

2026

The School at Columbia University Title IX Policy and Procedure for Students

Office of Institutional Equity



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I. INTRODUCTION

Title IX of the Educational Amendments Act of 1972 (“Title IX”) is a federal law that prohibits sex discrimination by any educational institution that receives federal funding. Federal regulations implemented on May 19, 2020, define Title IX Sexual Harassment as a form of sex discrimination and provide detailed rules for addressing such conduct when it occurs in education programs and activities. Title IX Sexual Harassment and Retaliation¹ related to a complaint of Title IX Sexual Harassment violates the law, as well as the standards of our community, and is prohibited at The School at Columbia University (“TSC”). TSC’s Title IX Policy and Procedure for Students (“Policy”) reflects TSC’s commitment to a safe and non-discriminatory educational environment consistent with applicable law.

II. SCOPE OF THIS POLICY

This Policy applies to all TSC students. This Policy addresses alleged misconduct that meets the definition of Title IX Sexual Harassment and occurs in the United States in connection with any TSC education program or activity. A TSC education program or activity includes locations, events, or circumstances over which TSC exercises substantial control over both the accused person (the Respondent) and the surrounding context.

Conduct that does not meet the requirements of Title IX Sexual Harassment is not within the scope of this Policy but may still constitute misconduct that is incompatible with TSC’s values and may be addressed under TSC’s Family Handbook. Reports about TSC employees’ behavior are addressed under the Columbia University’s [Anti-Discrimination and Discriminatory Harassment Policies & Procedures for Faculty and Staff](#).

TSC does not discriminate based on a student’s actual or perceived membership in any protected class. This Policy applies regardless of a student’s actual or perceived membership in any protected class.

III. ADMINISTRATION OF THIS POLICY

Title IX Coordinator Marjory D. Fisher oversees the implementation of this Policy. The Title IX Coordinator has the primary responsibility for coordinating TSC’s efforts related to the intake, investigation, resolution, and implementation of supportive measures to stop, prevent, and remedy Title IX Sexual Harassment. The Title IX Coordinator is also available to answer questions regarding this Policy or if you are unsure where to turn for help.

¹ Retaliation is defined [here](#) and is addressed in accordance with The School at Columbia University Family Handbook.

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The Title IX Division of Columbia University’s Office of Institutional Equity (“Office”) operates under the guidance of the Title IX Coordinator and is a centralized resource for addressing all reports of alleged Title IX Sexual Harassment involving a Columbia University or TSC student. The Office’s investigators and staff members receive extensive and continuing Title IX training and are experienced in working with minors on these sensitive matters. All references to the Title IX Coordinator throughout this Policy include a designee(s), who may be Executive Director for the Protection of Minors Rachel Ferrari, other Office or TSC staff, or an external professional. Individuals responsible for performing certain roles or duties under this Policy who are not TSC staff will work in partnership with TSC staff, as appropriate, to ensure that the needs of all TSC students involved in a Title IX matter are addressed.

IV. PROHIBITED CONDUCT

This Policy prohibits all forms of Title IX Sexual Harassment. The age and developmental stage of the students involved will be considered when determining whether a Policy violation occurred and the appropriate response by the school.

A. Title IX Sexual Harassment

Title IX Sexual Harassment means conduct on the basis of sex that constitutes one or more of the following:

- A TSC employee² conditioning the provision of an aid, benefit, or service of TSC on participation in unwelcome sexual conduct.
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to TSC’s education program or activity.
- Sexual Assault
- Domestic Violence
- Dating Violence

² Reports about TSC employees’ behavior are addressed under the Columbia University [Anti-Discrimination and Discriminatory Harassment Policies & Procedures for Faculty and Staff](#).

- Stalking

The definitions of sexual assault, domestic violence, dating violence, and stalking are prescribed by federal law and are available [here](#).

B. Affirmative Consent

What is Affirmative Consent?

Consensual sexual conduct requires affirmative consent. In New York State, the age of consent is 17 years old. This means that a person who is 16 years old or younger is deemed legally incapable of providing consent to sexual conduct regardless of whether they intend to give consent.

Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.

Incapacitation

Incapacitation occurs when a person lacks the ability to knowingly choose to participate in sexual conduct. In New York State, the age of consent is 17 years old. This means that a person who is 16 years old or younger is deemed legally incapable of providing consent to sexual conduct regardless of whether they intend to give consent. Incapacitation may also be caused by the lack of consciousness or being asleep, being involuntarily restrained, temporary or permanent mental or physical incapacity, or if a person otherwise cannot consent. The use of alcohol or drugs, depending on the degree of intoxication, may make a person incapacitated and therefore unable to consent. Whether sexual conduct with an incapacitated person (other than a person deemed legally incapacitated because of their age) constitutes prohibited conduct depends on whether the Respondent knew or should have known of the Complainant's incapacitation.

V. REPORTING PROHIBITED CONDUCT

A. How to Make a Report

TSC encourages all community members impacted by Title IX Sexual Harassment to seek assistance even if they are unsure whether the conduct rises to the level of a Policy violation. Anyone can report potential misconduct at any time. For example, a person can report that another person may have experienced unwelcome conduct. Parents/guardians may report on behalf of their children. All reports will be automatically forwarded to the Title IX Coordinator for review. Community members may meet with the Title IX Coordinator to learn more about the process before making a report or

providing additional information about a previously filed report. The Title IX Coordinator can also assist you in the following ways:

- If you are unsure of where to turn for help.
- If you have questions regarding this Policy or the federal Title IX regulations.
- If you are seeking information about supportive measures and accommodations related to a matter under this Policy.
- If you have a complaint or question regarding community members engaging in conduct prohibited by this Policy.

A report of a potential Policy violation(s) may be made at any time (including non-school hours). Reports may be made online 24/7 using the [online reporting form](#) or by contacting the Title IX Coordinator or a staff member listed below.³ In an emergency situation, call 911 or Columbia Public Safety.

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³ While this Policy identifies employees and/or offices that typically perform certain roles or duties, the Title IX Coordinator may designate other offices, employees, or external professionals to perform any roles or duties described herein.

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B. Individuals With Reporting Obligations

All TSC employees are required to report to the Title IX Coordinator any instance or allegation of Title IX Sexual Harassment involving any TSC student that is disclosed to, observed by, or otherwise known to that employee whether or not the student is a potential Complainant or Respondent or has any formal connection to the employee. TSC employees are required to report all information known to or learned by them regarding the alleged misconduct. This helps to ensure that students are provided with appropriate resources and to allow TSC to mitigate harm to our community.

Every TSC employee is required to immediately report suspected child abuse or maltreatment by a person legally responsible for the child (including but not limited to a parent, guardian, custodian, or caregiver) to the [New York Statewide Central Register of Child Abuse and Maltreatment](#) when the child, parent, or other person legally responsible for the child is before the TSC employee while the employee is acting in their official capacity. Additionally, every TSC employee is required by law to immediately report to the Head of School allegations of child abuse by an employee or volunteer in an educational setting.

C. Confidential Resources

Because all TSC employees are required to report to the Title IX Coordinator any instance or allegation of Title IX Sexual Harassment, any such information that a student shares with a TSC employee cannot remain confidential. The following are some confidential community-based resources:

- Licensed professional counselors and other medical providers.
- Local rape crisis counselors.
- Domestic violence resources.
- Local or state assistance agencies.
- Clergy/Chaplains.
- Attorneys.

All of the above-listed individuals are not TSC employees and may maintain confidentiality when acting in their professional capacity, except in cases of abuse of a minor or when required to disclose information by law or court order.

D. Reporting to the Police

Nothing in this Policy prevents students or their families from seeking the assistance of state or local law enforcement in addition to or instead of the TSC process. The Title IX Coordinator, and members of the Office are familiar with New York City and New York State law enforcement processes and can help to explain and connect students and their families to those processes upon request. They cannot serve, however, as a substitute for legal advice on these matters and any questions about criminal law violations should be addressed to law enforcement.

TSC and the criminal justice system work independently from one another. Law enforcement authorities do not determine whether a violation of this Policy occurred, and the criminal justice system uses different standards. A TSC and criminal justice process may operate simultaneously. Temporary delays to a TSC investigation may be necessary while law enforcement gathers information.

E. Amnesty for Other Policy Violations

TSC encourages the reporting of all possible instances of Title IX Sexual Harassment. Sometimes, students or families are hesitant to share information with TSC because they fear that students themselves may be in violation of certain policies, such as policies against underage drinking or illicit drug use. It is in the best interests of the TSC community that Complainants choose to report misconduct to TSC officials, that witnesses come forward to share what they know, and that all participants are forthcoming during the process. To encourage reporting and participation, TSC offers amnesty to Parties and witnesses who report an alleged violation of this Policy and/or participate in an investigation in good faith with respect to other student conduct violations that come to light because of such reports. Amnesty does not, however, apply to egregious conduct that risks the health or safety of another student, such as physical abuse or illicit drug distribution.

F. Time for Reporting

There is no time limit for reporting alleged Title IX Sexual Harassment. However, TSC encourages community members to report alleged Title IX Sexual Harassment as soon as possible to maximize the Title IX Coordinator's ability to respond promptly and effectively. Additionally, the timing of a report may affect the ability to proceed with an investigation or implement sanctions on a Respondent found responsible for a Policy violation. For example, if a Respondent is no longer a student at the time the report is made, TSC is limited in the action it can take. The Title IX Coordinator will still provide support for a Complainant and take steps to remedy the effects of the misconduct.

VI. PRIVACY AND CONFIDENTIALITY

A. Protecting Privacy and Confidentiality

It is the responsibility of every community member (including parents/guardians) to honor one another's privacy and recognize that privacy breaches undermine TSC's educational mission, erode

the community's trust, and may have the purpose or effect (unintended or intended) of harming another's emotional or social well-being. All community members are expected to maintain the privacy of reports and any resolution process under this Policy.

TSC will only reveal information, including the identity of any Complainant, Respondent, or witness, to those who need to know the information to carry out their duties and responsibilities or as otherwise provided by law.⁴ TSC will also maintain as confidential any supportive measures provided to a student except as necessary to provide the supportive measures.

TSC seeks to protect the privacy of Parties and witnesses, if applicable, in a manner that does not restrict Parties' ability to gather and present information or obtain appropriate support. Parties may always seek the assistance of family members, friends, counselors, therapists, clergy, doctors, attorneys, or similar resources. Parties are not prevented from discussing, from their perspective, any reported incident(s).

B. Requests to Remain Anonymous or to Refrain From Investigating

A student or parent/guardian who reports Title IX Sexual Harassment can request that TSC not disclose their identity or the identity of the student to anyone else, including to the person who allegedly committed the misconduct. Complainants or their parents/guardians may, in some instances, prefer not to file a Formal Complaint or move forward with a resolution process, but may still request supportive resources from TSC. The Title IX Coordinator will consider a request for anonymity and honor it whenever possible.

TSC must share the Complainant's name with the Respondent and their parent/guardian when a Formal Complaint is filed and an investigation is initiated. A Complainant or their parent/guardian may request that an investigation not be undertaken. The Title IX Coordinator will evaluate such a request in light of TSC's commitment to provide a safe and non-discriminatory environment for all students. The Title IX Coordinator will consider all the available information, including but not limited to, the following factors:

- Concerns expressed by the student and/or their parents/guardians.
- Circumstances that suggest there is a risk of the Respondent committing additional misconduct, including but not limited to: (i) whether there have been other complaints of similar misconduct against the same Respondent; (ii) an escalation of conduct known to TSC

⁴ Generally, TSC will share such information in accordance with the Family Educational Rights and Privacy Act (FERPA) or FERPA Regulations, or as required by law, or to carry out the purposes of the Title IX Regulations or any investigation arising under this Policy. Information collected by TSC may be subpoenaed in civil or criminal proceedings.

by the same Respondent; or (iii) whether the Respondent has threatened further misconduct against the Complainant or others.

- Whether the alleged misconduct was committed by multiple perpetrators.
- Whether there was use of a weapon or force in connection with the misconduct.
- Whether there are other means to obtain relevant information.

The Title IX Coordinator will determine whether the circumstances require an investigation to proceed to ensure the safety of the TSC community despite a request not to proceed. The Title IX Coordinator may determine that it is necessary to sign a Formal Complaint themselves if the Complainant does not wish to make a Formal Complaint, or the Title IX Coordinator may determine that it is necessary to continue an investigation of a Formal Complaint despite a request by a Complainant or their parents/guardians that an investigation cease.⁵

The Title IX Coordinator will notify the Complainant and/or Respondent, if applicable, and their parents/guardians, whether they will be able to grant a request for anonymity or not to investigate. Even when such a request cannot be granted, TSC and the Title IX Coordinator will not reveal information about a report except to those who need to know to carry out their duties and responsibilities.

C. Privacy Agreements

The Parties, their parents/guardians, and advisors will be asked at the start of a formal investigation or informal resolution to sign an agreement not to share any case-related information or materials obtained during any process conducted under this Policy. Parties, parents/guardians, or advisors who do not sign a Privacy Agreement will not be permitted to access case information, the Investigative Report, or any other case-related materials.

Once signed, the Privacy Agreement may not be withdrawn, including if any Party withdraws from the process. TSC will take reasonable steps to prevent and address the unauthorized disclosure of information and information obtained solely as a result of participation in any resolution process under this Policy. Failure to comply with a signed Privacy Agreement may result in disciplinary action.

D. Redactions

Names and other identifying information of students will be redacted from all case materials except to the extent that doing so would interfere with the purpose of Title IX. Redacted and watermarked copies of case materials will be provided as appropriate in a particular resolution process to Parties, their parents/guardians, and advisors provided that such persons have signed the required Privacy

⁵ The Title IX Coordinator is not a Complainant or a Party regardless of whether they sign a Formal Complaint.

Agreement. The Title IX Coordinator retains sole discretion over redactions consistent with this Policy.

E. Prohibition on Recording

The unauthorized recording or streaming of any meeting or resolution process or unauthorized copying of any materials related to the resolution process by any means is prohibited. Parties, parents/guardians, advisors, and witnesses are prohibited from recording any meeting or resolution process under this Policy. Unauthorized recording and/or copying includes, but is not limited to, audio or video recording, streaming, photographing, transcribing, downloading, or any other form of duplication that conflicts with the letter and spirit of this directive. Failure to comply with this directive may result in disciplinary action.

The Investigative Team will record investigative interviews of Parties and witnesses. Redacted transcripts of all recorded interviews will be provided to both Parties, their parents/guardians, and advisor during the investigative process.

VII. WHEN A REPORT IS MADE

A. Intake Meeting

The Title IX Coordinator will promptly contact a Complainant and their parents/guardians upon receipt of a report that may constitute Title IX Sexual Harassment to discuss their rights under this Policy and availability of supportive measures. The Title IX Coordinator will also explain available resolution processes under this Policy and the process for filing a Formal Complaint. The Title IX Coordinator will explain that a report may be resolved in the following ways:

- (1) The provision of supportive measures only.
- (2) Filing a Formal Complaint of Title IX Sexual Harassment.

The Title IX Coordinator will explain that a Formal Complaint may be resolved through a formal investigation or an informal resolution that is voluntarily agreed upon by both Parties and approved by the Title IX Coordinator. The Title IX Coordinator will also explain that parents/guardians are permitted to accompany a student Party to any meeting or interview, in addition to the student's advisor of choice, who may be a different person from the parent/guardian.

B. Supportive Measures

TSC will provide appropriate and reasonable supportive measures as needed to Complainants and Respondents regardless of whether a Formal Complaint is filed or the Parties engage in a resolution process. Supportive measures are non-disciplinary, non-punitive individualized services offered without fee or charge to the Parties as appropriate and reasonably available. Supportive measures are designed to restore or preserve equal access to the school's education program or activity without

unreasonably burdening the other Party, including measures designed to protect the safety of all Parties or TSC's educational environment.

TSC, in collaboration with the Title IX Coordinator, evaluates requests for supportive measures in light of the circumstances and information available at the time of the request. Additional information may sometimes be required to sufficiently evaluate the need or provide for a requested supportive measure. Time frames for evaluating and implementing supportive measures requested may vary depending on the particular circumstances of the request. Supportive measures may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services.
- Referral to community-based service providers.
- Safety planning.
- Providing school safety escorts, as available.
- Academic support, extensions of deadlines, or other course/program-related adjustments.
- No-Contact Directives requested by either Party.

TSC will maintain as confidential any supportive measures provided to a Complainant or Respondent except as necessary to provide the supportive measures.

C. Promoting Community Safety

TSC may remove a student Respondent entirely or partially from its education program or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies the removal. In such cases, TSC will provide the Respondent and their parents/guardians with notice and the opportunity to challenge the decision immediately following the removal.⁶

D. Advisors

The Parties may each have an advisor of their choice present with them for every step of the resolution process in addition to parents/guardians who may also be present. The advisor may be a friend, mentor, family member, attorney, or any other individual a Party chooses to advise, support, and/or consult with them throughout the resolution process.⁷ Advisors will be provided with the same case-related communications and information as the Parties and their parents/guardians. An advisor is not prohibited from being a witness in a matter. In matters that proceed to a formal investigation, TSC

⁶ In cases where an emergency removal involves a student with a disability who is receiving services under an Individualized Education Program (IEP), this risk analysis will also be performed in conjunction with the student's IEP Team.

⁷ Witnesses are only permitted to bring parents/guardians to any portion of the process.

students or their parents/guardians may request that an attorney-advisor be provided at no cost to the Party from a predetermined pool of trained attorney-advisors. Additional guidelines and expectations related to advisors may be found [here](#).

E. Conflict of Interest or Bias

The Title IX Coordinator acts with independence and authority free from bias and conflicts of interest. Additionally, no one in an investigative or decision-making position in the process may have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.

TSC requires participants in any resolution process, including a Complainant, Respondent, parents/guardians, investigator, informal resolution facilitator, or decision-maker, to disclose to TSC any potential or actual conflict of interest. A conflict of interest would include, for example, situations where an investigator, informal resolution facilitator, or decision-maker is a Party's (or their parents'/guardians') family member, close friend, current or former faculty member, advisor, or any other similar relationships.

A Party or their parent/guardian who believes that any individual involved in a resolution process has a conflict of interest must submit a written request to the Title IX Coordinator that the individual not participate in the process. This request must be made within two (2) business days after notification of the individuals involved in the resolution process is provided and should include a description of the perceived conflict. The Title IX Coordinator will issue a written response to the requesting Party generally within seven (7) business days. If the Title IX Coordinator determines that an actual or potential conflict exists, both Parties will be informed of the determination and any resulting change in assignment.

The fact that an individual is the same or different gender, race, etc., of a Party or individual involved in the process is not a conflict and requests for changes in staffing on this basis will not be considered. The following also do not constitute conflicts of interest or bias under this Policy:

- Submission of a complaint or report, or engagement in or facilitation of an investigation, in any other harassment or discrimination proceeding.
- Employment status, title, or previous employment.
- Participation in or facilitation of any Title IX or sexual harassment trainings.

VIII. FORMAL COMPLAINTS OF TITLE IX SEXUAL HARASSMENT

A. Formal Complaints

A Formal Complaint of Title IX Sexual Harassment is a document filed by a Complainant or their parent/guardian requesting that TSC initiate a formal investigation or informal resolution process under this Policy. A Complainant must be participating in, or attempting to participate in, a TSC education program or activity at the time the Formal Complaint is filed. The filing of a Formal Complaint triggers prompt notification to the Respondent and their parents/guardians of the allegations and the Complainant's identity. TSC encourages Complainants and/or their parents/guardians to discuss with the Title IX Coordinator any concerns regarding this prompt notification to the Respondent, which is required by federal law, before a Formal Complaint is filed.

The Title IX Coordinator may also file a Formal Complaint on behalf of TSC under certain limited circumstances after consideration of the factors described above [See [Requests to Remain Anonymous or Refrain From Investigating](#)].

B. Initial Assessment of Formal Complaints

After receiving a Title IX Formal Complaint, the Title IX Coordinator will determine which resolution processes may be available for conduct that, if substantiated, would constitute Title IX Sexual Harassment (such as a formal investigation or, if appropriate and upon request with the consent of both Parties, an informal resolution process). The Title IX Coordinator may gather additional information as needed to make an initial assessment. The initial assessment is not a finding of fact or responsibility.

If the Respondent is not a member of the TSC community or their identity is unknown, action by TSC may be more difficult and, at times, impossible. Although TSC may not, in certain instances, be in a position to investigate, it will offer impacted individuals appropriate supportive measures, resources, and remedies, such as identifying local resources and support options, and/or providing assistance with contacting law enforcement if requested.

C. Dismissals of Formal Complaints

Mandatory Dismissals

TSC must dismiss a Formal Complaint of Title IX Sexual Harassment if: the alleged misconduct does not meet the definition of Title IX Sexual Harassment; the alleged misconduct did not occur within a TSC education program or activity; the alleged misconduct did not occur against a person in the United States; or the Complainant was not participating in or attempting to participate in a TSC

education program or activity at the time of filing, and the Title IX Coordinator did not file the Formal Complaint.

Discretionary Dismissals

TSC may also dismiss a Formal Complaint if at any time during a resolution process: the Complainant or their parent/guardian notifies the Title IX Coordinator in writing that they would like to withdraw the Formal Complaint or any allegations therein; the Respondent is no longer enrolled at TSC; or specific circumstances prevent TSC from gathering information sufficient to reach a determination.

Appealing a Dismissal

Both Parties and their parents/guardians will receive prompt written notice of a dismissal of a Title IX Formal Complaint and may appeal the dismissal within five (5) business days from the Parties' receipt of the dismissal letter in accordance with the procedures outlined in Section F: Appeals. Allegations contained in a Formal Title IX Complaint that has been dismissed may be addressed under TSC's Family Handbook if applicable.

D. Time Frames

The Title IX Coordinator makes every reasonable effort to ensure that Formal Complaints are resolved as expediently and efficiently as possible. The time frame for an investigation and determination process is generally 60 business days after the filing of a Formal Complaint, but will vary depending on the complexity of the allegations, availability of the Parties and witnesses, the TSC program calendar, and the nature of the alleged misconduct. Generally, informal resolution processes are less time intensive than an investigation and determination process. Time frames may be extended for good cause as necessary to ensure the integrity and completeness of the process.

To enable prompt and efficient resolution of complaints, participants in a resolution process are expected to respond to outreach within a reasonable time, generally considered to be two (2) business days. In addition, deadlines are expected to be honored absent extraordinary circumstances. Requests for deadline extensions or to delay any portion of a resolution process for good cause will be considered by the Title IX Coordinator on a case-by-case basis. Periodic status updates will be provided to the Parties.

E. Declining to Participate

The Complainant, Respondent, and witness(es) may decline to participate in any portion of the resolution process, including any investigation, at any time without penalty. The Title IX Coordinator will make efforts to engage their participation and may continue the process without the Complainant's or Respondent's participation, if able and appropriate. However, declining to participate or participating in a limited fashion may limit the information that can be formally reviewed or make it impossible for TSC to investigate.

If a Party declines to participate in an investigation, the Title IX Coordinator will continue to update each Party and their parents/guardians throughout the process. Recurring refusal or failure to respond to outreach may be interpreted as declining to participate and may preclude or limit participation in later stages of the process; however, the Complainant or Respondent may always submit an impact statement at the determination stage, if applicable, without regard to earlier participation. No negative inference will be drawn during any portion of the investigation and determination process from a Party's decision not to participate or respond to outreach.

F. Informal Resolutions

Informal resolutions are non-punitive processes that do not involve potential disciplinary action. Informal resolutions are available when the Parties do not wish to proceed with a formal investigation and instead seek assistance to resolve allegations of misconduct without TSC's taking disciplinary or punitive action.⁸ Generally, these resolution options are less time intensive than an investigation and determination process, while still affording Parties an opportunity to actively participate in a process for resolution of complaints. Both Parties may request that the matter be resolved by an informal resolution at any time before a determination is issued by the decision-maker. During any informal resolution process, any potential or ongoing investigation and associated deadlines will be stayed.

An informal resolution process will only proceed if the Title IX Coordinator determines that informal resolution is appropriate under the circumstances and both Parties and their parents/guardians provide voluntary written consent after receiving [Notice of Allegations and Proposed Informal Resolution](#). Even when both Parties agree to an informal resolution, the Title IX Coordinator will make the final determination regarding the appropriate resolution process and may require a formal investigation of a matter to ensure a safe educational environment.

The facilitator of any informal resolution process retains the discretion to design and conduct the process in a manner that is reasonable and appropriate based on the circumstances. At the conclusion of the informal resolution process, the facilitator will memorialize in writing the agreement reached between the Parties and approved by the Title IX Coordinator. The matter will be considered resolved when both Parties and their parents/guardian sign the agreement. Any reported violations of the resolution agreement will be addressed under TSC's Family Handbook. If a resolution cannot be reached, or the informal resolution process is otherwise terminated prior to resolution, the Title IX Coordinator will evaluate other options for resolution, including formal investigation.

⁸ Should statements made during an informal resolution process highlight aspects of the reported conduct not previously known, or detail additional violations of the Policy, the Title IX Coordinator may stop that resolution process and re-evaluate the available resolution options. However, statements made during an informal resolution process will not be used directly as evidence in an ensuing investigation.

G. Formal Investigation and Determination Process

Another option for the resolution of a Formal Complaint is the formal investigation and determination process. An investigation may be requested by a Complainant, their parent/guardian, or initiated by the Title IX Coordinator even when a Complainant does not wish to proceed under certain limited circumstances after consideration of the factors described above [See [Requests to Remain Anonymous or Refrain From Investigating](#)]. Disciplinary and punitive sanctions may only be imposed if there is a determination of responsibility at the conclusion of the formal investigation and determination process.

The Investigative Team

The Title IX Coordinator will designate an impartial and unbiased two-person Investigative Team to investigate whether a Policy violation occurred. It is within the sole discretion of the Title IX Coordinator to assign appropriate investigators to a matter (including but not limited to external professionals). The Investigative Team will have extensive training in investigating and evaluating conduct prohibited by this Policy and will be experienced in working with minors on these sensitive matters.

A Party who believes that a member of the Investigative Team has a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent must submit a written request to the Title IX Coordinator that the individual not participate in the process in accordance with the process outlined above [See [Conflicts of Interest and Bias](#)].

The Investigative Process

All investigations will be thorough, reliable, impartial, prompt, and fair. Investigations involve the following steps (not necessarily in this order):

(1) Notice of Allegations is issued.

A written [Notice of Allegations](#) will be provided to both Parties, their parents/guardians, and advisors following the filing of a Formal Complaint.

(2) Parties and witnesses are interviewed.

The Investigative Team will conduct individual interviews and follow-up interviews, as necessary, of each Party, with their parents/guardians and/or advisor, and any relevant and available witnesses. Each Party and witness will be provided with written notice of the date, time, and location of any meeting or interview, as well as the expected participants and purpose. All Party and witness interviews will be recorded. Transcripts of interviews will be shared with both Parties during the information sharing portion of the investigative process and included in the Investigative Report.

(3) Opportunity to suggest witnesses and submit questions and information.

Each Party will have the opportunity to suggest witnesses, including fact, character, and expert witnesses, to be interviewed by the Investigative Team. The Investigative Team will attempt to contact and interview any witness suggested by the Parties who may have relevant information and may contact and interview additional witnesses believed to have relevant information. Parties may submit in writing relevant and appropriate questions that they wish the Investigative Team to ask of the other Party and/or any witness. The Investigative Team will document which questions were asked and provide its rationale for any changes or omissions.

Parties may also submit relevant information to the Investigative Team. For example, electronic messages (e.g., emails, text messages, social media, and digital app messages), videos, and photographs may be relevant depending on the situation.

(4) Information gathered during the investigation is shared with both Parties.

The Parties, their parents/guardians, and advisors will have an equal opportunity to review all information (including interview transcripts and other relevant, directly related, and irrelevant information) obtained during the investigation and the Factual Summary that summarizes the relevant information. Parties, their parents/guardians, and/or advisors must sign a Privacy Agreement before obtaining access to any case information. Access will be provided through secure electronic transmission. The Parties will have ten (10) business days to review the materials, respond in writing, and submit any additional information, should they choose to do so. Any written responses and/or new information submitted during this period will be promptly redacted and provided to both Parties, who will have five (5) additional business days to review and respond in writing, should they choose to do so. The Parties may, in their written response, assert the relevancy of any particular information the Investigative Team categorized as irrelevant and not directly related to the allegations. The Parties may also provide clarifications to the Factual Summary, argue that it is inaccurate, request that relevant information be included, and provide corrections to typos or other minor factual errors. Additional time may be granted to both Parties upon request if necessary and reasonable.

The Investigative Report

After the Parties have had the opportunity to review and respond to the information gathered during the investigation and the Factual Summary, the Investigative Team will complete the Investigative Report. The Investigative Report will include a final Notice of Allegations, Factual Summary, and Findings & Analysis, which will contain credibility assessments of the Parties and witnesses, an analysis of the facts and the Policy, and a recommendation(s) regarding responsibility. The decision-maker, and not the Investigative Team, will make the final determination regarding responsibility. All relevant and directly related information will be included in the appendices to the Investigative Report. Irrelevant information that is not directly related to the allegations will not be included or provided to the decision-maker.

Access to the Investigative Report will be provided to the Parties, their parents/guardians, and advisors through secure electronic transmission. The Parties will have an opportunity to respond to

the Investigative Report in writing [See [Response to the Investigative Report and Follow-Up Questioning](#)].

Evidentiary Considerations

The evidentiary considerations outlined below apply to both the Investigative Team and decision-maker.

(1) Prohibited Information

The Investigative Team and the decision-maker will not consider:

- Questions and information about the Complainant's sexual predisposition or prior sexual behavior, unless: (1) information of prior sexual behavior is offered to prove someone other than the Respondent committed the alleged offense, or (2) prior sexual behavior information is specifically about the Parties' shared sexual history and is offered to prove consent. Generally, a Respondent's prior sexual behavior is also irrelevant and will be excluded on that basis. However, to the extent that a Respondent's prior sexual behavior may be relevant, the Investigative Team is required to evaluate such information and include it in the Investigative Report.
- Information protected under a legally recognized privilege, unless the person holding the privilege voluntarily waives the privilege in writing. Privileged information includes, but is not limited to, a student's medical, psychiatric, or psychological records, or confidential communications seeking or receiving legal advice from counsel.
- The Respondent's previous disciplinary history. However, this information may be considered at the sanctioning phase of the process, if there is a finding of Responsibility.

Aside from these specifically prohibited categories of information, the Investigative Team and the decision-maker will evaluate all relevant information, including the Parties' relevant prior conduct and relevant character information, if presented with such information during an investigation. However, such information is unlikely to be relevant unless it is fact information or relates to a pattern of conduct.

(2) Evaluating Information Gathered During an Investigation

The Investigative Team and decision-maker will consider the weight and credibility of all relevant information. The weight of particular information is based on its believability or persuasiveness. Certain information has a different weight in inducing belief as to the facts and circumstances to be proved. For example, information that is indefinite, vague, refuted, or improbable will be given less weight than information that is direct and unrefuted, and information given by a witness who speaks from personal observation is of greater weight than information offered by a witness whose statement is from general knowledge alone.

The Investigative Team may consider the following factors when assessing the credibility of Parties and witnesses: consistency or inconsistency of accounts of events over time; potential for bias in favor of a specific Party or outcome; any corroborating information; whether their statements were reasonable and logical; and their age and developmental stage(s).

(3) Burden of Proof

A Respondent is presumed not responsible throughout the entirety of an investigation and determination process unless and until a final determination of responsible is made. All investigations under this Policy apply “preponderance of the evidence” as the standard of proof. The Investigative Team uses this standard of proof to make a recommended finding of whether a Policy violation occurred. A decision-maker also uses this standard of proof to reach a final determination. The “preponderance of the evidence” standard means that the Investigative Team and decision-maker must determine, based on the information presented, whether the Respondent was more likely than not to have engaged in the conduct at issue.

The Investigative Team bears the burden of showing information that supports its recommendation. The burden is not on the Respondent to prove that they did not engage in misconduct. Likewise, the burden is not on the Complainant to prove that the Respondent engaged in any misconduct. The burden does not rest with either Party, and either Party may decide not to share their account of what occurred or may decide not to participate in an investigation. This does not shift the burden of proof away from the Investigative Team and does not indicate responsibility.

Determination Process

Determinations regarding responsibility are made in accordance with the procedures outlined below.

(1) Referral to a Decision-Maker

The Title IX Coordinator will refer the matter to a decision-maker to make a determination regarding responsibility. The Title IX Coordinator has sole discretion to assign an appropriate decision-maker who will be a specially trained external professional [See [Decision-Maker](#)]. The decision-maker will be impartial, unbiased, and have had no previous involvement in the matter. The Title IX Coordinator will give the decision-maker a list of the names of all Parties, their parents/guardians, witnesses, and advisors. Any decision-maker who recognizes when notified of the identities of the participants that they have a conflict of interest will recuse themselves from the proceedings. If a decision-maker is unsure of whether a conflict of interest or bias exists, they will raise their concern with the Title IX Coordinator as soon as possible. A Party who believes that a decision-maker has a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent must submit a written request to the Title IX Coordinator that the individual not participate in the process in accordance with the process outlined above [See [Conflicts of Interest and Bias](#)].

(2) Notice of Decision-Making

The decision-maker will send a [Notice of Decision-Making](#) to the Parties, their parents/guardians, and/or advisors at the time the Investigative Report is issued and at least ten [10] business days prior to the decision-maker issuing a final determination.

(3) Response to the Investigative Report and Follow-Up Questioning

The Parties may submit a written response to the Investigative Report within ten [10] business days of the issuance of the final Investigative Report and Notice of Decision-Making. Any written response must be no more than five (5) single-spaced typed pages using size 12-point Times New Roman font with one-inch margins. Attachments will not be accepted and written responses that include information that is outside the scope of review may be redacted. Written responses to the Investigative Report will be included in the appendices to the Investigative Report and shared with both Parties and the decision-maker. The Parties may also submit any additional relevant questions they want the decision-maker to ask of any other Party or witness.

The decision-maker will provide the Parties, their parents/guardians, and advisors with any relevant and appropriate follow-up questions in writing. This includes questions to any Party or witness that the decision-maker may have and/or questions submitted by either Party. Questions that are duplicative, unclear, or harassing are not permitted. If the decision-maker determines that a question is duplicative, unclear, or harassing, the decision-maker will give the Party an opportunity to clarify or revise the question; if the Party sufficiently clarifies or revises the question, the question will be asked. The decision-maker will explain to the Party proposing an excluded question the decision to exclude the question as not relevant.

The Parties may submit a written response to any follow-up questions within five (5) business days. The written responses will be provided to both Parties, their parents/guardians, and advisors. The Parties will have an additional five (5) business days to review the written responses and submit limited follow-up questions in writing. The decision-maker will not begin deliberations until this process is complete.

(4) Opportunity to Submit Impact Statements

Each Party may submit a written impact statement for consideration by the Sanctioning Officer discussing how the alleged misconduct has impacted them. The statements must be submitted within ten (10) business days of the issuance of the Notice of Decision-Making and be no more than five (5) single-spaced typed pages using size 12-point Times New Roman font with one-inch margins. Impact statements will only be reviewed by the Sanctioning Officer and shared with the other Party, their parents/guardians, and advisor if there is a finding of responsibility.

Deliberation and Determination

The decision-maker will begin deliberations when the follow-up questioning process is complete to determine whether the Respondent is responsible or not responsible for the alleged Policy violation(s). The decision-maker will review and consider the Investigative Report and any written responses to the Investigative Report and/or follow-up questions. The decision-maker will render their own independent evaluation of the information, the credibility of the Parties and any witnesses, and reach their own conclusions regarding responsibility. The decision-maker will make the final determination, based on the “preponderance of the evidence,” i.e., whether it is more likely than not that the Respondent violated the Policy as alleged. The decision-maker will promptly inform the Title IX Coordinator of its determination regarding responsibility and the rationale for their decision(s).

Sanctions/responsive actions will be determined by the TSC Head of School or a designee if there is a finding of responsibility. The Sanctioning Officer will consider any previously submitted impact statements in determining appropriate sanction(s). The Sanctioning Officer will also consider any pertinent conduct history and will determine the appropriate sanction(s) in consultation with other appropriate administrators, as required.

Notice of Outcome

The Title IX Coordinator will work in conjunction with the decision-maker and Sanctioning Officer to prepare a written [Notice of Outcome](#). The Title IX Coordinator will share the Notice of Outcome with both Parties, their parents/guardians, and/or advisors, simultaneously within five (5) business days of the decision-maker’s determination.

Sanctions and Other Remedies for TSC Students

Sanctions/responsive actions will be determined by the TSC Head of School or a designee if there is a finding of responsibility following a formal investigation and determination process. Factors considered when determining a sanction/responsive action may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s).
- The Respondent’s disciplinary history.
- The need for sanctions/responsive actions to bring an end to the misconduct.
- The need for sanctions/responsive actions to prevent the future recurrence of misconduct.
- The need to remedy the effects of the misconduct on the Complainant and the community.
- The impact on the Parties.
- Any other information deemed relevant by the decision-maker.

The sanctions will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the deadline to appeal without an appeal being requested. Possible sanctions include, but are not limited to:

- Warning.
- Policy education.
- Exclusion from participating in extracurricular activities or other school programs.
- Alternative placement.
- Suspension.
- Expulsion.
- Any other sanctions as deemed appropriate.

H. Appeals

Parties may appeal the decision-maker's determination, the sanction (if applicable), or the decision to dismiss a Formal Title IX Complainant or any allegation therein, within five (5) business days after receipt of the Notice of Outcome or dismissal letter. Appeals must be submitted in writing and are decided by the Vice Provost for the Office of Institutional Equity at Columbia University or a designee.

The four grounds for appeal, which are explained in more detail [here](#), are:

- Procedural irregularity.
- New information.
- Conflict of interest or bias.
- Excessiveness or insufficiency of the sanction.

In their written submission, Parties may refer to information contained in the Investigative Report and Notice of Outcome, or dismissal letter, but no attachments or exhibits will be accepted. If either Party submits an appeal, the Title IX Coordinator will notify the other Party within two (2) business days after receipt. The non-appealing Party will have five (5) business days to review the appeal and submit a written response.

The Appellate Officer is strictly limited to determining if an appeal should be granted based on the above grounds for appeal. In making a determination, the Appellate Officer will have access to and the ability to review all applicable case-related materials, including the Investigative Report. The Appellate Officer may also request additional information from the Investigative Team and/or the decision-maker regarding issues of procedural irregularity or new information. Additionally, in the event that inaccurate facts or information outside the scope of the Policy or the investigative record are submitted to the Appellate Officer, those portions of the information may be redacted and/or the Title IX Coordinator may provide clarification.

The Appellate Officer may take the following actions related to an appeal of a determination regarding responsibility:

- Affirm the decision and/or sanction.
- Revise the sanction.

- Vacate the decision/sanction and send the matter back to the decision-maker or Investigative Team, or a different decision-maker or Investigative Team, for further consideration. The Appellate Officer will provide instructions regarding the nature and extent of the reconsideration. Following reconsideration, further proceedings will be conducted as necessary.
- Take other action as deemed appropriate by the Appellate Officer.

The Appellate Officer may also affirm the decision to dismiss a Formal Complaint or reverse the decision to dismiss and reinstate the Formal Complaint.

The Appellate Officer will notify the Parties, their parents/guardians, and/or advisors of their decision in writing, generally within five (5) business days after receipt of the non-appealing Party's submission, or deadline for such submission. There is no further recourse beyond the decision of the Appellate Officer.

IX. RECORDS RETENTION AND DISCLOSURE

The information compiled to review allegations of prohibited conduct is part of a student's educational record and is maintained by TSC. This record generally contains a description of the alleged violation, supporting documentation, written submissions, official case-related correspondence, and as applicable, the Investigative Report with exhibits, the Notice of Outcome, and the appeal decision.

X. TRAINING

A. Investigative Team

The Title IX Coordinator ensures that all investigators receive extensive and continuing annual training on the federal Title IX Regulations, applicable New York State law, and TSC policies and procedures. The Title IX Coordinator ensures that investigators are trained on how to investigate and evaluate conduct in accordance with this Policy, including but not limited to: the scope of the TSC's education program or activity; how to conduct an initial assessment, investigation, appeal, and informal resolution processes; the relevance of questions and information; fair, equitable trauma-informed interview practices; how to serve impartially, including by avoiding prejudging the facts at issue or relying on stereotypes; conflicts of interest and bias; and the use of any necessary technology.

B. Decision-Makers

All decision-makers receive relevant training at least once a year. In addition to training on how the determination process works, the training includes, but is not limited to, specific instruction on how to evaluate information impartially; bias and conflict of interest; how to approach minors about sensitive issues that may arise in the context of alleged Title IX Sexual Harassment; issues of relevance and the weight to be given to particular information; how to serve impartially, including by avoiding

prejudging the facts at issue or relying on stereotypes; rules regarding prior sexual history; and any applicable technology.

C. Training Materials

All materials used to train the Title IX Coordinator(s), investigators, decision-makers, and any person who facilitates an informal resolution process will be publicly available on the Office's website.

XI. TSC AUTHORITY & AMENDMENTS

TSC may amend this Policy periodically. Nothing in the Policy shall affect the inherent authority of TSC to take such actions or alter, change, or modify this Policy or its procedures as it deems appropriate to further the educational mission or to protect the safety and security of the TSC community. The information in this Policy is intended to be explanatory and not contractual in nature.

Office of Institutional Equity



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