EMPLOYMENT POLICIES AND PROCEDURES ON DISCRIMINATION AND HARASSMENT

The University’s Office of Equal Opportunity and Affirmative Action (EOAA) has overall responsibility for the University’s Employment Policies and Procedures on Discrimination and Harassment; it coordinates compliance activities under these policies and the applicable federal, state and local laws and has been designated as the University’s Compliance Office for Title IX, Section 503 of the Rehabilitation Act, and other equal opportunity, nondiscrimination and affirmative action laws. http://eoaa.columbia.edu/.

The EOAA Office
103 Low Library, 212-854-5511

Susan Rieger, Associate Provost
Title IX Compliance Officer
212-854-6795, rieger@columbia.edu

Melissa Rooker, Executive Director,
Deputy Title IX Compliance Officer
212-854-5918, mrooker@columbia.edu

Student Services for Gender-Based and Sexual Misconduct, also serves as a Deputy Title IX Compliance Officer. Students, faculty, and staff may contact the EOAA Office to inquire about their rights under University policies, request assistance, seek information about filing a complaint, or report conduct or behavior that may violate these policies.

On Line Complaint Form
http://eoaa.columbia.edu/student-nondiscrimination-policies/online-complaint-form

EMPLOYMENT POLICIES ON DISCRIMINATION AND HARASSMENT

Columbia University is committed to providing a working and learning environment free from unlawful discrimination and harassment and to fostering a nurturing and vibrant community founded upon the fundamental dignity and worth of all of its members. As an equal opportunity and affirmative action employer, the University does not discriminate against or permit harassment of employees or applicants for employment on the basis of membership in a Protected Class. ● Nothing in these policies shall abridge academic freedom or the University’s educational mission. Prohibitions against discrimination and harassment do not extend to statements or written materials that are germane to classroom subject matter. ● Management and supervisory personnel have a duty to act. They are responsible for taking reasonable and necessary action to prevent discrimination and harassment and for responding promptly and thoroughly to any claims of discrimination or harassment. ● University officers who learn of an allegation of discrimination or harassment have a duty to report the allegation to the EOAA Office. All employees, students, and applicants for employment or admissions are protected from retaliation for filing a complaint or assisting in an investigation under these policies.

EMPLOYMENT PROCEDURES ON DISCRIMINATION AND HARASSMENT

The EOAA Office conducts most formal investigations against staff or faculty for allegations of discrimination and harassment but other options are available. In no case may a complainant file a request for a formal investigation with more than one University entity simultaneously, nor may they file a request for a formal investigation with a second entity after a final disposition has been made by another entity.

Office of Equal Opportunity and Affirmative Action (EOAA)
Complaints against employees and third parties doing business with the University for discrimination and harassment are processed by the EOAA Office in accord with the Employment Policies and Procedures on Discrimination and Harassment at: http://eoaa.columbia.edu/employment-policies. The use of the term “discrimination and harassment” under these policies and procedures includes discrimination, discriminatory harassment, gender-based harass- ment, sexual harassment, and sexual assault.
Human Resources
Officers of administration and nonunion support staff may file complaints with the Office of the Vice President, Human Resources (CUHR), when they believe that they have experienced discrimination, discriminatory harassment, sexual harassment, sexual assault, or retaliation. The proceedings will be governed by the applicable CUHR procedures. [http://hr.columbia.edu/policies](http://hr.columbia.edu/policies)

Union Collective Bargaining Unit
Union members should file complaints with their collective bargaining unit unless prohibited by their collective bargaining agreement or unless an inherent conflict of interest would interfere with a fair adjudication in the collective bargaining unit. The proceedings will be governed by the applicable procedures of their collective bargaining agreement. [http://hr.columbia.edu/union-contracts](http://hr.columbia.edu/union-contracts)

University Senate’s Committee on Faculty Affairs, Academic Freedom, and Tenure
Faculty complaints of denial of tenure or reappointment in a non-tenured rank as a result of discrimination, harassment or retaliation must be filed with the University Senate’s Committee on Faculty Affairs, Academic Freedom, and Tenure. Proceedings will be governed by the Committee’s procedure, University Senate, 406 Low.

Student Services for Gender-based and Sexual Misconduct
Complaints against students for gender-based misconduct are processed in accord with the Gender-Based Misconduct Policies for Students at: [http://www.columbia.edu/cu/dpsa/docs/policy/](http://www.columbia.edu/cu/dpsa/docs/policy/). The use of the term "gender-based misconduct" under these policies and procedures includes sexual assault, sexual harassment, gender-based harassment, stalking, and intimate partner violence. 212-854-1717.

Dean’s Discipline
Complaints against students for other forms of discrimination and harassment are processed in accord with the Student Policies and Procedures on Discrimination and Harassment at: [http://eoaa.columbia.edu/student-policies](http://eoaa.columbia.edu/student-policies) and should be filed with the Dean of the school in which the respondent student is enrolled.

DEFINITIONS

Discrimination
Discrimination is defined as: • 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 impact on protected class members.

Discriminatory Harassment
Discriminatory Harassment is defined as subjecting an individual to humiliating, abusive, or threatening conduct that creates an intimidating, hostile, or abusive work environment; alters the conditions of employment; or unreasonably interferes with an individual’s work performance on the basis of the individual’s membership in a protected class.

Duty to Act
A duty to act is imposed on management and supervisory personnel who are responsible for taking reasonable and necessary action to prevent discrimination and harassment and for responding promptly and thoroughly to any such claims. On learning directly or indirectly of conduct or behavior that might violate University policies, management and supervisory personnel are put on notice to act. They should consult with the EOAA Office or CUHR for assistance on addressing the matter.

Duty to Report
University officers, including Residential Program Staff, Teaching Assistants, and Adjunct Faculty, who learn of an allegation against a student of gender-based misconduct are expected to notify Student Services for Gender Based and Sexual Misconduct. University officers who learn of an allegation against a student of other forms of discrimination or harassment are expected to notify the student’s Dean of Students. University officers who learn of an allegation of discrimination or harassment against a
University employees are expected to notify the EOAA Office. University officers who learn of an allegation of gender-based harassment, sexual harassment or sexual assault involving a minor under the age of 17 are required to notify the EOAA Office and the Department of Public Safety. University officers serving in a privileged professional capacity (counselors, clergy, medical providers, and rape-crisis counselors) are not bound by this expectation, except as required to law.

Protected Class
A Protected Class is defined as a class of persons who are protected under applicable federal, state or local laws against discrimination and harassment on the basis of: race, color, religion, creed, national origin, alienage or citizenship status, gender (including gender identity and expression), sex, pregnancy, age, disability, genetic predisposition 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, arrest record, and/or any other characteristic protected by law.

Retaliation
Retaliation occurs when an employer takes an adverse action against an employee because she or he has engaged in a protected activity such as filing a complaint of discrimination or harassment.

Sexual Assault
Sexual assault is defined as any non-consensual, intentional physical contact of a sexual nature, such as unwelcome physical contact with a person’s genitals, buttocks, or breasts.

Sexual Harassment
Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when: • submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment; or • submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual; or • such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, demeaning, or offensive working environment.

CONSENSUAL ROMANTIC AND SEXUAL RELATIONSHIP POLICY
No faculty member shall have a consensual romantic or sexual relationship with a student over whom he or she exercises academic or professional authority; and no faculty member shall exercise academic or professional authority over any student with whom he or she has or previously has had a consensual romantic or sexual relationship. The policy covers all officers of instruction, research and the libraries, including student officers of instruction and research and teaching assistants.http://eoaa.columbia.edu/consensual-romantic-relationships

DISABILITY ACCOMMODATION
Employees seeking an accommodation for a disability should contact the Return to Work Program/Disability Services at (212) 870-3464 or http://hr.columbia.edu/wac/workplace/accommodations

INDEPENDENT INVESTIGATION
The University, at the discretion of the General Counsel, may conduct an investigation independent of or in addition to the procedures provided here at any time, involving complaints or allegations concerning discrimination or harassment against the University or any of its employees or students.

August 1, 2012