

EOAA Annual Report

2019-2020

 COLUMBIA UNIVERSITY
Equal Opportunity and Affirmative Action

COLUMBIA UNIVERSITY
OFFICE OF EQUAL OPPORTUNITY & AFFIRMATIVE ACTION
2019-2020 ANNUAL REPORT

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INTRODUCTION

The Office of Equal Opportunity and Affirmative Action (“EOAA”) is responsible for preventing discrimination and harassment and responding to reports of alleged misconduct. With offices on the Morningside and Columbia University Irving Medical Campuses, EOAA is here to help make Columbia University a world-class institution where our community members can thrive.

We do this by monitoring compliance with policies and laws that ensure equal opportunity for faculty, staff, and students; addressing University employees’ (including students acting in an employee capacity) and third-parties’ conduct; and serving as the University’s Compliance Office for Section 504 of the Rehabilitation Act and other equal opportunity, nondiscrimination, and affirmative action laws. In September 2019, Vice Provost Jeri Henry took over the leadership of EOAA, and reports directly to University Interim Provost Ira Katznelson.

This Annual Report provides information and data regarding the Office’s work during the 2019–2020 academic year. In particular, it covers information and data related to:

- The work of the Office to prevent and respond to discrimination, harassment and gender-based misconduct;
- EOAA’s Investigative Process; and
- Reported incidents of discrimination, harassment, gender-based misconduct and other allegations of EOAA policy violations.

The Annual Report offers the Columbia community clear information about the scope of EOAA’s work, including about the type and number of allegations that come to EOAA.

This is the third year that the Office has published an annual report. Prior years’ reports can be found on [EOAA's website](#).

THE WORK OF EOAA

EOAA has overall responsibility for the [University's Non-Discrimination Statement](#) and the University’s Employee Policies and Procedures on Discrimination, Harassment, Sexual Assault, Domestic Violence, Dating Violence and Stalking.¹ EOAA is also responsible for the University’s Duty to Report and Duty to Act Policies, and [Policies on Romantic and Sexual Relationships](#). These policies will be referred to throughout the Annual Report as “EOAA Policies.”

¹ In August 2020, this document was updated and renamed “[EOAA Policies & Procedures](#).” The relevant policies for the 2019-2020 Annual Report can be found [here](#).

EOAA'S PREVENTION AND EDUCATION EFFORTS

Training and Education

The Director of Training and Education leads EOAA's prevention efforts. This work is focused on educating the Columbia community about EOAA policies and procedures and conduct that is expected and prohibited under University policies and laws concerning discrimination and harassment. EOAA consults with departments, programs, and individuals across the University to help navigate the challenges of discrimination and harassment.

The Office conducts educational programs for faculty and staff throughout the University. EOAA is responsible for ensuring that all faculty and staff receive training in accordance with applicable federal, state, and local laws governing discrimination, harassment and gender-based misconduct.

During the 2019-2020 academic year, EOAA developed and delivered programs for the University community about relevant laws, policies, and the mission of EOAA. Topics addressed included discrimination, sexual harassment, gender-based misconduct, mandatory reporting, relationship policies, and best practices in recruiting and retaining a diverse faculty and staff.

This work was accomplished through:

- Online programs;
- Live in-person group programs with students, faculty and staff; and
- Live in-person individual one-on-one educational interventions with faculty and staff.

Despite a seven (7) month vacancy in the Director of Training & Education role, in the 2019–2020 academic year, EOAA conducted 86 live (in person and via zoom) programs that reached 1,433 faculty and staff members. Our online programming reached more than 30,000 personnel including faculty, staff, researchers, librarians, and undergraduate and graduate student workers. These trainings and briefings included the Faculty and Researchers Briefing, the Columbia Teaching and Research Assistant Guide, and the annual Anti-Sexual Harassment training in compliance with New York State and New York City law.

Affirmative Action

Our Affirmative Action work is led by EOAA's Senior Associate Director. EOAA collaborates with departments and programs to achieve the University-wide goal of attracting and retaining a diverse faculty and staff across all our schools. We assist departments with creating hiring plans that acknowledge and account for organizational and structural bias; provide tools to search committees, including department demographic data and candidate pool availability; offer support for applicant evaluation and interview metrics; and work with departments to help build and develop candidate pipelines.

Higher Education Recruitment Consortium (HERC)

EOAA is also the home of Metro New York and Southern Connecticut HERC. The Higher Education Recruitment Consortium (HERC) is a non-profit coalition of colleges, universities, hospitals, research labs, government agencies, and related non- and for-profit organizations,

committed to diversifying the pipeline of faculty, staff, and executives in academia. HERC supports its member institutions in recruiting and retaining outstanding and diverse employees.

The MNYSC HERC is composed of over 30 local colleges, universities, community colleges, research institutions and medical schools. The MNYSC HERC was formed in 2008 and, as the lead institution, Columbia serves as a hub for local institutions of higher education both public and private, large and small, research universities to community colleges to improve the diversity of faculty and staff.

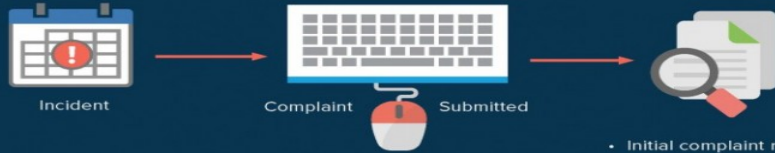
EOAA’S RESPONSE EFFORTS

EOAA receives and responds to reports where the individual accused of alleged misconduct (the Respondent) is a member of the faculty, staff or is a third-party affiliate. Third-party affiliates include contracted workers, University vendors, alumni, field placement supervisors, and individuals or organizations with whom Columbia partners.

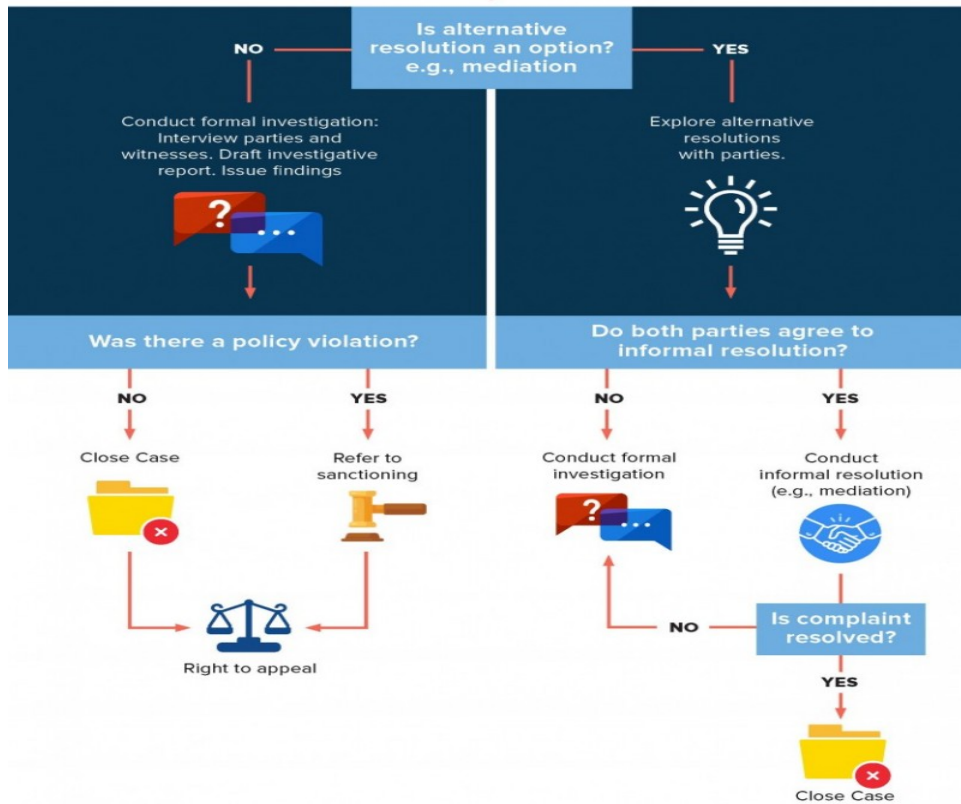
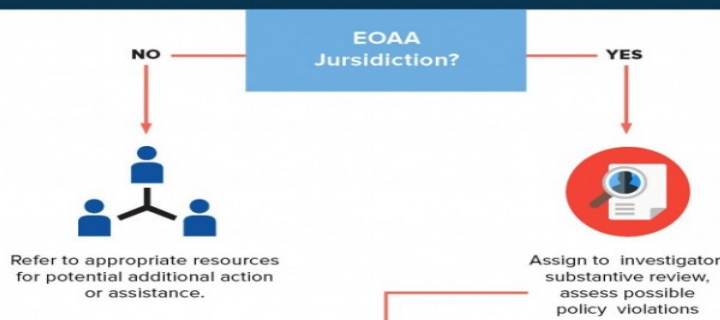
The Director of Investigations leads the response side of EOAA’s work. The investigative team includes four investigators and a manager of investigations. The investigators serve as neutral fact-finders and conduct formal investigations and assess possible violations of University policy when allegations of discrimination, harassment, gender-based misconduct or other EOAA Policy violations are made. The Administrative Manager of Investigations conducts a majority of the initial intake and manages ongoing cases, ensures that incoming complaints receive prompt attention, and provides updates to Complainants and Respondents.

All investigators and other members of EOAA’s team receive specialized training related to proper investigative methods and the subject matters under the purview of EOAA. Specifically, in the past academic year, EOAA received training on combatting bias in the investigative process, relevant laws and regulations, including Title IX, investigative techniques, and on New York State’s Enough is Enough law.

INVESTIGATIVE PROCESS



- Initial complaint review
- Contact complainant/reporter
- Provide additional resources/support



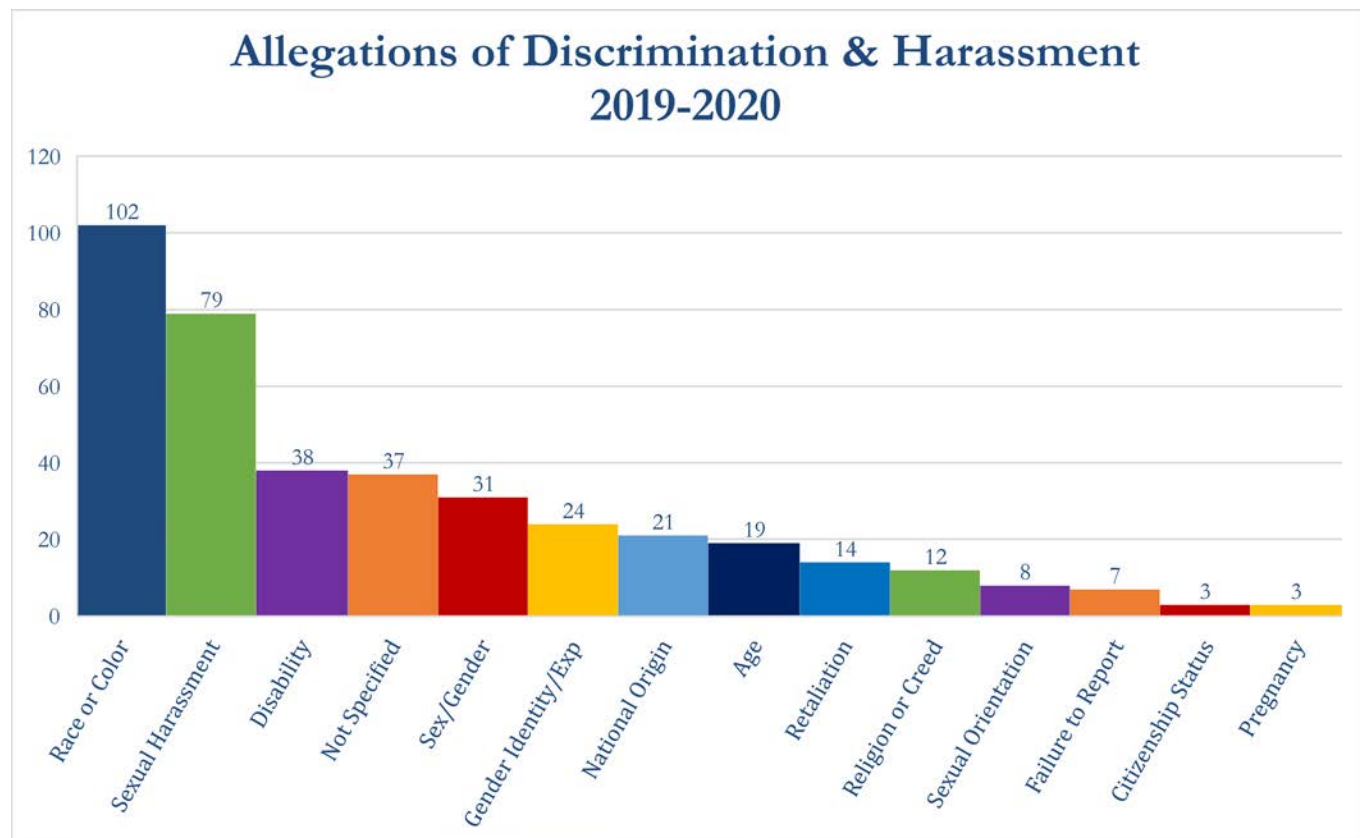
Reported EOAA Policy Violations and Resolutions

The data provided here are in the aggregate and are anonymous. This is to ensure that no information is disclosed that might, directly or indirectly, indicate the identity of any individual who comes to EOAA. It is essential that members of the Columbia community can report concerns or incidents with confidence that the University will not publicize their names or personal information. This year the data are organized differently from past annual reports. Data concerning reports of all categories discrimination and harassment are presented first, followed by reported violations of the Romantic & Sexual Relationship policy, and the report concludes with data that covers reports of gender-based misconduct.

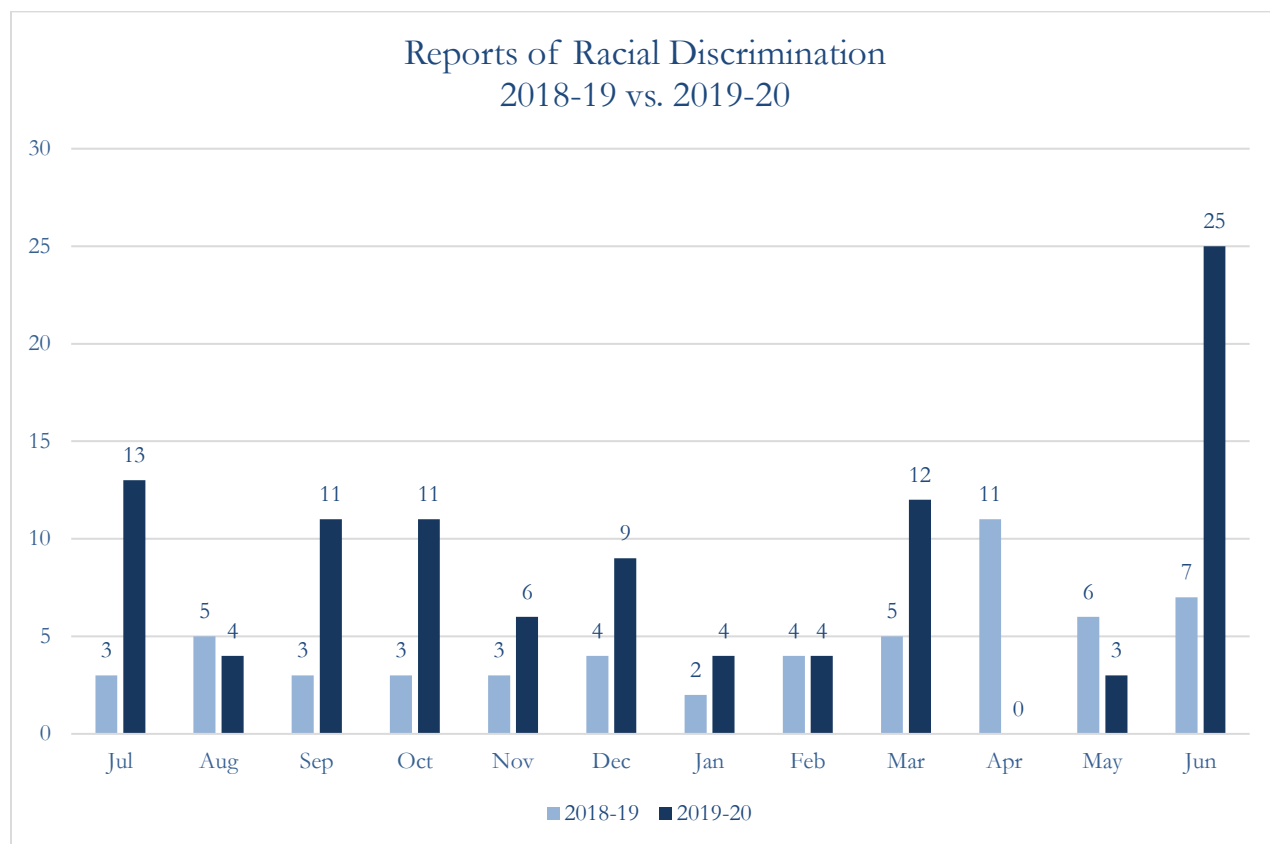
Discrimination & Harassment

In the 2019–2020 academic year, EOAA received 398 allegations of discrimination and discriminatory harassment, up 28% from the 310 allegations reported in 2018–2019.

Where allegations included multiple charges, each charge is listed separately in the chart below (for example, if a single Complainant alleged that a Respondent discriminated on the basis of age, disability, and race, each charge is counted in its individual category). This means that the total number of allegations is greater than the total number of complainants.



Of note, reports of discrimination and harassment on the basis of race/color increased significantly during the 2019-2020 academic year. The number of reports grew from 56 to 102, an 82% increase. Perhaps unsurprisingly, there was a sharp increase in reports in June 2020 with twenty-five (25) reports, a 257% jump when compared with June 2019. As President Bollinger observed in his message to the community, “Ever since the killing of George Floyd [by a Minneapolis police officer on May 25, 2020], the nation and the world have been moved to a heightened state of consciousness about the destructiveness of racism, and of anti-Black racism specifically.” The data suggest that the increased attention resulted in a significant uptick in reports on campus.



Discrimination & Harassment Complaint Resolution Time Frames

In sixty-seven (67) percent of the discrimination and harassment cases, the matter was reviewed and resolved within sixty (60) days of receipt of the allegation. Some matters, however, took longer, with the longest discrimination matter taking 342 days to resolve.

Several factors affect the time frame for resolving reports of discrimination and harassment, including:

- Allowing a Complainant time to determine whether they would like to pursue a complaint with EOAA;
- Working with a Complainant and Respondent on an informal resolution;
- Arranging for interim measures so that all involved individuals are in a safe learning and working environment before proceeding with an investigation;
- Difficulty contacting parties or witnesses (particularly when reports are made prior to summer recess);
- Large numbers of witnesses or voluminous evidence.

	1-60 Days	61-120 Days	121-180 Days	181-240 Days	241-342 Days	Total
Age	13	3	1	2	-	19
Disability	24	9	-	3	2	38
National Origin	15	6	-	-	-	21
Citizenship Status	2	-	-	1	-	3
Race or Color	67	19	3	8	3	100
Religion or Creed	9	1	-	2	-	12
Discrimination Type Not Specified	28	7	-	2	-	37
Failure to Report	6	1	-	-	-	7
Retaliation	7	2	1	3	-	13
Sexual Harassment	56	14	5	1	-	76
Gender Identity/Expression	17	2	1	3	1	24

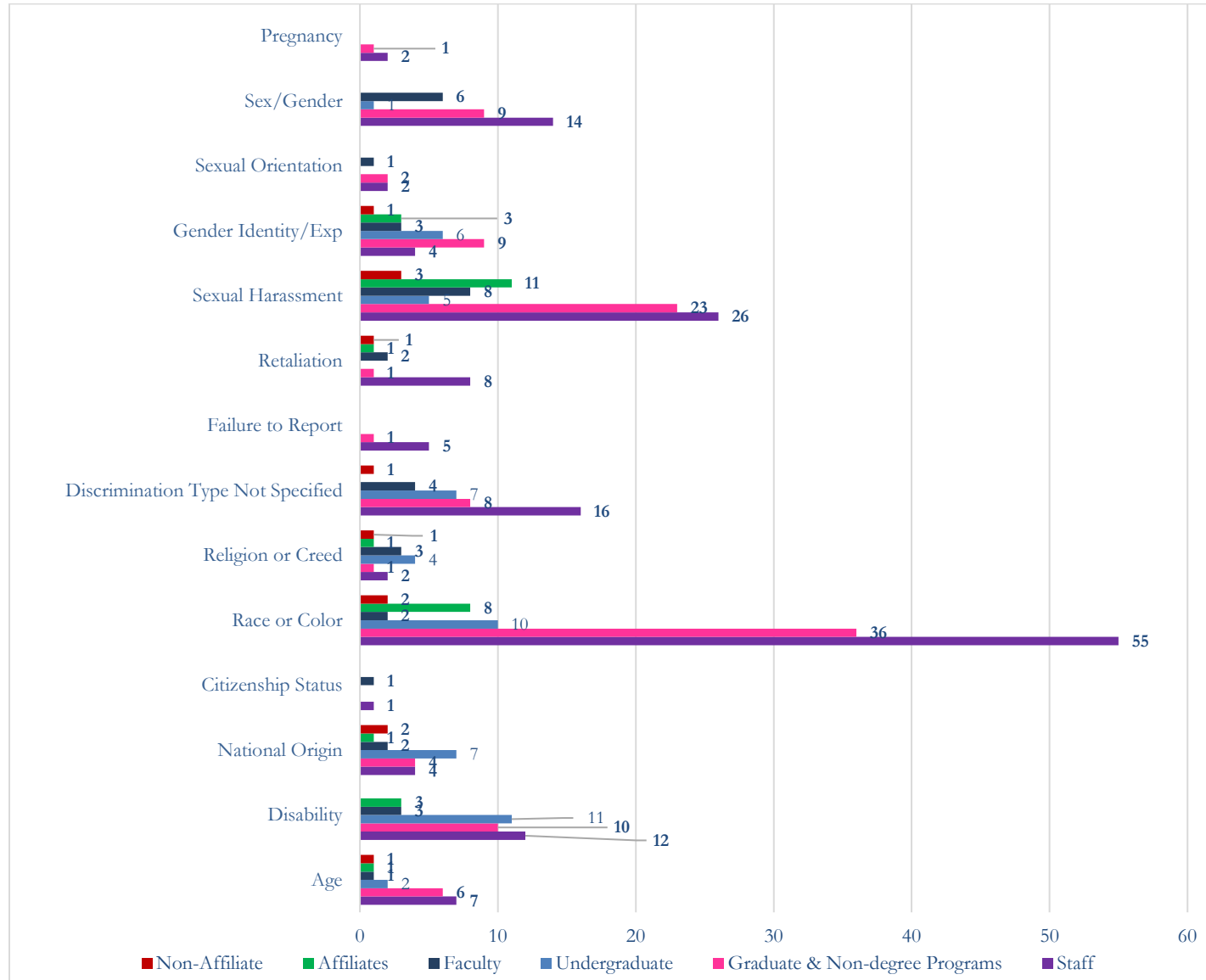
Sexual Orientation	4	2	2	-	-	8
Sex/Gender	13	9	2	5	-	29
Pregnancy	1	2	-	-	-	3
Total	262	77	15	30	6	390²

² At the time of publication, eight (8) complaints remain under review.

Discrimination & Harassment Reports by Status

The charts below include data that identify the status (undergraduate or graduate student, staff, faculty, or affiliate) of Complainants and the status (faculty, staff, affiliate,³ or non-affiliate⁴) of Respondents in discrimination and harassment matters handled by EOAA. In some instances, there were many multiple complainants for the same respondent or multiple respondents for the same complainant. These charts do not include unidentified or unknown complainants and respondents.

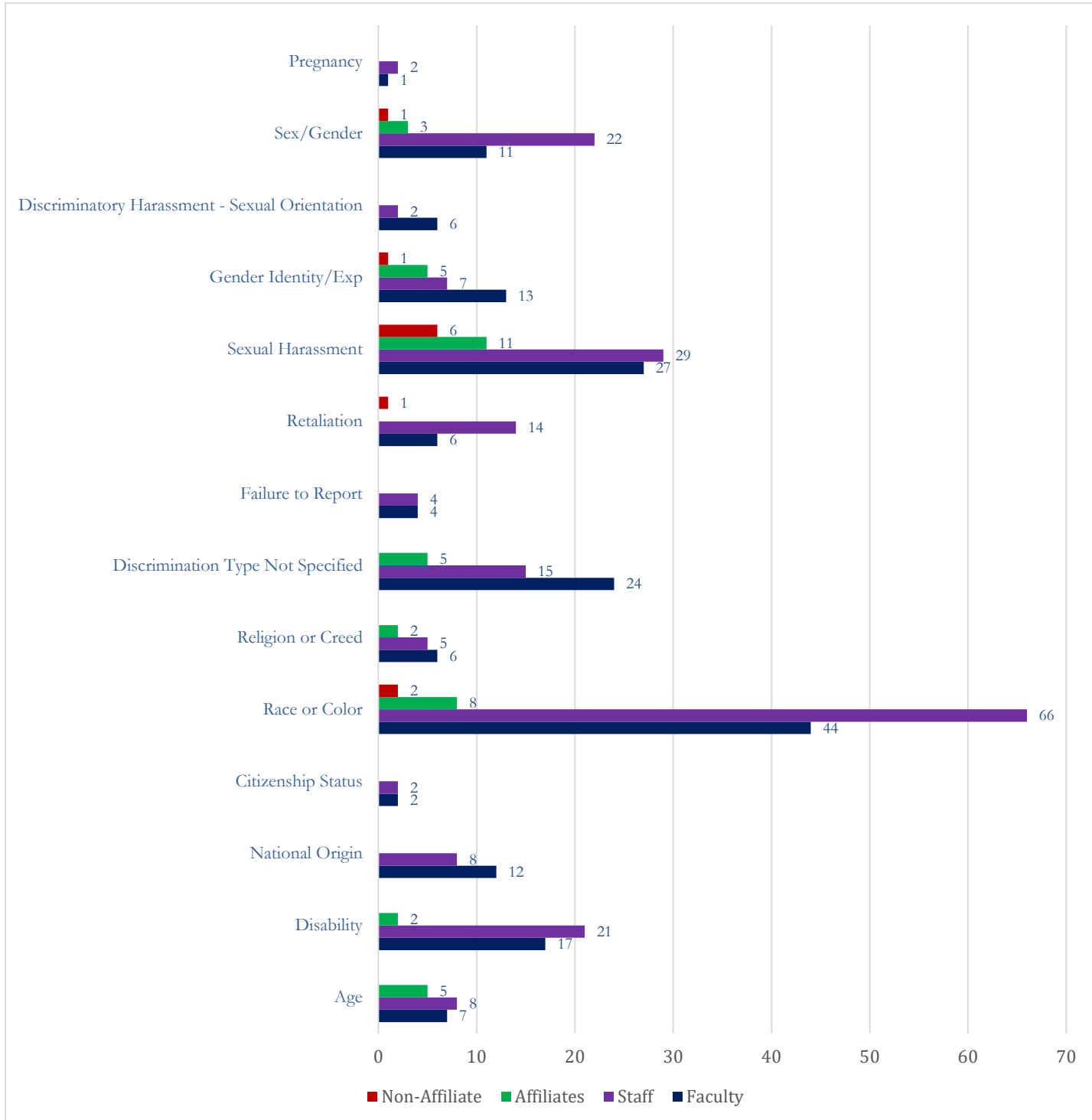
Discrimination & Harassment by Identity of Complainant



³ Affiliates are individuals who are contracted workers, University vendors, alumni, field placement supervisors, and organizations with whom Columbia partners to offer student internships.

⁴ Non-affiliates include campus visitors without a relationship to the University and individuals without any relationship to Columbia (e.g. an individual walking down Broadway).

Discrimination & Harassment by Identity of Respondent

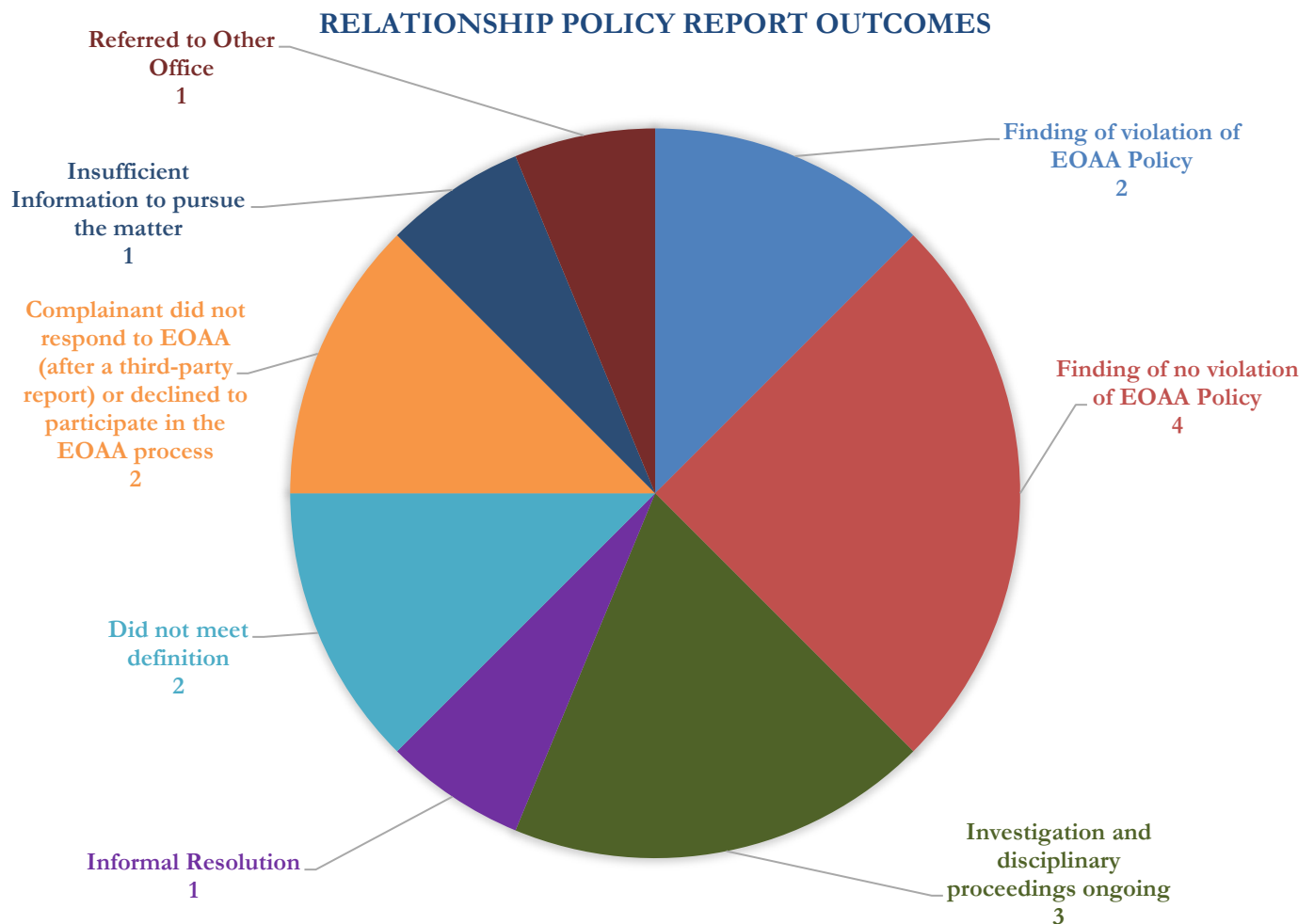


Romantic and Sexual Relationship Policies

The Romantic and Sexual Relationship Policies prohibit faculty, staff, and graduate students holding positions of authority from engaging in romantic or sexual relationships with anyone over whom they have academic authority or supervisory capacity. Each of the Policies can be found here: <https://eoaa.columbia.edu/content/romantic-and-sexual-relationships>

During the 2019–2020 academic year, EOAA received sixteen (16) reports of violations of Columbia’s Relationship Policies.

When the Office receives a report, we provide the student or employee over whom the Respondent has academic authority or supervisory capacity an opportunity to share their perspective with EOAA regarding the relationship. The student or employee is not accused of violating the Policy. Instead, they are considered a complainant or a witness in the investigation of a potential Policy violation by the faculty member or other employee who holds authority.



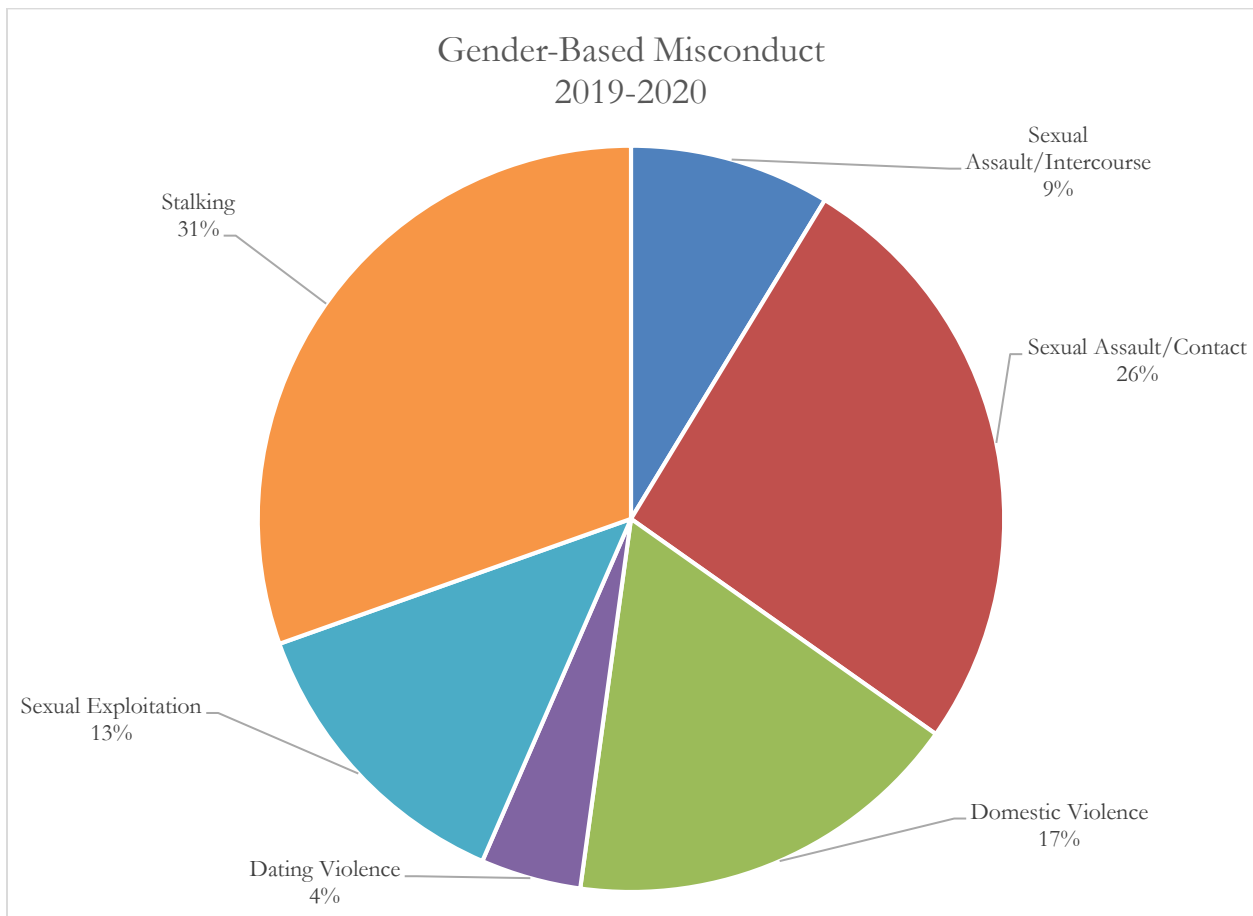
Relationship Policy Complaint Resolution Time Frames

	1-60 Days	61-120 Days	121-180 Days	181-240 Days	241-259 Days	Total
Relationship Policy Cases	7	2	2	2	1	14 ⁵

⁵ At the time of publication, two (2) complaints remain under review.

Gender-Based Misconduct

In the 2019–2020 academic year, there were twenty-three (23) reports of gender-based misconduct made against faculty, staff, and third-party affiliates.⁶ Gender-based misconduct includes: sexual assault/intercourse; sexual assault/contact; domestic violence, dating violence, sexual exploitation, and stalking. This was a 9% increase over the twenty-one (21) reported allegations in 2018-2019.



⁶ For information about reports of gender-based misconduct involving student respondents, please see the Student Conduct and Community Standard's Annual Report on Gender-Based Misconduct Prevention and Response, available on Columbia's Sexual Respect website (<https://sexualrespect.columbia.edu/reports-and-research>).

EAAA Gender-Based Misconduct Complaint Resolution Time Frames

For fifty-percent of EAAA gender-based misconduct cases, the matter was reviewed and resolved within sixty (60) days of receipt of the allegation. Cases that included multiple charges and multiple parties took longer to investigate and resolve. The longest Gender-Based Misconduct case took 185 days to resolve.

Many factors affect the time frame for resolving reports of Gender-Based Misconduct. These include:

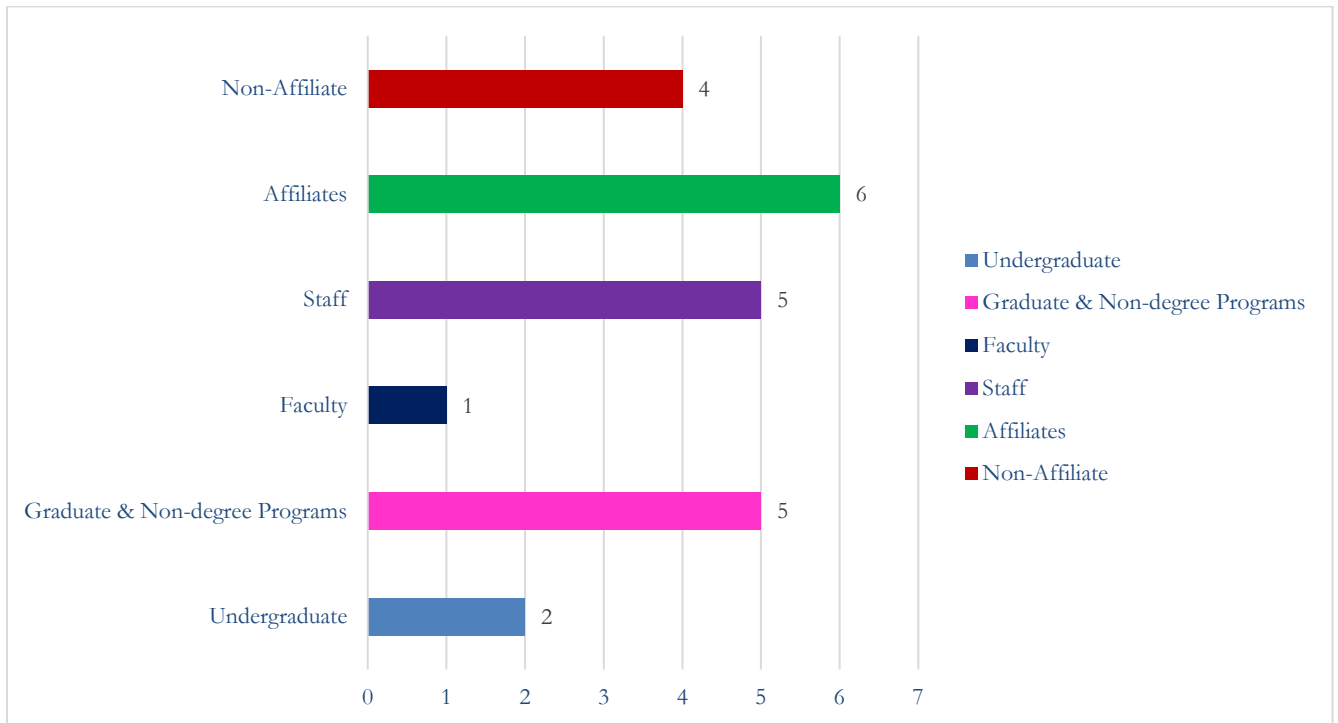
- Allowing a Complainant time to determine whether they would like to pursue a complaint with EAAA;
- Working with a Complainant and Respondent on an informal resolution;
- Arranging for interim measures so that all involved individuals are in a safe learning and working environment before proceeding with an investigation;
- Difficulty contacting parties or witnesses (particularly when reports are made prior to summer recess);
- Large numbers of witnesses or voluminous evidence

	1-60 Days	61-120 Days	121-180 Days	181-240 Days	241-342 Days	Total
Gender-Based Misconduct	10	7	2	1	-	20

ECAA Gender-Based Misconduct Reports by Status

The charts below include data that indicate the status (undergraduate or graduate student, staff, faculty, or affiliate) of Complainants and the status (faculty, staff, affiliate,⁷ or non-affiliate⁸) of Respondents in gender-based misconduct matters handled by ECAA. These charts do not include unidentified or unknown complainants and respondents.

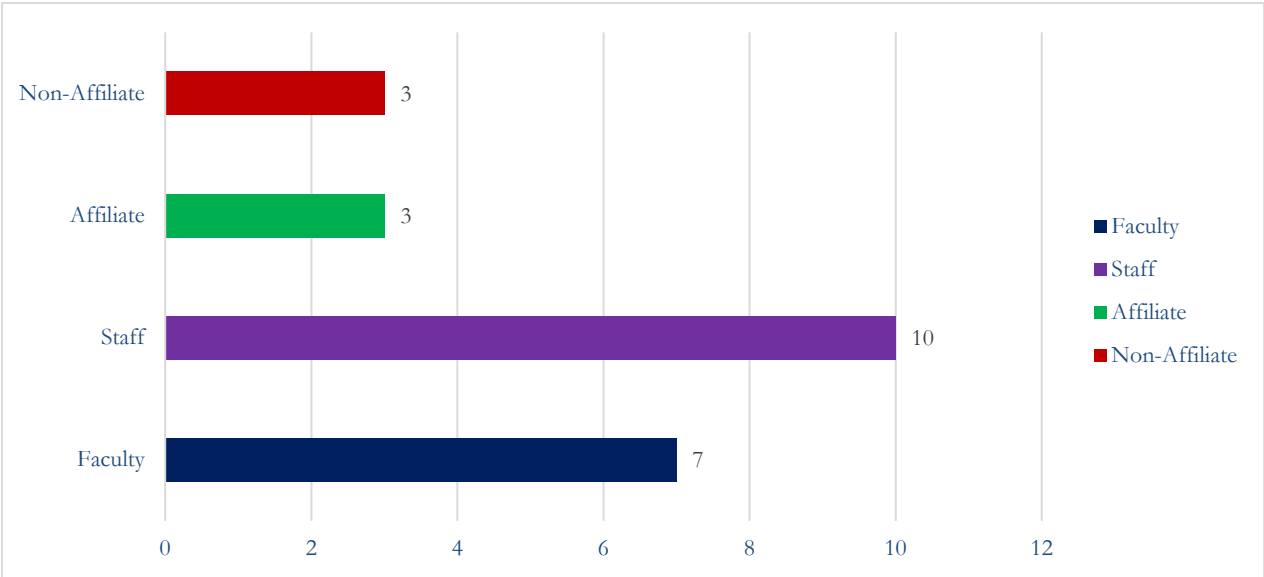
Gender-Based Misconduct Reports by Identity of Complainant



⁷ Affiliates are individuals who are contracted workers, University vendors, alumni, field placement supervisors, and organizations with whom Columbia partners to offer student internships.

⁸ Non-affiliates include campus visitors without a relationship to the University and individuals without any relationship to Columbia (e.g. an individual walking down Broadway).

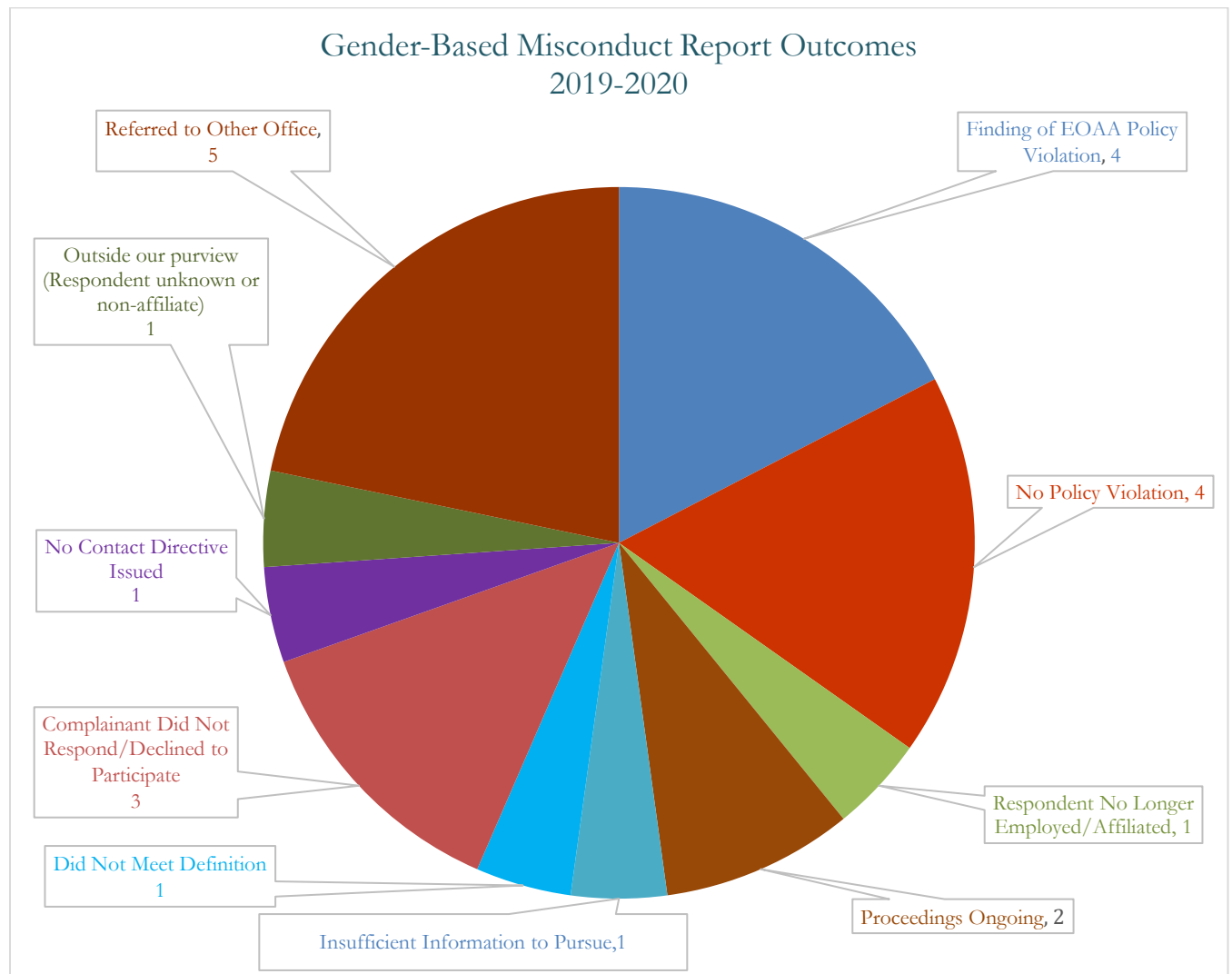
Gender-Based Misconduct Reports by Identity of Respondent



Outcomes of EOAA Gender-Based Misconduct Cases

EOAA receives reports of gender-based misconduct from a variety of sources. Some allegations come with full detail from the individual who experienced the alleged behavior, some allegations come from mandatory reporters, and some come to EOAA anonymously. EOAA works to address each allegation but action may be limited by the amount of information we receive, whether or not someone will respond to EOAA or participate in the EOAA process, when and where the alleged behavior occurred (for example, EOAA has received allegations relating to behavior that allegedly occurred more than 40 years ago), and whether or not someone is still a member of the campus community.

The charts below include aggregate data on the resolution of cases involving gender-based misconduct allegations.



Sanctions & Discipline

When EOAA determines that a Respondent has violated EOAA Policy, EOAA communicates that finding to the Respondent's supervisor or to the appropriate sanctioning officer. EOAA works with the supervisor to identify an appropriate sanctions or discipline. Sanctions are tailored to be fair and appropriate given the facts of the particular case; consistent with the University's handling of similar cases; adequate to protect the safety of the campus community; and reflect the seriousness of the conduct.

Discipline has included:

- Written Reprimand/Warning;
- Restricted Access to University facilities or activities (including student activities and campus organizations);
- No-Contact Order;
- Change of Respondent's Job Duties;
- Loss of items used to aid in misconduct;
- Disciplinary Probation;
- Revocation of Honors/Awards;
- Prohibition from advising students or having students as research assistants for a defined period of time;
- Relocation of Respondent's workplace or University-provided residence;
- Demotion;
- Suspension;
- Termination;
- Educational intervention.

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

- Increased monitoring, supervision, or security at locations or activities where the conduct occurred;
- Additional training and educational materials and opportunities for students and employees;
- Revision of University policies;
- Climate surveys.