

EOAA Annual Report

2022-2023

 COLUMBIA UNIVERSITY
Equal Opportunity and Affirmative Action

COLUMBIA UNIVERSITY

OFFICE OF EQUAL OPPORTUNITY & AFFIRMATIVE ACTION

2022-2023 ACADEMIC YEAR ANNUAL REPORT

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INTRODUCTION

The Office of Equal Opportunity and Affirmative Action (“EOAA” or “the Office”) is responsible for preventing discrimination and harassment and for responding to and resolving 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 the conduct of University employees’ (including students acting in an employee capacity) and third-party affiliates; promoting best practices in hiring; and serving as the University’s Compliance Office for Section 504 of the Rehabilitation Act and other equal opportunity, nondiscrimination, and affirmative action laws. The office is led by Vice Provost Laura Kirschstein, who reports directly to Interim University Provost Dennis A. Mitchell.

This Annual Report provides information and data regarding the Office’s work during the 2022–2023 academic year. In particular, the report 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 the type and number of allegations that are reported to EOAA.

This is the fifth 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 EOAA Policies & Procedures. This includes the University’s Duty to Report and Duty to Act Policies, as well as [Policies on Romantic and Sexual Relationships](#). These policies will be referred to throughout the Annual Report as “EOAA Policies.”

EOAA's Prevention and Education Efforts

Training and Education

EOAA consults with departments, programs, and individuals across the University to prevent and respond to discrimination and harassment. 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 about conduct that complies with or violates University policies and laws prohibiting discrimination and harassment.

The Office conducts educational programs for faculty and staff throughout the University and 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 2022-2023 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 for search committees in recruiting and retaining a diverse faculty and staff.

Our work this year continued successfully online. This included:

- Asynchronous programming delivered through Enterprise Learning Management (“ELM”);
- Live online group programs with students, faculty and staff via Zoom; and
- Live online individual one-on-one educational interventions with faculty and staff via Zoom.

During the 2022–2023 academic year, our asynchronous online programming reached 49,990 Columbia University personnel and contractors, including faculty, staff, researchers, librarians, and undergraduate and graduate student workers. This is an 83% increase over last year. These trainings and briefings, which were delivered primarily through ELM, 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 (“NYASH”). Most of the 83% increase in personnel reached was due to much greater compliance with the NYASH training requirement than in prior years due to the initiation of sanctions for noncompliance. We also added Best Practices in Search and Recruitment to our asynchronous offerings for both faculty and staff search committees. EOAA also conducted 84 live online programs and educational interventions that reached 4,087 faculty, staff, and students.

Affirmative Action

Our Affirmative Action work is led by EOAA's Director of Affirmative Action and Recruitment. EOAA collaborates with departments and programs to achieve the University-wide goal of

Did you know?

Departments and programs can easily request a training or workshop on our [website](#).

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.

During the 2022-2023 academic year, there were 1,297 searches in Academic Search and Recruiting (ASR). This reflects an 8% increase over the previous year. In this same time period, 21,710 applicants applied for full-time roles at Columbia University, reflecting a 9% increase in the number of applicants.

EOAA continues to provide web-based training, lunch and learns, and drop-in sessions for ASR users. Last year, we upgraded the Affirmative Action clearance process, which now runs three times a day allowing for streamlined hiring, as well as updating the EEO note to include an end date (when applicable), in addition to the fields which include the full name of the selectee, department, position title, position number, AA clearance date, and selectee rank (when applicable). This year, we added the Pay/Salary Grade field and the Pay Transparency Statement. We also upgraded our site to automatically cross post to Circa Jobs (DiversityJobs.com). Collectively, these efforts create a more seamless process for departments and have significantly improved access for applicants.

Higher Education Recruitment Consortium (HERC)

EOAA is also the home of Metro New York and Southern Connecticut [Higher Education Recruitment Consortium \(HERC\)](#). HERC is a nonprofit consortium committed to advancing diversity, equity, and inclusion in the higher education workforce by providing resources, networking, and outreach programs to attract, hire, and retain a diverse and qualified workforce. With over 700 colleges, universities, hospitals, research labs, government agencies, and related organizations, HERC works to ensure member institutions are sites of belonging, where all faculty and staff can thrive.

HERC has 19 regional affiliates that facilitate collaboration among its member institutions in a specific geographic region. The [MNYSC Regional HERC](#) is composed of over 30 local colleges, universities, community colleges, research institutions and medical schools. The MNYSC HERC was formed in 2008. As the lead institution, Columbia serves as a hub for local institutions of higher education both public and private, large and small, from research universities to community colleges, to improve the diversity of faculty and staff within our community.

During the 2022-2023 academic year, HERC continued to provide timely resources to assist its members with recruiting and retaining a diverse and talented higher education workforce. HERC's annual job seeker survey report provided insights on the current job seeker landscape, factors affecting employee retention, and the value of diversity and inclusion workplace efforts. Some of the trends were consistent with previous years, such as the attractiveness of remote jobs, but new data about younger job seekers inclination to search for jobs across industries and the broader higher education workforce's lack of feeling connected and valued emerged. These survey findings inform HERC's programming and partnerships, which included a new Staff and Administrator Inclusive Hiring Toolkit, a workshop series on mentoring, employee resource groups, and collaborations with

the Center of Workplace Compliance on current compliance and workplace issues, such as the new pay transparency laws being promulgated in many states.

HERC remains focused on our collective responsibility to ensure that people from all backgrounds and perspectives can flourish in higher education. To learn more and access HERC publications, view HERC's Annual Report [here](#).

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.

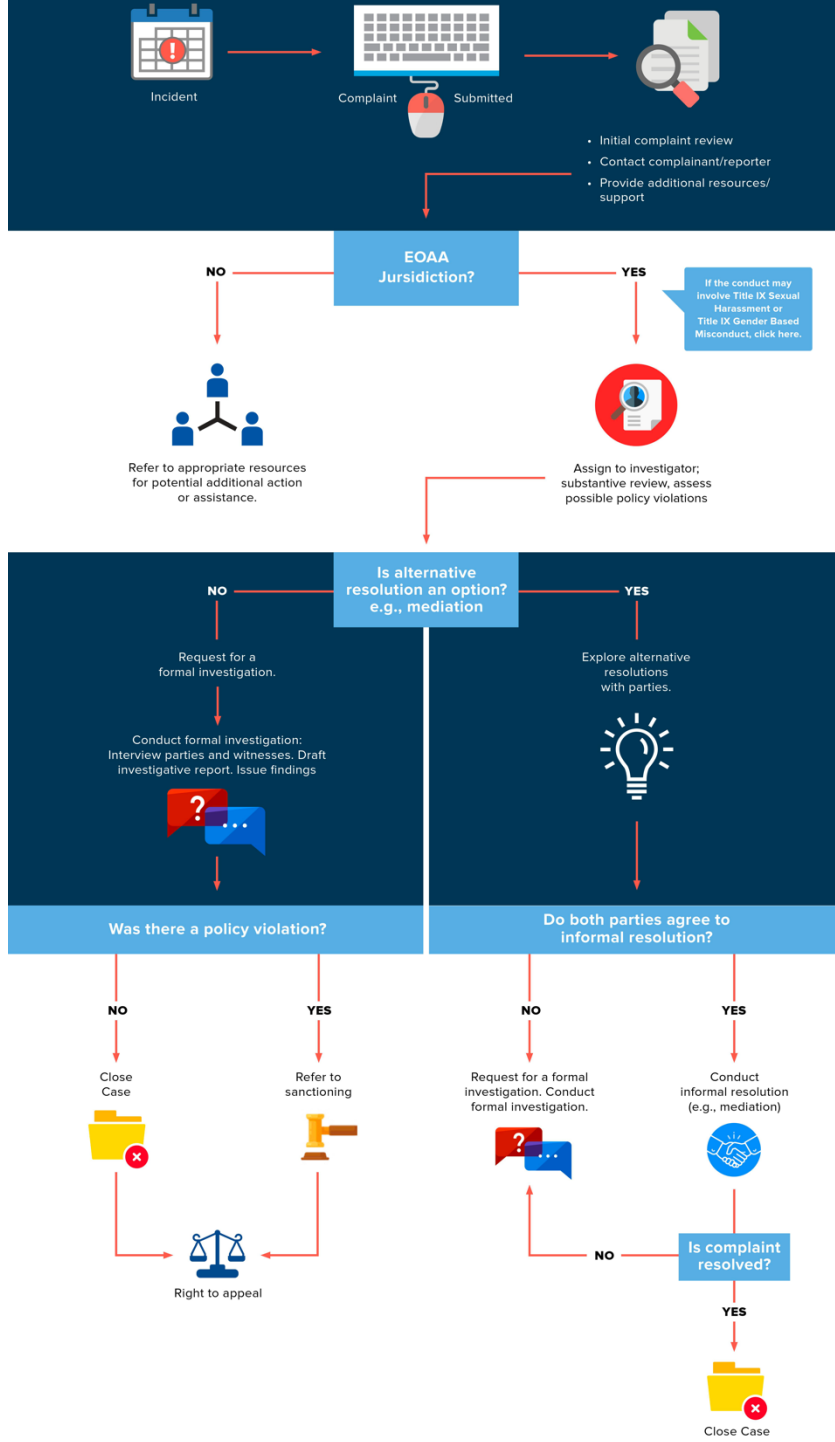
The Director of Investigations leads the response side of EOAA's work. In 2022-2023, the investigative team included five investigators and an Administrative Manager of Investigations. The investigators serve as neutral fact-finders and facilitate informal resolutions. They conduct inquiries and formal investigations in order to 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.¹ This essential role was vacant for much of the year, substantially increasing the workload of the remaining members of the investigation team.

All investigators and other members of EOAA's team receive specialized training related to proper investigative methods and the subject matter under the purview of EOAA. The EOAA team receives annual training on Title IX and regularly receives training on other relevant topics.

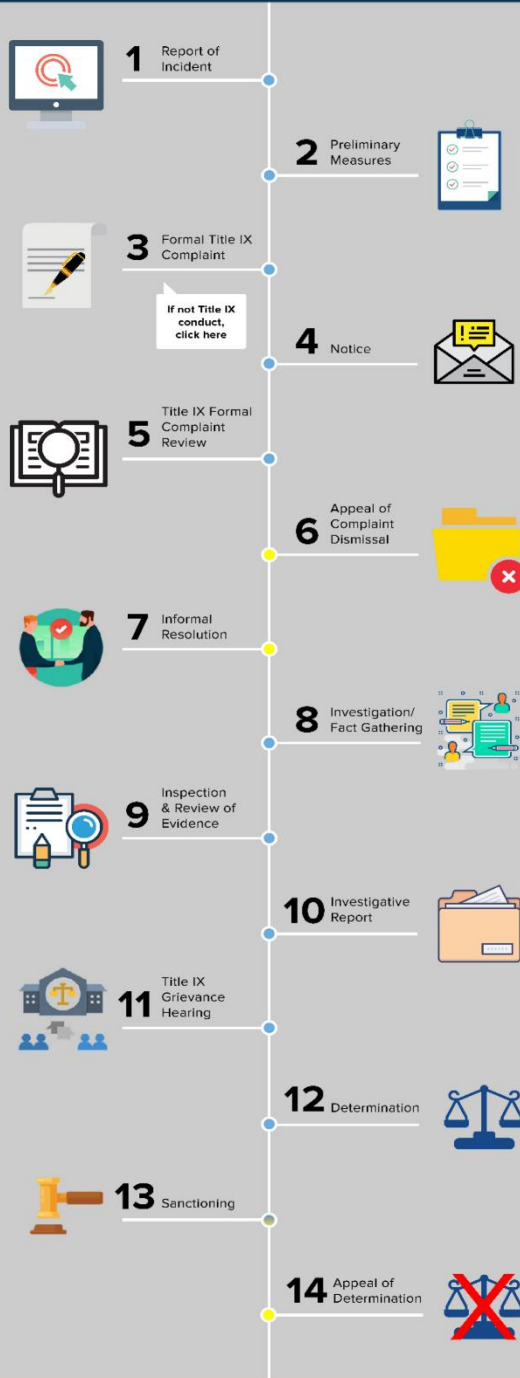
EOAA uses two sets of procedures to adjudicate complaints: the [EOAA Discrimination & Harassment Procedure](#) and the [Interim Title IX Grievance Process](#). The below infographics provide a detailed outline of how a case progresses through each process.

¹ These functions are currently carried out by the Equal Opportunity Investigations Specialist.

EOAA DISCRIMINATION AND HARRASSMENT PROCEDURE



INTERIM TITLE IX GRIEVANCE PROCESS



COLOR KEY: ● Will Occur ● May Occur

EOAA Policy Violation Allegations 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.

Reports Alleging Policy Violations

In the 2022–2023 academic year, EOAA received a combined total of 488 allegations of discrimination, discriminatory harassment, and gender-based misconduct.²

Every report received is first analyzed to determine whether it falls within EOAA’s jurisdiction. This jurisdictional inquiry examines (1) whether the Respondent is an employee or a third-party affiliate of the University, and (2) whether the conduct described in the report, if substantiated, would constitute discrimination, harassment, or gender-based misconduct. Some reports include sufficient detail to make this initial determination, while others require our Office to gather additional information to assess.

Many reports EOAA receives fall outside our jurisdiction. Typically, these reports raise a concern or complaint that does not implicate EOAA Policy. For example, a complaint may involve a dispute between two colleagues or abusive behavior that does not involve discrimination or harassment based on a person’s protected characteristic. EOAA typically refers these matters to Human Resources, a Department Chair or supervisor, Faculty Affairs, or the Office of the General Counsel.

Where reports include multiple allegations and include some claims that fall under EOAA’s jurisdiction and some that do not, EOAA will retain jurisdiction of claims of discrimination,

A Note About Columbia’s Duty to Report and Duty to Act Policies

EOAA has continued to expand our educational efforts to ensure that faculty and staff understand their reporting obligations and that our entire community understands when, where, and how to report potential incidents of discrimination, harassment, and gender-based misconduct to our Office.

We want reporting to be simple. We do not expect reporters or Complainants to evaluate and investigate their allegations. That’s our role. And, as a result, many of the allegations we receive fall outside EOAA’s jurisdiction. That’s why we partner with other offices and departments to work together on the appropriate place and method for resolution. For example, an incident might be reported to EOAA, but require a performance improvement plan with Human Resources or simply a conversation with a supervisor to address the issue.

² EOAA counts each allegation of discrimination, harassment, and gender-based misconduct separately. For example, if a single Complainant alleged that a Respondent discriminated on the basis of age, disability, and race, EOAA would count the alleged conduct as three separate allegations, each in its individual category. As a result, the total number of allegations is greater than the number of reports received.

harassment, and gender-based misconduct and partner with other relevant offices to address the non-EOAA allegations.

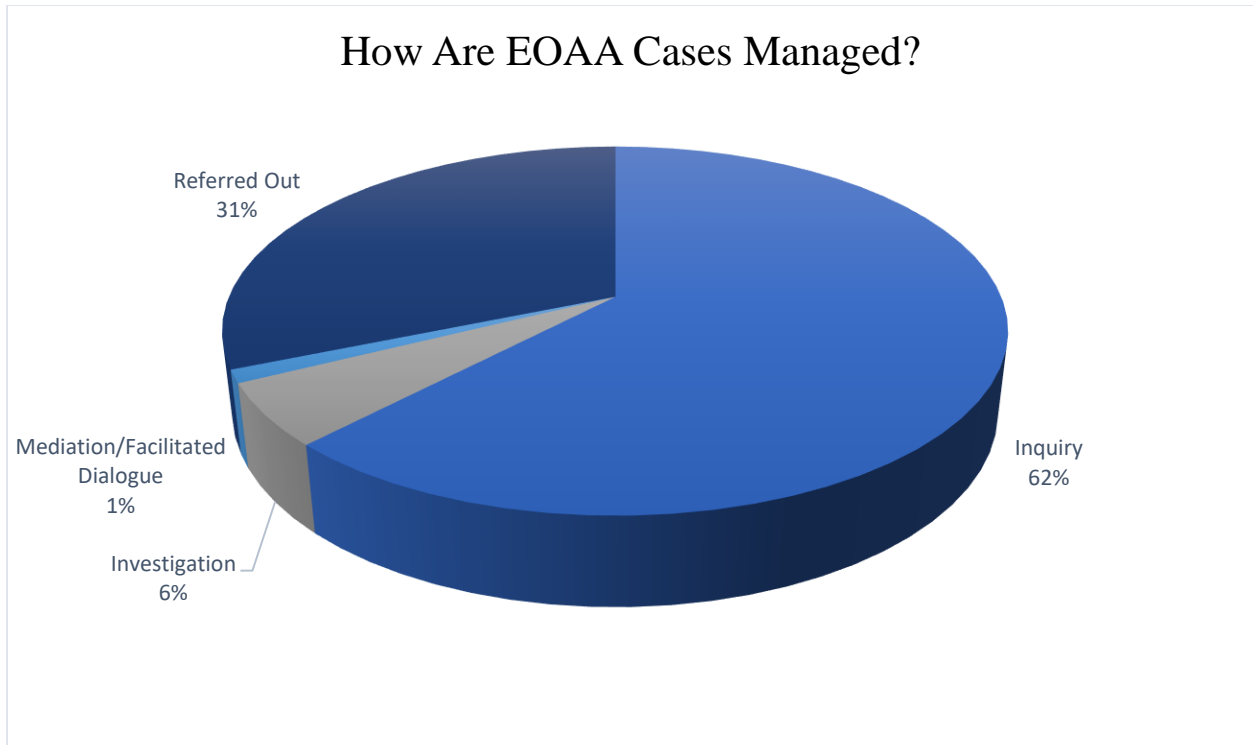
Supportive Accommodations and Interim Measures

In certain circumstances, it may be appropriate to provide supportive accommodations or impose interim measures before a case is closed or adjudicated. EOAA will work with employees and other individuals affected by the alleged misconduct to ensure their safety and promote their well-being. Supportive accommodations are appropriate in certain circumstances and are intended to assist or protect an individual who has experienced alleged prohibited conduct so that they may continue to participate in their professional or academic responsibilities. Supportive accommodations may include a referral to the Employee Assistance Program (EAP), Sexual Violence Response & Rape Crisis/Anti-Violence Support Center (SVR), reassigning or removing a Respondent from an individual's workplace or supervision, or changing work schedules or transportation arrangements while a resolution, investigation, or a disciplinary action is pending. In addition, the University may impose interim measures, based on all of the facts known at the time, to ensure the safety of the University community and all individuals involved, to prevent the escalation of a conflict, or to protect the integrity of the EOAA process. Interim measures may include no-contact directives, restricting access to campus buildings or University property, temporary separation from the University, moving an on-campus residence, or suspension from activities.³

³ During the reporting period, the following supportive accommodations and interim measures were implemented: no-contact directive by EOAA or Human Resources staff (5 cases); suspension with or without pay (5 cases); adjustment to work assignment or reporting structure (5 cases); restriction of access to campus buildings or University property (3 cases); policy education (2 cases); referral to outside professionals (1 case); moving an on-campus residence (1 case); and change to grading or instructional practices (1 case).

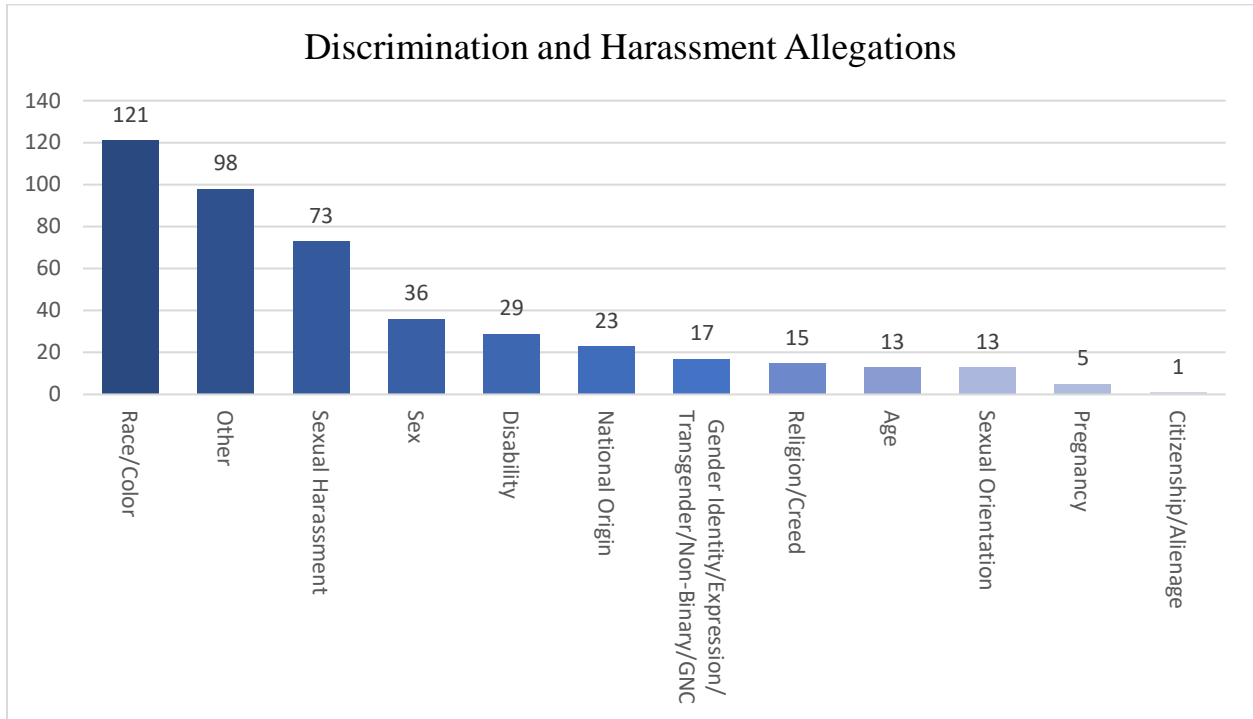
EOAA Case Management

Reports received by EOAA may be managed in one or more of several different ways. Often, an inquiry is sufficient to assess the facts and determine an appropriate outcome. In other cases, where the allegations, if true, would constitute a violation of EOAA Policies, the case is reviewed, investigated, and adjudicated in accordance with the EOAA process. In yet other cases, the Complainant may prefer to pursue informal resolution options, such as mediation or facilitated dialogue.



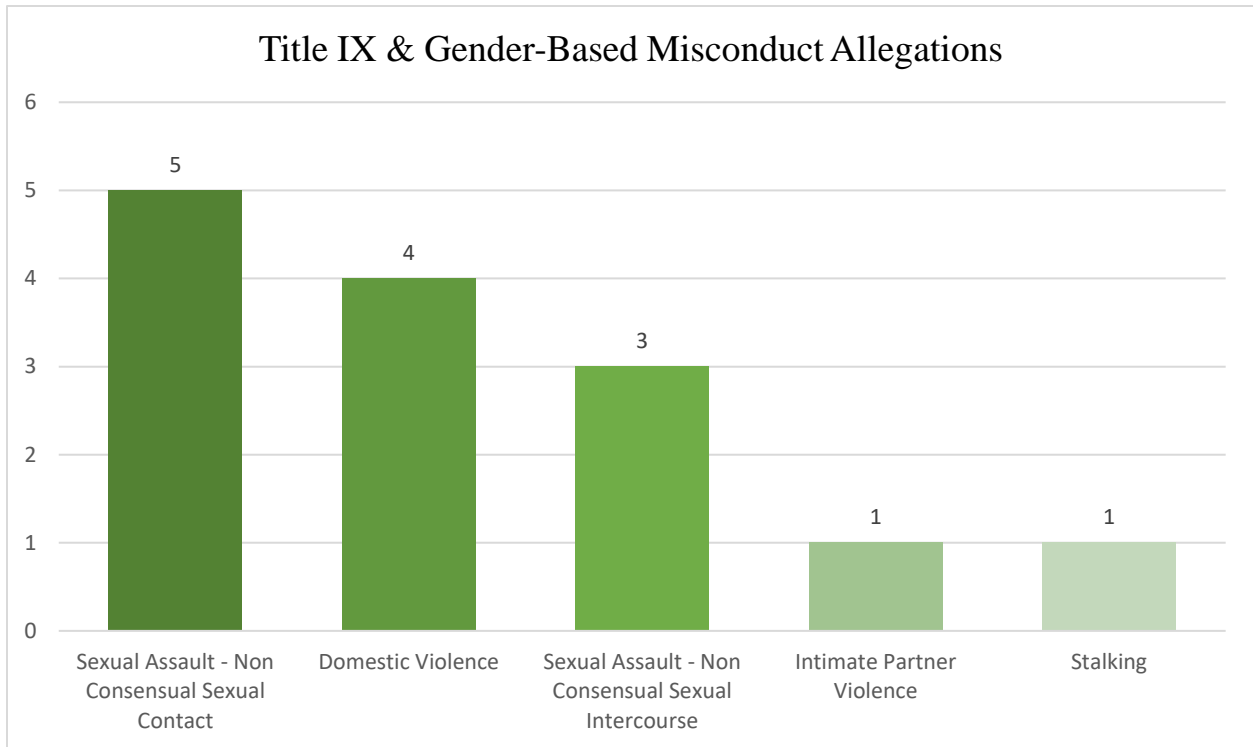
Discrimination and Harassment Allegations

EOAA counts each allegation of discrimination, harassment, and gender-based misconduct separately as reflected in the chart below. For example, if a single Complainant alleged that a Respondent discriminated on the basis of age, disability, and race, the incident would be counted as three charges, each in its individual category. This means that the total number of allegations is greater than the number of reports received.



In the vast majority of cases in the “Other” category noted in the chart above, the Complainant failed or ceased to participate in the investigation process or the alleged conduct did not fall within the scope of EOAA’s Policy.

In addition to sexual harassment, gender-based misconduct includes: sexual assault/intercourse; sexual assault/contact; domestic violence; dating violence; sexual exploitation; and stalking. In the 2022–2023 academic year, there were 14 allegations of gender-based misconduct (excluding claims based on sexual orientation, counted above) and 73 allegations of sexual harassment made against faculty, staff, and third-party affiliates.⁴ Excluding sexual harassment, there was a 22% decrease in reported allegations of gender-based misconduct compared to the 2021-2022 academic year and a 52% increase in reported allegations of sexual harassment.



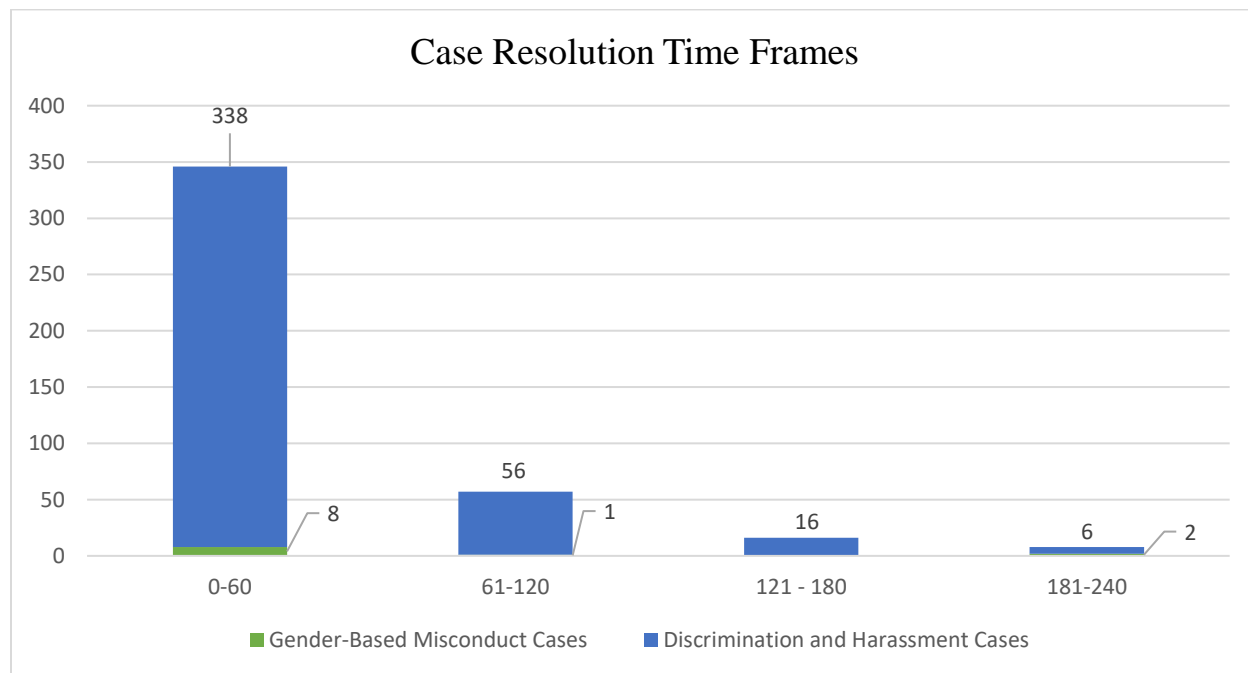
⁴ For information about reports of gender-based misconduct involving student respondents, please see the Student Conduct and Community Standard’s Annual Report on Gender-Based Misconduct Prevention and Response, available on Columbia’s Sexual Respect website at <https://sexualrespect.columbia.edu/reports-and-research>.

Case Resolution Time Frames

70% of all reports received by EOAA were reviewed and resolved within 60 days of receipt of the allegation(s).⁵ 57% of Title IX and Gender-Based Misconduct cases were resolved within 60 days, and 64% were resolved within 120 days.

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

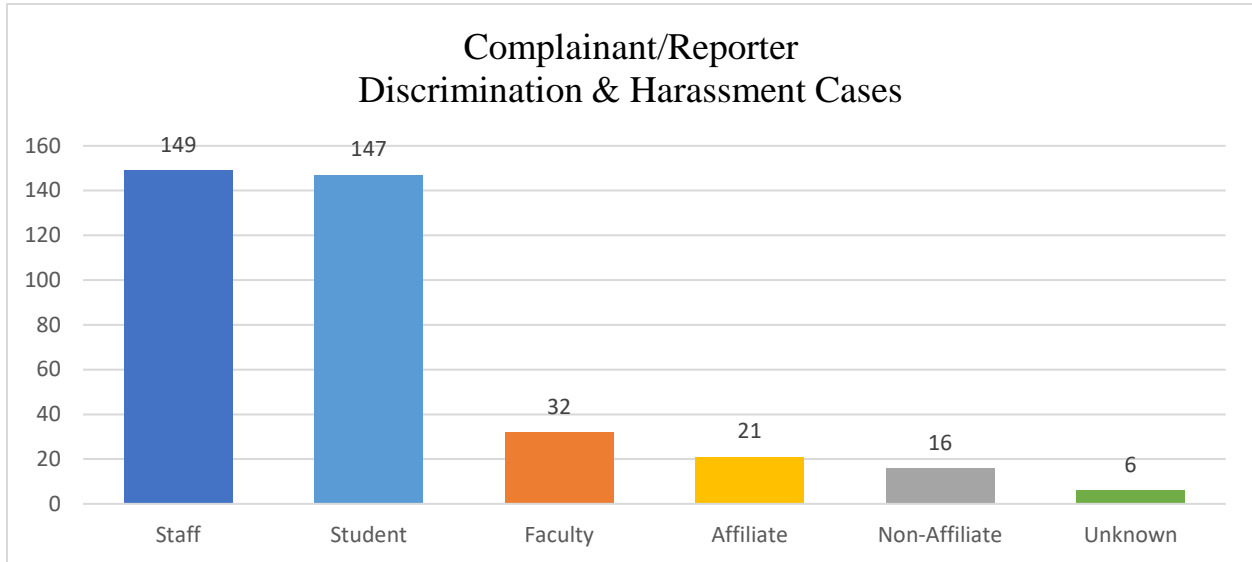
- Allowing a Complainant time to determine whether they would like to pursue a complaint with EOAA;
- Working with a Complainant and Respondent on an informal resolution;
- Arranging for interim measures so that all involved individuals are in a safe learning and working environment before proceeding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



⁵ As of September 20, 2023, 66 cases were pending, a figure that is generally consistent from year to year. The “pending” designation reflects the reality that cases received at the end of the academic year, as well as cases whose resolution requires the time and resources of a formal investigation, cannot always be resolved before June 30, which marks the end of the reporting period.

EOAA Reports by Status

The charts below include data that identify the status (faculty, staff, other affiliate,⁶ or non-affiliate⁷) of the Respondents/Accused and the status of Complainants/Reporters (students, staff, faculty, or other affiliate) in discrimination and harassment matters handled by EOAA.⁸ In some instances, there were multiple Complainants for the same Respondent or multiple Respondents for the same Complainant. Note that, while EOAA does not ordinarily have jurisdiction over students accused of discriminatory or harassing conduct, the two Student-Respondents reflected in the Respondent/Accused chart below were accused of misconduct in their role as student-employees.

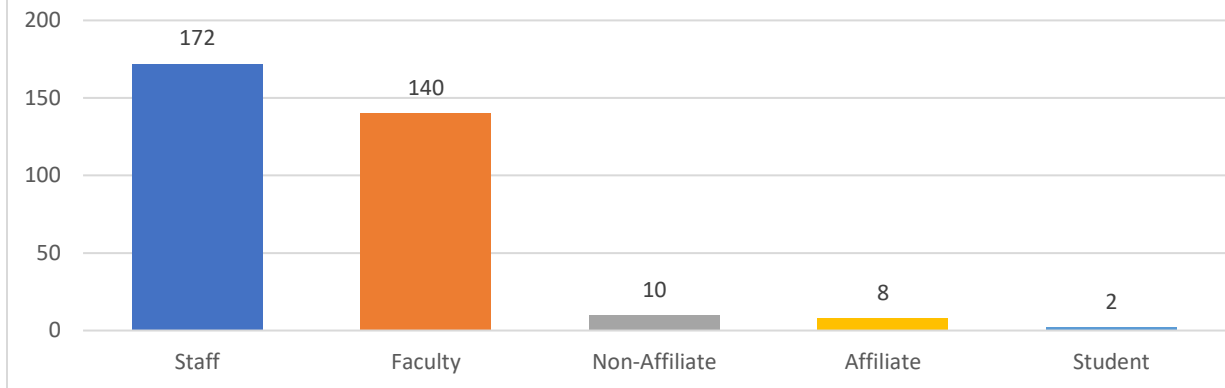


⁶ Other affiliates are individuals who are contracted workers, University vendors, alumni, field placement supervisors, and organizations with whom Columbia partners to offer student internships.

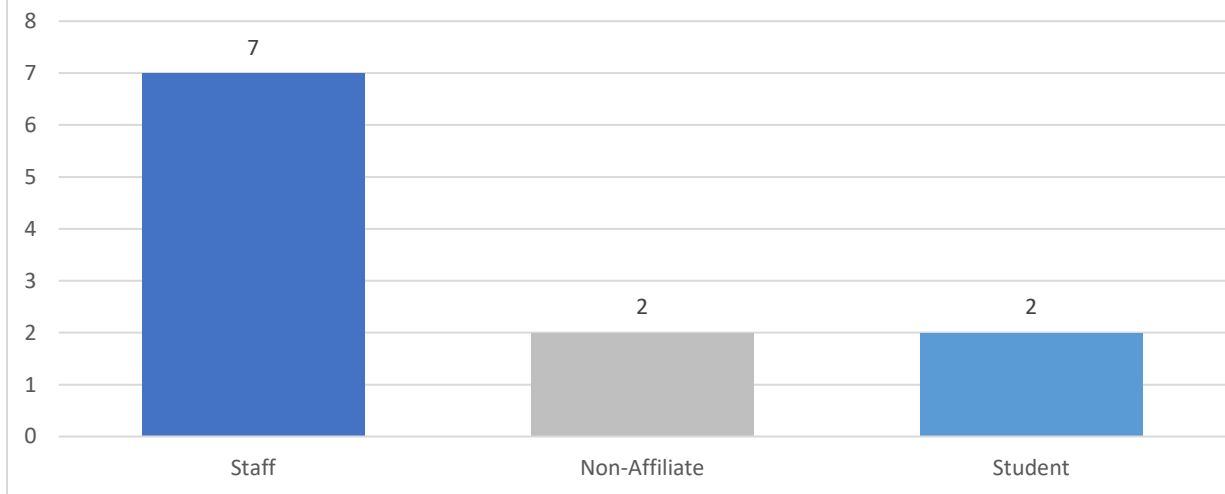
⁷ Non-affiliates include campus visitors without a relationship to the University and individuals without any relationship to Columbia (e.g., an individual walking down Broadway).

⁸ Of the 147 Student Complainants in Discrimination and Harassment cases, we had information sufficient to confirm that 10 were student employees at the time of the alleged discriminatory or harassing conduct. Of the 149 Discrimination and Harassment Staff Complainants, we had information sufficient to confirm that 12 held postdoctoral positions at the University at the time of the alleged discriminatory or harassing conduct. Of the 172 Discrimination and Harassment Staff Respondents, we had information sufficient to confirm that 2 held postdoctoral positions at the University at the time of the alleged discriminatory or harassing conduct. Of the 7 Staff Complainants in Title IX and Gender-Based Misconduct cases, we had information sufficient to confirm that 1 held a postdoctoral position at the University at the time of the alleged gender-based misconduct. We did not have information sufficient to confirm that any Title IX and Gender-Based Misconduct Complainants were student employees at the time of the alleged gender-based misconduct or that any Title IX and Gender-Based Misconduct Respondents held postdoctoral positions or were student employees at the time of the alleged gender-based misconduct.

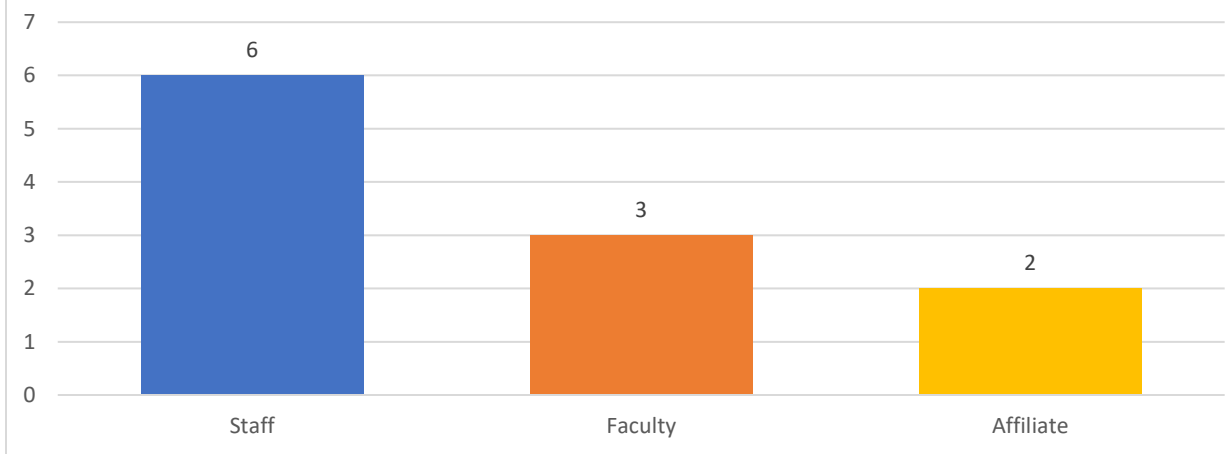
Respondent/Accused Discrimination & Harassment Cases



Complainant/Reporter Title IX & Gender-Based Misconduct Cases



Respondent/Accused Title IX & Gender-Based Misconduct Cases



Romantic and Sexual Relationship Policies

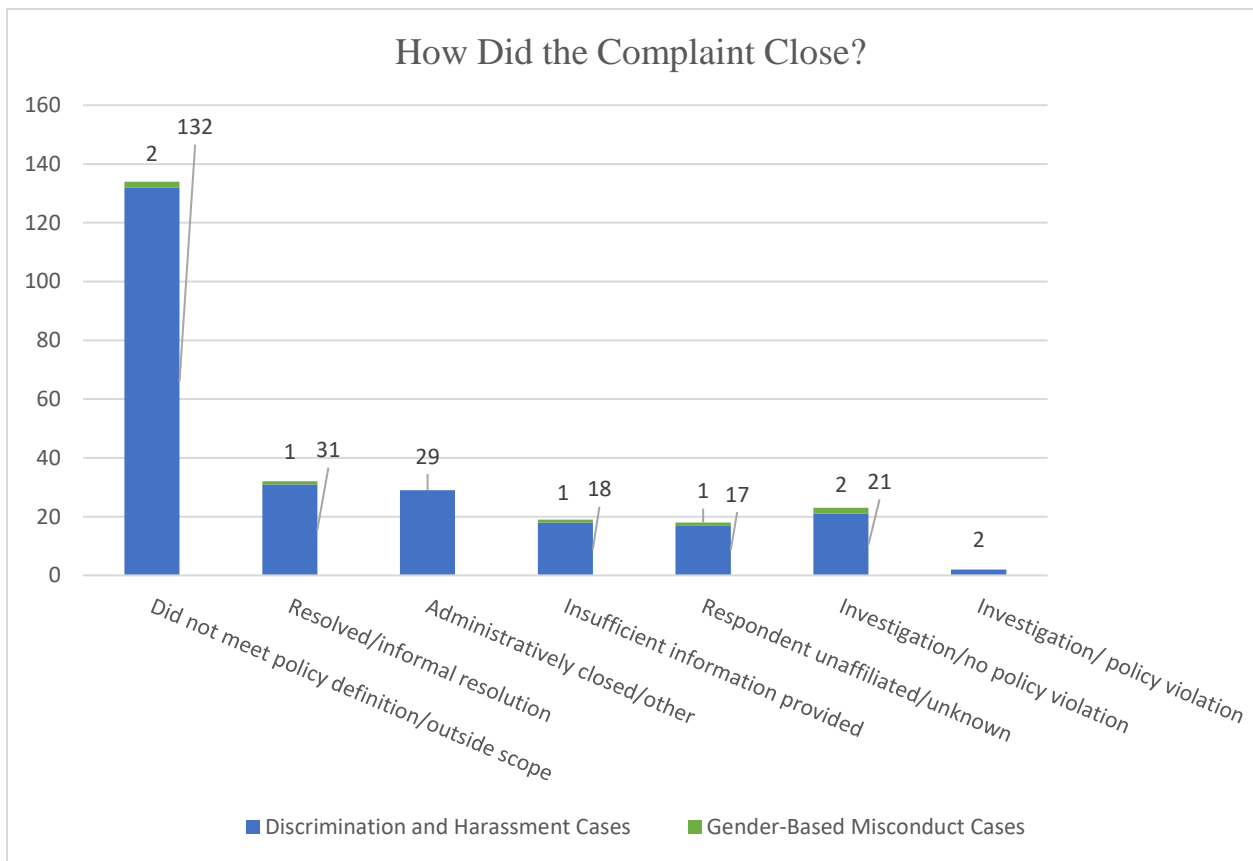
The Romantic and Sexual Relationship Policies (the “Relationship Policies”) prohibit faculty, staff, and graduate students holding positions of authority from engaging in romantic or sexual relationships with anyone over whom they have academic authority or supervisory capacity. Each of the Relationship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

During the 2022–2023 academic year, EOAA received 9 reports of violations of Columbia’s Relationship Policies.

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

EOAA Case Outcomes

There are several ways an EOAA case can be closed or adjudicated.⁹ Complainants themselves are an essential driver in our process. EOAA closes a significant number of reports because the Complainant chose not to respond to EOAA, expressly declined to participate, or withdrew the complaint. EOAA does not compel Complainants to participate in any EOAA process. Cases may be closed by EOAA if insufficient information was provided to allow EOAA to proceed with an inquiry or investigation, the allegation(s) did not meet EOAA’s policy definitions or was outside the scope of EOAA’s jurisdiction, the Respondent was unaffiliated with the University or unknown, or other reasons that resulted in administratively closing the case. Cases may also be resolved between the parties using a complainant initiated resolution, including mediation or facilitated dialogue, or administrative resolution. These resolution options are voluntary processes and do not involve disciplinary or punitive action. When the allegations require that an investigation be conducted, the case will close with a formal finding that Respondent did or did not violate an EOAA policy.



The above figure shows that 25 investigations opened between July 1, 2022, and June 30, 2023, were closed with a determination as of June 30, 2023. Notably, during the same time frame, EOAA closed an additional 28 investigations opened between July 1, 2021, and June 30, 2022. Those 28

⁹ In 2022-2023, no allegations were resolved as “Resolved/Policy Violation.”

investigations yielded the following results: a policy violation was found in two cases; no violation was found in twenty-three cases; and three cases were resolved with no formal determination.

A large proportion of the remaining open cases from the 2022-2023 academic year are currently being adjudicated through formal investigations. In formal investigations, our investigators devote significant amounts of time to interviews with complainants, respondents, and witnesses, in addition to reviewing evidence, policy, and writing formal determination letters outlining the findings of the case.

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 does not serve as a sanctioning body, but works with the supervisor, Human Resources, the Department Chair and/or Faculty Affairs to identify 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 to reflect the seriousness of the conduct.

In the past, discipline has included:

- Written reprimand or warning;
- Restricted or revoked 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; and
- 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; or
- Climate surveys