Discrimination, Harassment and Gender-Based Misconduct: Policies, Duty to Act/Report, and The Investigative Process

Summary of Key Concepts/Contacts

1. CU Policies

- Gender Based Misconduct Policy for Students (Administered by GBM)
- Student Policies and Procedures on Discrimination and Harassment (Administered by EOAA)
- Employment Policies and Procedures on Discrimination and Harassment (Administered by EOAA)

2. Where do CU Policies Apply?

Columbia responds to alleged incidents that:

- Occur on campus
- Create a hostile environment on campus
- Occur in connection with University programs (regardless of location)
- Involve an accused person affiliated with Columbia (matriculated students, staff, faculty, third parties, etc.)
- The policies apply to all kinds of relationships: casual, long-term, marriages, etc.

3. How to Report an Incident

- Student issues
  
  Gender-Based Misconduct Office  
  sexualrespect.columbia.edu  
  titleix@columbia.edu  
  212-854-1717

- Faculty and/or Staff issues
  
  Office of Equal Opportunity and Affirmative Action  
  eoaa.columbia.edu  
  eoaa@columbia.edu  
  212-854-5511
4. **Definitions of Gender-Based Misconduct**

- **Sexual Harassment:**
  - Unwelcome *sexual* advances, requests for *sexual* favors, and other verbal, physical, or visual conduct of a *sexual* nature
  - Use “reasonable person” standard to determine if hostile environment has been created (same with other forms of harassment)

  *Julie is very upset because another student’s posted things on her Facebook wall. These posts include sexual innuendos and one post is a modified picture where the other student placed Julie’s head on another woman’s barely clothed body.*

- **Gender-Based Harassment:**
  - Acts of verbal, nonverbal or physical aggression, intimidation, stalking or hostility based on gender or gender-stereotyping
  - Use “reasonable person” standard to determine if hostile environment has been created

  *A female student reports that a group of men on her floor have been making comments about women, such as, “Don’t you know a woman’s place is in the kitchen?” “Women don’t make good scientists and should stick to teaching kids.” “All women at Columbia are really there to find husbands.”*

- **Dating Violence:**
  - Physical violence, coercion, threats, intimidation, isolation, stalking or other forms of emotional, sexual or economic abuse directed towards a partner who is or has been in a social relationship of a romantic or intimate nature

- **Domestic Violence:**
  - Directed towards a current or former spouse of intimate partner, a person who has a child in common, or anyone protected against the domestic violence under the domestic or family laws of NYS

  *A student living in the residence halls tells you that he overhead Jasper and Suzanne fighting loudly and then heard a lot of crashing noises. The resident knows that Jasper and Suzanne are dating. He says he saw Suzanne leave the floor crying and it appeared that she had scratches on her face.*

- **Stalking:**
  - Behaviors may include: pursuing or following; nonconsensual (unwanted) communication of contact, including face-to-face, telephone calls, voice messages, electronic messages, text messages, unwanted gifts, etc.; trespassing and surveillance or other types of observations
John tells you that he’s concerned because someone keeps leaving gifts for him outside of his door. He thinks it may be the same person who keeps slipping notes under his door. He informs you that he’s asked this person to stop contacting him, but the gifts continued to be placed in front of his door.

- **Sexual Exploitation:**
  - Non-consensual abuse or exploitation of another person’s sexuality for the purpose of: sexual gratification, financial gain, personal benefit or advantage, or any other non-legitimate purpose

Jordan and Taylor come to you very upset because they just found a small hidden camera in one of the bathrooms near their lab.

- **Sexual Assault – Non-Consensual Sexual Intercourse:**
  - Any form of sexual intercourse (anal, oral, vaginal), **however slight**, with any object **without** consent. Intercourse means: vaginal penetration (however slight) by a penis, object, finger, tongue or finger; anal penetration by a penis, object, tongue or finger; and oral copulation (mouth to genital contact or genital to mouth contact)

Huong went to a party and was drinking a lot of alcoholic punch that the host of the party was providing to everyone. She says she doesn’t remember anything after a certain point, but woke up in someone’s room with another student she didn’t know and a condom next to her.

- **Sexual Assault – Non-Consensual Sexual Contact:**
  - Any **intentional** sexual touching, however **slight**, with **any** object **without** a person’s consent. Intentional sexual contact includes: Contact with the breasts, buttocks, groin, or touching another with any of these body parts, or making another person touch any of these body parts; any intentional bodily contact in a sexual manner

Eric was at a party on campus on Friday. He said he was standing around drinking and talking with friends when another student walked up and grabbed him between the legs. He said he’s friends with the other student but feels very violated and doesn’t understand why the student would grab him between the legs.

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5. **Definition of Protected Class, Discrimination and Discriminatory Harassment**

- **Protected Class:**
  - A class of people protected under federal, state or local laws against discrimination and harassment on the basis of:
    - Race, color, creed, national origin, alienage or citizenship status, gender (including gender identity and expression), sex, pregnancy, age disability, genetic disposition
or carrier status, genetic information, sexual orientation, partnership status, marital status, status as a perceived or actual victim of domestic violence, military or veteran status, and arrest record.

- **Discrimination:**
  - Treating members of a Protected Class less favorably because of their membership in that class; or having a policy or practice that has a disproportionately adverse impacted on protected class members.

- **Discriminatory Harassment:**
  - Subjecting an individual on the basis of his or her membership in a Protected Class to humiliating, abusive, or threatening conduct that:
    - denigrates or shows hostility or aversion toward an individual or group;
    - creates an intimidating, hostile or abusive learning, living or working environment;
    - alters the conditions of the learning, living or working environment or unreasonably interferes with an individual’s academic performance

*Note: when students engage in gender-based discrimination or harassment, the Gender Based Misconduct Office addresses the issue. When students engage in other kinds of discrimination or harassment (non gender-based), the issue is addressed through the Dean’s Discipline process for the student’s school.*

### 6. Disability Discrimination

- For **students and members of the public** who need an accommodation:
  - **Disability Services Office**
    - Office that works with students/members of the public who need accommodations due to disability
      - Web: [https://health.columbia.edu/disability-services](https://health.columbia.edu/disability-services)
      - Email: disability@columbia.edu or access@columbia.edu
      - **Morningside**: Wien Hall, 1st Floor, (212) 854-2388
      - **CUMC**: 105 Bard Hall, 50 Haven Avenue, (212) 304-7029
• For employees who need an accommodation:
  
  o CU HR Disability Services Office
    - Office that works with employees who need accommodations due to disability
    - Web: http://hr.columbia.edu/wac/workplace/accommodations
    - Location: Studebaker 4th Floor (615 West 131st Street)
    - Phone: (212) 851-0662

• EOAA Contacts for disability related discrimination:

Melissa Rooker
Associate Provost for Equal Opportunity and Affirmative Action
Section 504 Compliance Officer
mrooker@columbia.edu
Phone: (212) 854-5918

Junea Williams-Edmund
Director of Investigations and
Deputy Section 504 Compliance Officer
jmw2112@columbia.edu
Phone: (212) 851-2730

7. Resources

• Private and confidential:
  - CPS (Counseling Center)
  - Clergy
  - Medical Services
  - SVR advocates
  - Ombuds

• Non-Confidential (must let EOAA or GBM know about any suspected violations of policies):
  - GBM
  - EOAA
  - Residence Life staff (RAs, Hall Directors, etc.)
  - Public Safety
  - Academic Advisors
  - Dean of Students, etc.
  - Campus administrators, faculty, and staff
8. **Romantic and Sexual Relationships**

- **Faculty/Student**
  - No faculty member shall have a consensual romantic or sexual relationship with a student over whom he or she exercises academic or professional authority.
  - If a faculty member has or has previously had this kind of relationship with a student, he or she shall not exercise academic or professional authority over this student.

- **Staff/Student**
  - No staff member should participate in the supervision, employment actions, evaluation, advising or mentoring of any student with whom that staff member has or has had a consensual romantic or sexual relationship.
  - If this kind of relationship does exist, the staff member must disclose the relationship to Human Resources to initiate arrangements to address any conflicts of interest.

9. **Duty to Report**

- University Officers, including Residential Program Staff, Teaching Assistants, and Adjunct Faculty, who learn of suspected instances of:
  - Student issues - **MUST** report to the Office for Gender-Based Misconduct (GBM)
  - Faculty and/or Staff issues - **MUST** report to the Office of Equal Opportunity and Affirmative Action

10. **Duty to Act**

- A **duty to act** is imposed on management and supervisory personnel to:
  - Take reasonable and necessary action to prevent discrimination and harassment
  - Respond promptly and thoroughly to any such claim that they learn of directly or indirectly
  - Management and supervisory personnel who fail to act may be found to have violated Columbia’s policies and may be subject to disciplinary action.
EOAA Website

eoaa.columbia.edu

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Sexual Respect Website

sexual respect.columbia.com