student Conduct under the Center for Student Success and Intervention.

## **B. Tables of Reported Violations of Gender-Based Misconduct and Interim Title IX Policies for Students: July 1, 2022 - June 30, 2023**

1. Reports of Sexual Assault, Dating and Domestic Violence, Stalking, and Other Gender-Based Misconduct<sup>5</sup> filed between July 1, 2022 and June 30, 2023 by Complainant Affiliation
2. Reports of Sexual Assault, Dating and Domestic Violence, Stalking, and Other Gender-Based Misconduct<sup>6</sup> filed between July 1, 2022 and June 30, 2023 by Respondent Affiliation<sup>7</sup>
3. Resolution of Title IX Sexual Assault, Dating and Domestic Violence, Stalking and GBM Sexual Assault Reports filed between July 1, 2022 and June 30, 2023 with Known, Affiliated Respondents
4. Resolution of GBM Dating and Domestic Violence and other Gender-Based Misconduct Reports filed between July 1, 2022 and June 30, 2023 with Known, Affiliated Respondents

*Note on Cases Where the Sexual Assault Type was Not Specified by the Reporter:* A number of cases reported in the following tables involved a situation where GBMO received a report that a sexual assault occurred, but the reporter declined or was unable to provide further specific information.

*Note on Cases with Multiple Charges:* Some reported cases involved more than one allegation of gender-based misconduct. Cases involving more than one allegation of gender-based misconduct are listed only once.

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

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<sup>5</sup> Other gender-based misconduct aside from sexual assault include sexual exploitation, sexual harassment, gender-based harassment, Title IX sexual harassment.

<sup>6</sup> Other gender-based misconduct aside from sexual assault include sexual exploitation, sexual harassment, gender-based harassment, Title IX sexual harassment.

<sup>7</sup> Although Barnard College has its own policy and procedure for investigation and adjudication of allegations involving Barnard student respondents, Case Management facilitates support for Barnard College student complainants with assistance from Columbia University and Barnard College resources. As such, Barnard College complainants are included within the total number of Morningside Undergraduate Complainants. Barnard College respondents are only included with the total number of Morningside Undergraduate Respondents when a complaint is made against a Barnard College student by a Columbia University student. In these cases, Case Management supports the Columbia student as they engage with Barnard College's policy and procedures.



**1. Reports of all Sexual Assault, and Gender-Based Misconduct filed between July 1, 2022 and June 30, 2023 with Known, Affiliated Complainants**

**Data Related to Known, Affiliated Complainants**

	Undergraduate (Morningside)	Graduate & Non-degree Programs (Morningside)	Graduate & Non-degree Programs (CUIMC)	Faculty, Staff, or Unenrolled/ Former Student
Title IX Sexual Assault: Rape	12	1	1	1
GBM Sexual Assault: Penetration <sup>8</sup>	13	8	-	2
Title IX Sexual Assault: Fondling	5	2	-	1
GBM Sexual Assault: Contact	35	6	1	1
Title IX Dating Violence	6	-	-	-
GBM Dating Violence	10	14	2	1
Title IX Domestic Violence	1	2	-	-
GBM Domestic Violence	17	16	-	1
Title IX Sexual Harassment	7	1	-	-
GBM Sexual Harassment	32	24	2	3
Title IX Stalking	12	5	-	-
GBM Stalking	17	18	1	1
GBM Sexual Assault: Type Not Specified by Reporter	28	13	4	1
GBM Sexual Exploitation	8	5	-	-
GBM Gender-Based Harassment	21	12	2	1

<sup>8</sup> GBM is an abbreviation for the term “Gender-Based Misconduct”.

**Data Related to Non-affiliate, Undisclosed,<sup>9</sup> or Unknown<sup>10</sup> Complainants**

	Non-affiliate	Undisclosed	Unknown
Title IX Sexual Assault: Rape	-	-	-
GBM Sexual Assault: Penetration <sup>11</sup>	3	1	1
Title IX Sexual Assault: Fondling	-	1	-
GBM Sexual Assault: Contact	-	1	2
Title IX Dating Violence	-	-	-
GBM Dating Violence	4	-	1
Title IX Domestic Violence	-	-	-
GBM Domestic Violence	-	-	-
Title IX Sexual Harassment	-	-	-
GBM Sexual Harassment	4	5	2
Title IX Stalking	-	-	-
GBM Stalking	5	-	1
GBM Sexual Assault: Type Not Specified by Reporter	-	4	2
GBM Sexual Exploitation	1	-	2
GBM Gender-Based Harassment	1	1	1

<sup>9</sup> An undisclosed complainant is a student whose identity is known by a third-party reporter, but is not disclosed to the Gender-Based Misconduct Office.

<sup>10</sup> An unknown complainant is an individual whose identity is not known to a third-party reporter.

<sup>11</sup> GBM is an abbreviation for the term “Gender-Based Misconduct”.

## 2. Reports of Sexual Assault, Dating and Domestic Violence, Stalking and Other Gender-Based Misconduct<sup>12</sup> filed between July 1, 2022 and June 30, 2023 with Known, Affiliated Respondents

### Data Related to Known, Affiliated Respondents

	Undergraduate (Morningside)	Graduate & Non-degree Programs (Morningside)	Graduate & Non-degree Programs (CUIMC)	Unenrolled/Former Student
Title IX Sexual Assault: Rape	13	-	-	1
GBM Sexual Assault: Penetration <sup>13</sup>	10	4	-	-
Title IX Sexual Assault: Fondling	5	2	1	-
GBM Sexual Assault: Contact	29	-	-	1
Title IX Dating Violence	4	-	-	-
GBM Dating Violence	5	5	1	4
Title IX Domestic Violence	1	1	-	1
GBM Domestic Violence	1	3	-	1
Title IX Sexual Harassment	5	-	-	1
GBM Sexual Harassment	24	19	1	2
Title IX Stalking	10	7	-	-
GBM Stalking	10	15	-	2
GBM Sexual Assault: Type Not Specified by Reporter	6	3	-	2
GBM Sexual Exploitation	3	4	-	-
GBM Gender-Based Harassment	11	3	-	1

<sup>12</sup> Other gender-based misconduct aside from sexual assault include sexual exploitation, sexual harassment, gender-based harassment, Title IX sexual harassment.

<sup>13</sup> GBM is an abbreviation for the term “Gender-Based Misconduct”.

## Data Related to Non-affiliate, Undisclosed<sup>14</sup>, or Unknown<sup>15</sup> Respondents<sup>16</sup>

In addition to the reports in the previous table, there were also instances of sexual assault and other gender-based misconduct where the respondent was not affiliated with the University, where a complainant did not know the identity of the respondent, and where a complainant did not disclose the identity of the respondent to the Gender-Based Misconduct Office. In all of these instances, the disciplinary process was not initiated and the complainant was offered support from the Gender-Based Misconduct Office's Case Management.<sup>17</sup> The following table provides information about these reports:

	Non-affiliate	Undisclosed	Unknown
Title IX Sexual Assault: Rape	-	-	-
GBM Sexual Assault: Penetration <sup>18</sup>	4	1	8
Title IX Sexual Assault: Fondling	1	1	-
GBM Sexual Assault: Contact	9	2	3
Title IX Dating Violence	1	-	-
GBM Dating Violence	5	1	11
Title IX Domestic Violence	-	-	-
GBM Domestic Violence	20	1	7
Title IX Sexual Harassment	1	1	-
GBM Sexual Harassment	10	8	8
Title IX Stalking	-	-	-
GBM Stalking	6	4	4
GBM Sexual Assault: Type Not Specified by Reporter	10	4	30
GBM Sexual Exploitation	2	-	7
GBM Gender-Based Harassment	2	5	16

<sup>14</sup> An undisclosed respondent is a student whose identity is known by the complainant or a third-party reporter, but is not disclosed to the Gender-Based Misconduct Office.

<sup>15</sup> An unknown respondent is an individual whose identity is not known to the complainant or a third-party reporter.

<sup>16</sup> Title IX cases require both the complainant and the respondent to be students or active alum at the University. Cases with non-affiliate, undisclosed, or unknown parties do not fall under the Title IX policy.

<sup>17</sup> In all instances above, all involve known Columbia complainants.

<sup>18</sup> GBM is an abbreviation for the term "Gender-Based Misconduct".

### 3. Resolution of Reports between July 1, 2022 and June 30, 2023

	Title IX Sexual Assault: Rape	GBM Sexual Assault: Penetration	Title IX Sexual Assault: Fondling	GBM Sexual Assault: Contact	Title IX Dating Violence	GBM Dating Violence	Title IX Domestic Violence	GBM Domestic Violence
Behavior described by the reporting individual did not meet the definition of a violation of the Gender-Based Misconduct Policy for Students; case referred to a partner office for adjudication and/or follow up.	-	-	-	1	2	-	-	5
Behavior described by the reporting individual may be a violation of the Gender-Based Misconduct and Interim Title IX Policies for Students; case resolved via Alternative Resolution <sup>19</sup> , Restorative Justice, or Mediation.	4	-	1	6	-	-	-	-
Complainant declined to identify a respondent and/or did not provide sufficient detail to support an investigation; no further investigation was conducted - complainant supported by Gender-Based Misconduct Case Manager	3	16	4	31	3	21	2	20
Complainant or third-party reporter did not know the identity of a respondent and/or the respondent was a non-affiliate; no further investigation was conducted - complainant supported by Gender-Based Misconduct Case Manager	-	5	1	4	-	-	-	8
A complaint was reported by a third party, but the identified complainant did not corroborate the complaint; no further investigation was conducted - complainant supported by Gender-Based Misconduct Case Manager	-	-	-	1	-	-	1	-

<sup>19</sup> Alternative Resolutions reflected in this data set do include cases resolved with a No Contact Order or Access Restriction, when a complainant was reluctant to continue on with an investigation and/or hearing.

	Title IX Sexual Assault: Rape	GBM Sexual Assault: Penetration	Title IX Sexual Assault: Fondling	GBM Sexual Assault: Contact	Title IX Dating Violence	GBM Dating Violence	Title IX Domestic Violence	GBM Domestic Violence
Title IX Complaint dismissed by the University.	-		-		-		-	
Respondent withdrew with disciplinary action pending or currently not enrolled at the University	-	-	-	-	-	-	-	-
Respondent accepted responsibility (Disciplinary Action Agreement) or indicated No Contest to the recommended finding(s) of responsibility	-	-	-	-	-	-	-	-
Complaint resolved after a finding of responsibility	-	-	-	-	-	-	-	-
Complaint resolved after a finding of no responsibility	-	-	-	-	-	-	-	-
Investigation and disciplinary proceedings ongoing	8	8	2	2	1	7	-	-

	Title IX Sexual Harassment	GBM Sexual Harassment	Title IX Stalking	GBM Stalking	GBM Sexual Assault: Type Not Specified	GBM Sexual Exploitation	GBM Gender-Based Harassment
Behavior described by the reporting individual did not meet the definition of a violation of the Gender-Based Misconduct Policy for Students; case referred to a partner office for adjudication and/or follow up.	1	5	2	-	-	1	-
Behavior described by the reporting individual may be a violation of the Gender-Based Misconduct and Interim Title IX Policies for Students; case resolved via Alternative Resolution <sup>20</sup> , Restorative Justice, or Mediation.	1	-	7	-	3	-	-

<sup>20</sup> Alternative Resolutions reflected in this data set do include cases resolved with a No Contact Order or Access Restriction, when a complainant was reluctant to continue on with an investigation and/or hearing.



	Title IX Sexual Harassment	GBM Sexual Harassment	Title IX Stalking	GBM Stalking	GBM Sexual Assault: Type Not Specified	GBM Sexual Exploitation	GBM Gender-Based Harassment
Complainant declined to identify a respondent and/or did not provide sufficient detail to support an investigation; no further investigation was conducted - complainant supported by Gender-Based Misconduct Case Manager	6	39	4	25	31	6	13
Complainant or third-party reporter did not know the identity of a respondent and/or the respondent was a non-affiliate; no further investigation was conducted - complainant supported by Gender-Based Misconduct Case Manager	-	10	-	6	6	5	4
A complaint was reported by a third party but the identified complainant did not corroborate the complaint; no further investigation was conducted - complainant supported by Gender-Based Misconduct Case Manager	-	1	-	-	1	1	-
Title IX Complaint dismissed by the University.	-		-				
Respondent withdrew with disciplinary action pending or currently not enrolled at the University	-	-	-	1	-	-	-
Respondent accepted responsibility (Disciplinary Action Agreement) or indicated No Contest to the recommended finding(s) of responsibility	-	-	-	1	-	-	-
Complaint resolved after a hearing: finding of responsibility.	-	-	-	-	-	-	-
Complaint resolved after a hearing: finding of no responsibility.	-	-	-	-	-	-	-
Investigation and disciplinary proceedings ongoing. <sup>21</sup>	1	14	1	3	4	-	3

<sup>21</sup> Resolutions of reports received but not resolved by June 30, 2022 will be reflected in the 2023-24 Gender-Based Misconduct Prevention and Response Annual Report.

## C. Sanctions Applied to Responsible Parties

The University releases aggregate data in this report in a way that aims to avoid the identification of specific students or individual cases. The reason for this is that GBMO is a University resource committed to protecting students' privacy to the greatest extent possible. Linking sanctions to hearing outcomes or cases where students accepted responsibility raises the risk that others may be able to determine who was involved in a particular case and what the outcome was because the number of such cases is relatively small. Therefore, case-by-case sanction information is not provided.

A number of cases reported during the 2022-2023 academic year are still in-progress. Of the cases resolved between July 1, 2022 and June 30, 2023, seven cases<sup>22</sup> were determined to be a violation of the Gender-Based Misconduct or Interim Title IX Policies. Because of this, the following sanctions were issued during this period<sup>23</sup>:

- Disciplinary Probation was applied to one case of non-consensual contact and penetration
- Disciplinary Suspension was applied to one case of non-consensual contact and penetration, one case penetration and Dating Violence, one case of Dating Violence, and one case of Domestic Violence
- Policy Education was applied to one case of non-consensual contact and one case of retaliation

## D. Disposition of Appeals

Either party can file an appeal challenging the underlying hearing panel determination and/or the sanction. For cases resolved after July 1, 2022 and prior to June 30, 2023, there were two appeals<sup>24</sup> filed by affiliated respondents challenging the sanctions received.

## E. Table of Time Frames for Resolution of Reported Violations

The Gender-Based Misconduct Office recognizes the importance for all parties of resolving cases in a timely manner while also ensuring that the Policy and Procedures are followed carefully and carried out with fairness to both parties. Numerous factors impacted the time frame for resolving reports of Gender-Based Misconduct. These factors may include:

- A party initially opted for an alternative resolution, mediation, or restorative justice in lieu of investigation but then changed this decision;
- A party was on leave and unable to participate in the investigation;
- Difficulty contacting and scheduling parties, witnesses, and attorney advisors;
- Cases that involved a large number of witnesses required for interview; or
- Difficulty securing a party's advisor's presence for investigative interviews and other meetings.
- The policy's procedural requirements that a complainant move forward and/or file a formal Title IX complaint before proceeding with an investigation or an alternative resolution.

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<sup>22</sup> Of the seven cases, one case was reported and opened in the July 2020 - June 2021 Academic Year, the remaining six cases were reported and opened in the July 2021 - June 2022 Academic Year.

<sup>23</sup> A list of sanctions can be found in the [2023-2024 Gender-Based Misconduct and Interim Title IX Policies and Procedures for Students](#) on pages 81-82.

<sup>24</sup> Both appeals were filed within the July 2022 - June 2023 Academic Year, and each Appellate Panel affirmed the sanctions imposed.

Taking these factors into account and the volume of reports received, twelve reports of Sexual Assault, Dating and Domestic Violence, and Stalking, that met the definition of a violation under the Gender-Based Misconduct and Interim Title IX Policies for Students, were fully investigated and then resolved within ten months not including the appeal which can take up to an additional 22 days.<sup>25</sup> Thirty reports of Sexual Assault, Dating and Domestic Violence, and Stalking, that met the definition of a violation under the Gender-Based Misconduct and Interim Title IX Policies for Students, were resolved via alternative resolutions within six months. Ten reports of Other Gender-Based Misconduct<sup>26</sup> where a respondent was a known affiliate and the allegation(s) met the definition of a violation other than Sexual Assault were resolved via alternative resolution within seven months. Five reports of Other Gender-Based Misconduct<sup>27</sup> where a respondent was a known affiliate and the allegation(s) met the definition of a violation other than Sexual Assault were resolved via investigation within thirteen months.

Please note that the time frame data does not include unresolved cases with ongoing proceedings, which will be included in next year's 2023-24 Report.

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<sup>25</sup> This time frame does not include matters that are returned to the Hearing Panel or Investigative Team for reconsideration through the appeal process, which can exceed 22 days.

<sup>26</sup> Other gender-based misconduct aside from sexual assault include sexual exploitation, sexual harassment, gender-based harassment, Title IX sexual harassment.

<sup>27</sup> Other gender-based misconduct aside from sexual assault include sexual exploitation, sexual harassment, gender-based harassment, Title IX sexual harassment.

The table below includes data for the resolution of reports of Sexual Assault, Dating and Domestic Violence, Stalking, and Other Gender-Based Misconduct<sup>28</sup> between July 1, 2022 and June 30, 2023 that were fully investigated or resolved through an alternative resolution on or before June 30, 2023.<sup>29</sup>

	1-60 Days	61-120 Days	121-180 Days	181-240 Days	241-300 Days	300+ Days
Title IX Sexual Assault: Rape	-	-	2	2	-	-
GBM Sexual Assault: Penetration	-	-	-	-	-	-
Title IX Sexual Assault: Fondling	-	-	-	-	1	-
GBM Sexual Assault: Contact	-	2	2	-	-	-
Title IX Dating Violence	-	-	-	-	-	-
GBM Dating Violence	1	1	-	1	1	-
Title IX Domestic Violence	-	-	-	-	-	-
GBM Domestic Violence	-	-	-	-	-	-
Title IX Sexual Harassment	-	1	-	-	-	-
GBM Sexual Harassment	1	2	-	-	-	-
Title IX Stalking	3	2	-	1	-	-
GBM Stalking	1	5	-	1	-	-
GBM Sexual Assault: Type Not Specified by Reporter	1	-	-	-	-	-
GBM Sexual Exploitation	1	-	-	-	-	-
GBM Gender-Based Harassment	1	-	-	-	-	-

<sup>28</sup> Other gender-based misconduct aside from sexual assault include sexual exploitation, sexual harassment, gender-based harassment, Title IX sexual harassment.

<sup>29</sup> Cases where No Contact Directives (NCDs) were implemented as a final resolution were included in this table. This data also reflects the dates the incident reports were filed not when the Formal Title IX complaint was filed.

## V. UPDATES TO 2021-2022 CASES

The Gender-Based Misconduct Office resolved a number of cases that were designated as “ongoing” in the 2021-2022 Report. The tables below are from pages 24-25 of the 2021-2022 Report and were updated to reflect these resolutions. Any related sanctions were included in the *Sanctions Applied to Responsible Parties* section on Page 28.

	Title IX Sexual Assault: Rape	Title IX Sexual Assault: Fondling	Title IX Dating Violence	Title IX Domestic Violence	Title IX Sexual Harassment	Title IX Stalking	GBM Sexual Assault: Penetration	GBM Sexual Assault: Contact	GBM Sexual Assault: Type Not Specified
Complainant declined to identify a respondent and/or did not provide sufficient detail to support an investigation; no further investigation was conducted - complainant supported by Gender-Based Misconduct Case Manager	2	-	-	1	-	3	6	3	9
A complaint was reported by a third party but the identified complainant reported that no sexual assault occurred and/or did not corroborate this complaint; no further investigation was conducted - complainant supported by Gender-Based Misconduct Case Manager	2	-	-	-	-	-	1	1	-
Behavior described by the reporting individual may be a violation of the Gender-Based Misconduct and Interim Title IX Policies for Students; case resolved via Alternative Administrative Resolution <sup>30</sup> , Restorative Justice, or Mediation	1	1	-	-	3	2	2	1	-
Complaint resolved after a hearing: finding of responsibility.	-	-	1	-	-	-	2	-	-
Complaint resolved after a hearing: finding of no responsibility.	1	1	-	-	-	-	-	-	-
Investigation and disciplinary proceedings ongoing	5	1	-	-	1	-	1	-	-

<sup>30</sup> Alternative Resolutions Administrative Resolutions reflected in this data set do not include cases resolved with a No Contact Order or Access Restriction, when a complainant was reluctant to continue on with an investigation and/or hearing.

	GBM Domestic Violence	GBM Dating Violence	GBM Sexual Exploitation	GBM Sexual Harassment	GBM Gender-Based Harassment	GBM Stalking
Behavior described by the reporting individual did not meet the definition of a violation of the Gender-Based Misconduct Policy for Students; case referred to a partner office for adjudication and/or follow up.	-	1	-	2	1	1
Complainant declined to identify a respondent and/or did not provide sufficient detail to support an investigation; no further investigation was conducted - complainant supported by Gender-Based Misconduct Case Manager	6	3	1	7	1	3
Complainant or third party reporter did not know the identity of a respondent and/or the respondent was a non-affiliate; no further investigation was conducted - complainant supported by Gender-Based Misconduct Case Manager	-	-	-	-	1	1
A complaint was reported by a third party but the identified complainant did not corroborate the complaint; no further investigation was conducted - complainant supported by Gender-Based Misconduct Case Manager	-	-	-	1	-	1
Behavior described by the reporting individual may be a violation of the Gender-Based Misconduct and Interim Title IX Policies for Students; case resolved via Alternative Administrative Resolution <sup>31</sup> , Restorative Justice, or Mediation	-	-	1	1	1	1
Complaint resolved after a hearing: finding of responsibility.	1	-	-	-	-	-
Investigation and disciplinary proceedings ongoing. <sup>32</sup>	2	-	1	-	-	-

<sup>31</sup> Alternative Resolutions Administrative Resolutions reflected in this data set do not include cases resolved with a No Contact Order or Access Restriction, when a complainant was reluctant to continue on with an investigation and/or hearing.

<sup>32</sup> Resolutions of reports received but not resolved by June 30, 2023 will be reflected in the next Gender-Based Misconduct Prevention and Response Annual Report.

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

The data in the preceding tables is based on reports of gender-based misconduct to the Gender-Based Misconduct Office in which the respondent was a Columbia University, Barnard, or Teachers College student.

For resolution information involving cases where the respondent was a Barnard student or a Columbia, Barnard, or Teachers College employee, or other person doing business with Columbia, Barnard, or Teachers College, the investigation and disciplinary processes can be found at:

- <https://eoaa.columbia.edu>
- <https://barnard.edu/doc/titleix>
- <https://www.tc.columbia.edu/policylibrary/diversity-and-community-affairs/gender-based-misconduct-policy-for-students/>

As noted earlier, the designated time period of July 1, 2022 through June 30, 2023 for this Report refers to the period when reports of gender-based misconduct were filed, rather than to the time of the alleged incident. Some of the reports filed during the July 1, 2022 through June 30, 2023 period were for incidents that occurred prior to July 1, 2022. The University does not limit the time for submitting a report of gender-based misconduct.

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

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

### A. Definitions of Gender-Based Misconduct and Interim Title IX Violations

#### **Sexual Assault: Penetration<sup>33</sup>:**

Any form of vaginal sexual intercourse (penile-vaginal), oral and anal sexual intercourse (i.e., penile-penetration), or use of an object or instrument to unlawfully penetrate the genital or anal opening of the body of another person, however slight, without a person's affirmative consent.

**Sexual Assault: Contact<sup>34</sup>:** 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 of physical violence, coercion, threats, isolation, stalking, or other forms of emotional, psychological, sexual, technological, or economic abuse directed toward (1) a current or former spouse or intimate partner; (2) a person with whom one shares a child; or (3) anyone who is protected from the Respondent's acts under the domestic or family violence laws of New York. This violation includes behavior that seeks to establish power and control over another person by causing fear of physical or sexual violence. Domestic violence can be a single act or a pattern of behavior, depending on the frequency, nature, and severity of the conduct.

**Dating Violence:** The use of physical violence, coercion, threats, isolation, stalking, or other forms of serious emotional, psychological, sexual, technological, or economic abuse directed toward a person who is or has been in a social relationship of a romantic or sexually intimate nature with the victim. Dating violence can be a single act or a pattern of behavior in relationships.

**Sexual Exploitation:** Non-consensual abuse or exploitation of another person's sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage, or any other illicit purpose. Acts of sexual exploitation include, but are not limited to:

- 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;
- Explicitly threatening to stream, share, or distribute 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

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<sup>33</sup> Both completed sexual assaults (penetration) and attempted sexual assaults (penetration) are prohibited by this policy.

<sup>34</sup> This definition encompasses a range of sexual conduct that could also fit within the Policy definition of Sexual Harassment. The Gender-Based Misconduct Office, in consultation with the appropriate Title IX Coordinator(s), will determine whether the allegation(s) should be treated as Sexual Assault: Contact or Sexual Harassment, depending on the specific conduct and surrounding circumstances of the allegation(s).



affirmative consent of all participants, for the purpose of inducing or compelling someone to engage in sexual conduct against their will;

- 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;
- Exposing one's genitals in non-consensual circumstances; or
- Inducing incapacitation for the purpose of making another person vulnerable to gender-based misconduct.

**Stalking:** A course of unwanted attention that is repeated or obsessive, directed toward an individual or a group and that is reasonably likely to cause alarm, fear or substantial emotional distress. Stalking may take many forms, including 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, e-mails, surveillance, or other types of observation and communication.

**Gender-Based Harassment:** Gender-based harassment can occur if a person is 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, and that harassing conduct unreasonably interferes with a person's education or participation in educational programs or activities, or creates an intimidating, hostile, demeaning, or offensive academic, campus, or living environment.

The following describes some conduct that may be gender-based harassment:

- Acts of aggression, intimidation, stalking, or hostility based on gender or gender stereotyping; or
- Threats or non-consensual disclosure of a person's gender identity (i.e., "outing").

For more information regarding "hostile environment," please see the next page.

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

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's academic, co-curricular, or student life activities;
- Submission to or rejection of such conduct by an individual is used as the basis for academic evaluation, grades, advancement or participation/status in student life activities (i.e. "quid pro quo"). Quid pro quo sexual harassment can occur whether a person resists and suffers the threatened harm, or a person submits and avoids the threatened harm, and can occur even if the person delays in reporting the harm;
- Such unwelcome conduct is intentional, serves no legitimate purpose, and involves contact with parts of another individual's body that may cause that person to feel degraded or abused;
- Such unwelcome conduct is for the purpose of gratifying the actor's sexual desire; or
- Such unwelcome conduct has the effect of unreasonably interfering with a student's education or participation in educational programs or activities or such conduct creates an intimidating, hostile, demeaning, or offensive academic, campus, work or living environment.

“Hostile Environment” in the Context of Sexual and Gender-Based Harassment: A hostile environment may arise when unwelcome conduct of a sexual or gender-based nature unreasonably interferes with a student's ability to participate in or benefit from an education program or activity, or creates an intimidating, threatening, demeaning, or offensive academic, campus, work or living environment.

In evaluating whether there is evidence of a hostile environment, the University will consider the totality of the known circumstances from the point of view of a reasonable person, including, but not limited, to:

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

A single, isolated incident of sexual or gender-based harassment may, based on the facts and circumstances, create a hostile environment. The more serious the conduct, the less need there is to show a repetitive series of incidents to demonstrate a hostile environment.

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

- All individuals and groups of individuals, not just a Respondent or Complainant, are prohibited from engaging in retaliation. Retaliation can refer to actions or threatened actions by any individual, including students and others who are not engaged with the Office.
- Retaliation includes threatening, intimidating, coercing, discriminating, harassing, or any other conduct that would discourage a reasonable person from seeking services; receiving measures and accommodations; reporting gender-based misconduct; or participating in the disciplinary process as a Complainant, Respondent, witness, third-party reporter or advisor.
- Retaliation includes maliciously or purposefully interfering with, threatening, or damaging the academic or professional career of another individual, before, during or after the resolution of a report of gender-based misconduct under this Policy.
- Nothing in the Policy prevents an individual from discussing their experience from their perspective.
- Reports of gender-based misconduct made in good faith, even if the allegations are ultimately determined to be inaccurate, are not considered retaliation.

Reports that are intentionally false or found to have been made in bad faith may constitute retaliation and/or may be considered by the Sanctioning Officer if an individual is otherwise found responsible for a violation of the Policy. For example, retaliation could include a threat of falsely reporting the Complainant or witnesses of gender-based misconduct to deter them from participating in an imminent or pending gender-based misconduct process.

Retaliation may also include violations of a no-contact directive and/or other supportive measures, in conjunction with any of the behavior described above, during the course of an investigation.

- If the alleged retaliation occurs between the Complainant and the Respondent while a matter is pending, these allegations may be investigated separately through the Dean's Discipline process and/or, if deemed appropriate by the Title IX Coordinator or designee, folded into the pending investigation, based on the circumstances of the allegations.
- Allegations of retaliation by other parties, i.e., not between the Complainant and the Respondent, will be investigated separately when the allegations involve gender-based misconduct. Any other allegations of retaliation by other parties will be investigated and adjudicated through the Dean's Discipline process.

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

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

## 1. Interim Title IX Policy Violations

Behaviors that meet the definition of prohibited conduct under the Interim Title IX Policy must be investigated, adjudicated and reviewed under the Interim Title IX Policy, even if those behaviors also violate the Gender-Based Misconduct Policy.

**Title IX - Sexual Harassment:** The Interim Title IX Policy uses the definition of “sexual harassment” set out in the Title IX regulations issued in May 2020:

Sexual Harassment includes any conduct on the basis of sex that involves:

- An employee conditioning educational benefits on participation in unwelcome sexual conduct (i.e., quid pro quo);
- Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the educational institution’s education program or activity.

The following behaviors also fall within the Title IX regulations’ definition of sexual harassment and are applied in this Interim Title IX Policy:

**Title IX - Sexual Assault:** As required by the May 2020 Title IX regulations, the definition of Title IX Sexual Assault used in the University’s Interim Title IX Policy incorporates the definitions of the FBI’s Uniform Crime Reporting (NIBRS) program, as follows:

- **Rape**<sup>35</sup>:
  - The carnal knowledge of a person (i.e penile-vaginal penetration), without the consent of that person, including instances where the person is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.
  - Oral or anal sexual intercourse (i.e., penile penetration) with another person, without the consent of that person, including instances where the person is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.
  - To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of that person, including instances where the person is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity. An “object” or “instrument” is anything used by the offender other than the offender’s penis.
- **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of that person, including instances where the person is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity (for purposes of this definition, “private body parts” includes breasts, buttocks, or genitals, whether clothed or unclothed).
- **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent. In New York, the age of consent is 17 years old.

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<sup>35</sup> Both completed rape and attempted rape are prohibited by this policy.

**Title IX - Dating Violence:** Any violence committed by a person:

- who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - The length of the relationship;
  - The type of relationship; and
  - The frequency of interaction between the persons involved in the relationship.

**Note:** *The regulations rely for this definition on a federal law known as the Violence Against Women Act (VAWA) amendments to the Clery Act. For more information, see [Violence Against Women Reauthorization Act of 2013, 42 U.S.C. §§ 13701 (2013)].*

**Title IX - Domestic Violence:** Any felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under New York's domestic or family violence laws or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of New York.

**Note:** *The regulations rely for this definition on a federal law known as the Violence Against Women Act (VAWA) amendments to the Clery Act. For more information, see Violence Against Women Reauthorization Act of 2013, 42 U.S.C. §§ 13701 (2013).*

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

- fear for their safety or the safety of others; or
- suffer substantial emotional distress.

For purposes of this definition -

- Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

**Note:** *The regulations rely for this definition on a federal law known as the Violence Against Women Act (VAWA) amendments to the Clery Act. For more information, see Violence Against Women Reauthorization Act of 2013, 42 U.S.C. §§ 13701 (2013).*

## B. Resolutions

This section provides additional information about the types of resolutions shown on the charts beginning on page 25.

**A formal Title IX Complaint was filed but was dismissed by the University.** In these cases, GBMO may dismiss the report if it determines that the report does not allege facts that, if substantiated, would constitute a violation of a policy or that the facts as alleged in the report are refuted by evidence or information known to or possessed by GBMO.

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

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

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

**Behavior described by reporting individual did not meet the definition of a violation of the Gender-Based Misconduct Policy for Students:** This category describes reports where the Gender-Based Misconduct Office determined that the behavior described by the complainant was not gender-based misconduct under the Policy. The complainant was notified of this determination, including that no further action would be taken and that the matter would be closed. These matters were referred to a partner office for review or adjudication, as appropriate, and other follow-up and support for the student(s) involved, if needed.

**Alternative Resolution:** Alternate Resolution options are non-punitive processes and are available when the Parties do not wish to proceed with an investigation and adjudication process, and instead seek the Office's

assistance to resolve allegations of misconduct without taking disciplinary or punitive action; or, when GBMO does not have sufficient information to initiate an investigation. After an evaluation of the facts presented, the Gender-Based Misconduct Office may determine that a case may be resolved through an Alternative Resolution instead of an investigation. Alternative Resolutions include: Administrative Resolution, Mediation, and Restorative Justice.

Alternative Resolution options afford students an opportunity to actively participate in a process led by the Office for resolution of their complaints.

**Administrative Resolution:** This form of resolution can include no-contact directives, no-contact agreements, implementation of safety measures, referrals to counseling, and targeted education and training. For example, Administrative Resolution can take place when a Complainant does not want to engage in other resolution processes, or where the Office, at its discretion and based on the available information, determines that an Administrative Resolution is necessary to ensure the safety of the University community.

**Mediation:** Mediation requires the consent of both parties, and agreement from the Gender-Based Misconduct Office. This form of resolution is a party-driven process whereby both, the Complainant and the Respondent, have the opportunity to share their perspective on the reported incident(s), propose and discuss resolution options, and work toward an agreement to resolve the conflict. If a resolution cannot be reached, then the matter will be referred to the Title IX Coordinator to reevaluate other options for resolution, including Investigation, which is a punitive process. Examples of past mediated agreements include: a no-contact directive, a written reflection, education of a Respondent and/or programming for correction action relevant to the alleged misconduct, and change in housing assignment.

**Restorative Justice:** Restorative Justice requires the consent of both parties, and agreement from the Gender-Based Misconduct Office. A Restorative Justice Conference is a facilitated dialogue intended to restore relationships and repair harm after a conflict has occurred. To qualify for Restorative Justice, the individual accused of wrongdoing must accept responsibility and express remorse for the harm that was caused. The harmed Party must also be willing to accept an apology offered by the individual accused of wrongdoing. If a resolution cannot be reached, then the matter will be referred to the Title IX Coordinator to reevaluate other options for resolution, including an Investigation, which is a punitive process.

The Gender-Based Misconduct Office will monitor the parties' adherence to their proposed solution and reserves the right to close the matter when compliance is satisfactory.

**Under the Gender-Based Misconduct Policy, the Respondent is given the opportunity to respond to the alleged violation(s) of Policy in the following ways:** (1) no response; (2) not responsible; (3) responsible; or (4) no contest. If the respondent accepts responsibility or does not contest the findings, the Sanctioning Officer of the respondent's school is notified and determines the appropriate sanction based on the evidence provided in the Investigative Report. The parties are informed of the sanctioning decision and then have the opportunity to appeal the decision. The acceptance of responsibility or indication of *no contest*, however, is not appealable.

## C. Other Words and Phrases

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

**Appeals:** An appeal is a request, by either the respondent or the complainant, to a panel of deans, including the dean of the respondent’s school, to review and change the responsibility determination of the hearing panel and/or the sanction(s) applied. The three grounds for appeal are:

1. **Procedural irregularity:** An appeal based on procedural irregularity must identify with specificity each alleged irregularity within the investigative and/or hearing process and the ways in which the specified irregularity or irregularities substantially affected the decision of the Hearing Panel and/or Sanctioning Officer to the detriment of the appealing Party. Disagreement with the finding or sanction is not, by itself, a ground for appeal; and/or
2. **New information:** An appeal based on new information must explain why this information was not available or not provided to the Investigative Team in a timely manner, and how this information would have substantially altered the decision by the Hearing Panel. If a Party declined to participate or withdrew from the process, the panel will not consider information that the Party could have provided if they had fully participated in the process. This includes situations where a student declines to participate on the advice of their advisor or due to a concurrent criminal investigation; and/or
3. **Conflict of Interest/Bias:** An appeal based on conflict of interest or bias must explain how the Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally, or the individual Complainant or Respondent, that affected the outcome of the matter. Complainants and Respondents are afforded multiple opportunities throughout the process to appeal based on potential conflicts of interest or alleged bias. Students must indicate a potential conflict of interest or alleged bias through these opportunities (e.g., during Notice of the Investigators assigned to the case, Notice of the Hearing Panelists, etc.) so that they are immediately addressed before the process moves forward. As such, only newly known or newly apparent conflicts of interest or bias will be considered; and/or



4. Excessiveness or insufficiency of the sanction: An appeal based on the imposed sanction must explain why the sanction is inappropriate based on the weight of the information provided during the investigation, hearing and/or sanction.

Disagreement with the finding or sanction(s) is not, by itself, a ground for appeals. If the three-dean panel concludes that a change in the hearing panel's determination is warranted, the panel may enter a revised determination, reconvene the panel to reconsider the determination, or return the matter for additional investigation. The panel may also change the sanction.

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

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

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

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

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

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

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

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

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

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**March 13, 2024**