



# | Appendices

## APPENDIX A: Academic Information Systems (AcIS) Computer Usage Policy

Academic Information Systems (AcIS) maintains certain policies with regard to the use and security of its systems and networks. All users of our facilities are expected to be familiar with these policies.

Violations of AcIS policy may lead to the suspension of computer account(s) pending investigation of circumstances. Serious violations of AcIS policy will be referred directly to the appropriate academic or outside authorities. Unauthorized use of University computing facilities may be a criminal offense. The penalties may be as severe as suspension or dismissal from the University and/or criminal prosecution.

### TERMS AND CONDITIONS

1. Unauthorized attempts to gain privileged access or access to any account not belonging to you on any AcIS system are not permitted.
2. Individual accounts may not be transferred to or used by another individual. Sharing passwords is not permitted.
3. Each user is responsible for all matters pertaining to the proper use of their account; this includes choosing safe passwords and ensuring that file protections are set correctly.
4. No AcIS system may be used as a vehicle to gain unauthorized access to other systems.
5. No AcIS system may be used through unauthorized dial-up access.
6. No AcIS system may be used for unethical, illegal, or criminal purposes.
7. Any user who finds a possible security lapse on any AcIS system is obliged to report it to the system administrators. Do not attempt to use the system under these conditions until the system administrator has investigated the problem.
8. Please keep in mind that many people use the AcIS systems for daily work. Obstructing this work by consuming gratuitously large amounts of system resources (disk space, CPU time, print quotas) or by deliberately crashing the machine(s) will not be tolerated. Please cooperate by running large jobs at off-peak hours and by using the "nice" command to lower the priority of CPU-intensive processes.
9. All users should be aware that the system administrators conduct periodic security checks of AcIS systems, including password checks. Any users found to have an easily guessed password will be required to choose a secure password during their next login sequence.
10. Electronic mail on all AcIS systems is as private as we can make it. Attempts to read another person's electronic mail or other protected files will be treated with the utmost seriousness. The system administrators will not read mail or non-world-readable files unless absolutely necessary in the course of their duties and will treat the contents of those files as private information at all times. Undeliverable mail is directed to the system administrators in the form of "headers only" for purposes of assuring reliable e-mail service.
11. Use of the AcIS facilities by outside individuals or organizations requires special permission from AcIS and payment of fees to the University and to the appropriate software vendors where applicable.
12. Use of AcIS systems for commercial uses, except by approved outside organizations, is strictly prohibited. Such prohibited uses include, but are not limited to, development of programs, data processing, or computations for commercial use and preparation and presentation of advertising material.
13. Frivolous, disruptive, or inconsiderate conduct in the computer labs or terminal areas is not permitted.
14. No AcIS system may be used for sending nuisance messages such as chain letters and obscene or harassing messages.
15. No AcIS system may be used for playing computer games.

## APPENDIX B: Policy on Access to Student Records under the Federal Family Educational Rights and Privacy Act (FERPA) of 1974

### GUIDELINES AND STATEMENT OF POLICY

(Comment: While gender-neutral language is employed in these guidelines and statements whenever possible, "he," "him," or "his" occasionally appear. They are used to avoid awkward locutions and are not intended to perpetuate gender stereotypes.)

#### I. SCOPE OF THE ACT.

- (a) General. The Federal Family Educational Rights and Privacy Act of 1974 affords to persons who are currently, or were formerly, in attendance at the University as registered students a right of access to their "educational records" that contain information directly related to such persons. Persons who unsuccessfully applied for admission to the University are not covered by the Act. An unsuccessful applicant for admission to one of the schools or divisions of the University is not considered to be a "student" of that school or division even if the applicant is in attendance at another school or division of the University. The Act also restricts the persons to whom the University may disclose a student's education records without the student's written permission.
- (b) Records Covered. "Educational records" of a student include records, files, documents, and other

materials regularly maintained by the University that contain information directly related to a student and that are maintained in connection with the student's attendance at the University.

There are a number of types of records that are specifically excluded from the scope of the Act. For example, a student is not entitled to examine the following:

- (1) Records maintained personally by faculty members that are not available to others.
- (2) Records that are created or maintained by a physician, psychologist, or other recognized professional or paraprofessional that are created, maintained, or used only in connection with the provision of treatment to the student and are not available to anyone other than persons providing such treatment. Thus, for example, a student does not have the right to inspect records maintained by the University Health Service or the Counseling and Psychological Service. Such records, however, can be personally reviewed by a physician or other appropriate professional of the student's choice.
- (3) Records, such as those that might be maintained by the University's legal counsel, the confidentiality of which is protected by law.
- (4) Records containing financial information

about his or her parents, such as information submitted in connection with an application for financial aid.

#### II. ACCESS RIGHTS OF STUDENTS.

- (a) Procedure. A student may obtain access to his education records by making application to the Information Center of the Office of the Registrar. The University is required to grant the request within 45 days. The Registrar will forward copies of the student's request to the appropriate offices holding the requested files. These offices will contact the student and invite him to inspect them.
- (b) Confidential Letters of Recommendation. In general, a student may have access to confidential letters and statements of recommendation that are part of the student's education records. This right, however, does not apply to such letters and statements placed in the student's education records prior to January 1, 1975, if such letters and statements are not used for purposes other than those for which they were specifically intended. A student may, by signing a written waiver, relinquish his or her right to inspect confidential recommendations placed in the student's education records on or after January 1, 1975, respecting (1) admission to any educational institution;

(2) an application for employment; or (3) the receipt of an honor or honorary recognition.

In no case will any student be required by the University to waive his or her rights to access of confidential recommendations. A student may find it appropriate to do so for a number of reasons. For example, the student may feel that his or her professors will write more candid and helpful letters of recommendation if the letters are not available to the student. A number of schools and departments have waiver forms available. A school or department desiring to formulate a waiver form should consult the General Counsel of the University.

- (c) Copying. A student will ordinarily not be provided with copies of any part of his record other than his transcript, unless the inability to obtain copies would effectively prevent him from exercising his right to inspect and review his education records. In cases where copies will be provided, the department or office of the University maintaining the record in question may impose a charge for making such copies at such uniform rates as it shall determine. Each department or office should establish and make readily available a schedule of such charges. In general, the charges imposed will not exceed \$.10 per page. An exception is the case of transcripts, which are free.
- (d) Other Rights.

- (1) A student also has the right to be provided with a list of the types of educational records maintained by the University that relate to students. The University Registrar has compiled such a list and will, on request, make copies of this list available to any student to assist the student in determining those records to which he or she may want access. Generally, educational records of a student will be maintained by the Office of Registrar, the office of the school or department in which the student is enrolled, and the office of the department of the student's major field of study. In addition, the University Health Service maintains records relating to students who have utilized its facilities. If a student has utilized a placement office at the University, such office may also maintain records relating to the student.
- (2) A student may request that his records be amended to eliminate any information contained therein that he believes is inaccurate, misleading, or violates his privacy or other rights.
- (3) If the University decides to refuse to amend a student's records, he or she is entitled to a hearing to challenge the content of his or her educational records in order to insure that the records are not inaccurate, misleading, or otherwise in violation of his or her privacy or other rights. Normally, an informal hearing will suffice with an officer of the University who has authority to make changes in a student's records. If a student is dissatisfied with the results of such a hearing, the student should be referred to the General Counsel of the University.
- (4) If, after a hearing, the University decides that the student's records are not inaccurate, are

misleading, or are otherwise in violation of his or her privacy or other rights, the student has the right to place in his or her records a statement commenting upon the information and/or setting forth any reasons for disagreeing with the decision of the University.

### III. ACCESS BY OR RELEASE TO OTHERS.

(a) General. The University will not generally permit access to, or release of, educational records or personally identifiable information contained therein to any party without the written consent of the student. The University may, however, as provided in the Act, release such data to certain persons including:

- (1) Officials of the University who have a legitimate educational interest in obtaining access to the records. Such access will be granted to officers of the University who are determined by the custodian of the records to require access for a purpose that is directly related to and in furtherance of the educational program at the University or the student's participation therein.
  - (2) Persons who require access in connection with the student's application for, or receipt of, financial aid.
  - (3) Parents of a student, provided the student is a "dependent" of the parents for federal income tax purposes. In general, the University does not make education records available to a student's parents, although it is the policy of some schools within the University to advise such parents of the student's grades. Where the University believes that it is in a dependent student's interest, information from the student's educational records may be released to the parents of such a dependent student.
  - (4) The University may release such information in compliance with a judicial order or pursuant to any lawfully issued subpoena. Before any information is so released the University will first notify the student at the student's most recent address as shown in the records maintained by the Office of the Registrar.
  - (5) In connection with an emergency, the University may release information from educational records to appropriate persons if the knowledge of such information is necessary to protect the health or safety of a student or other persons.
- (b) Release with the Student's Consent. Upon written consent or request by a student, the University will release information from the student's educational records to third parties. The student should make a request for such release to the department or office having custody of the record involved. The University may impose a charge for copying a student's records in connection with such release.
- (c) Transfer of Information to Third Parties. It shall be a condition of the release by the University of any personal information on a student to a third party that the party to which the information is released will not permit any other party to have access to such information without the written consent of the student. An institution to which

such information is released may permit its officers, employees, and agents to use such information but only for the purposes for which the disclosure was made.

- (d) Directory Information. The University may release "directory information" with respect to a student without the student's consent. The University is required to give notice of the categories of information that it will treat as "directory information." Accordingly, the University hereby gives notice that it has designated the following categories of information as directory information with respect to each student: name, local and permanent address, telephone listing; date and place of birth; major field of study; participation in officially recognized activities and sports; weight and height of members in athletic teams; dates of attendance at Columbia and school, department, or institute attended; degrees conferred, awards received, and their dates; and other educational institutions attended.

A student in attendance at the University who does not want to have directory information relating to himself or herself released should inquire at the Office of the Registrar as to the procedures to be followed. It is important to note that such requests must be made within the first 90 days of any term.

### IV. GENERAL.

- (a) Students will be notified of their rights by distribution of these Guidelines at the time of registration. Copies of the *Guidelines and Statement of Policy* and of the Federal Family Educational Rights and Privacy Act and the regulations thereunder are available at the Office of the Registrar.
- (b) Each office of the University that maintains educational records should keep with each student's file a permanent record of all parties who have requested access to the student's records, other than custodians of such files. University officials normally dealing with such files in performance of their duties. University officials who have been determined to have a legitimate educational interest in obtaining access to the records, parents of a "dependent" student, parties who have received "directory information," and parties who have received records or information pursuant to the student's written consent. Such records of access should indicate specifically the legitimate interest that each such party had in obtaining access to the student's records and whether or not the request was granted. A student may inspect such records relating to his education records.
- (c) Questions about the interpretation of the Guidelines should be referred to the University's General Counsel.
- (d) Complaints regarding violations of a student's rights under the Act may be filed with:  
The Family Policy Compliance Office  
U.S. Department of Education  
600 Independence Avenue SW  
Washington, D.C. 20202-4605  
(202) 260-3887  
Fax: (202) 260-9001

## APPENDIX C: University Regulations

According to University regulations, each person whose registration has been completed will be considered a student of the University during the term for which he or she is registered unless the student's connection with the University is officially severed by withdrawal or otherwise. No student registered in any school or college of the University shall at the same time be registered in any other school or college, either of Columbia University or of any other institution, without the specific authorization of the dean or director of the school or college of the University in which he or she is first registered.

The privileges of the University are not available to any student until he or she has completed registration. A student who is not officially registered for a University course may not attend the course unless granted auditing privileges. No student may register after the stated period unless he or she obtains the written consent of the appropriate dean or director.

The University reserves the right to withhold the privilege of registration or any other University privilege from any person with an unpaid debt to the University.

### ATTENDANCE AND LENGTH OF RESIDENCE

The minimum residence requirement for each Columbia degree is 30 points of course work completed at Columbia University.

Students are held accountable for absences incurred owing to late enrollment.

A student in good standing may, for a valid reason, be granted a leave of absence by the Dean of the School.

### RELIGIOUS HOLIDAYS

It is the policy of the University to respect its members' religious beliefs. In compliance with New York State law, each student who is absent from school because of his or her religious beliefs will be given an equivalent opportunity to register for classes or make up any examination, study, or work requirements that he or she may have missed because of such absence on any particular day or days. No student will be penalized for absence due to religious beliefs, and alternative means will be sought for satisfying the academic requirements involved.

Officers of administration and of instruction responsible for scheduling of academic activities or essential services are expected to avoid conflict with religious holidays as much as possible. If a suitable arrangement cannot be worked out between the student and the instructor involved, they should consult the appropriate dean or director. If an additional appeal is needed, it may be taken to the Provost.

### HAZARDOUS ACTIVITY IN CONNECTION WITH INITIATIONS AND AFFILIATIONS

In accordance with Chapter 676 of the Laws of 1980 of the State of New York, the following rules and regulations supplement existing University rules and regulations for the maintenance of public order on University campuses and other University property used for educational purposes:

1. Any action or situation which recklessly or intentionally endangers mental or physical health or involves the forced consumption of liquor or drugs for the purpose of initiation into or affiliation with any organization is prohibited.
2. Any person who engages in conduct prohibited by the foregoing paragraph shall be subject to ejection from University campuses and property and, in the case of a student or faculty violator, to suspension, expulsion, or other appropriate disciplinary action by the Dean or other University officer having jurisdiction. Any organization that authorizes such conduct may be subject to rescission of its permission to operate on University campuses or property.
3. A copy of these rules and regulations shall be given to all students enrolled in the University and shall be deemed to be part of the bylaws of all organizations operating on the University's campuses. Each such organization shall review annually such bylaws with individuals affiliated with such organization.
4. These rules and regulations are applicable to all students, faculty, and other staff as well as visitors and other licensees and invitees on University campuses and properties.

### UNIVERSITY POLICY ON POSSESSION OF FIREARMS ON CAMPUS

University policy and state law, New York Penal Law Section 265.01(3), prohibits possession of firearms on campus without the University's written authorization.

### STUDENT DISCIPLINE

Students may continue at the University, receive academic credits, graduate, and obtain degrees subject to the disciplinary powers of the University. The Trustees of the University have delegated responsibility for student discipline to the Deans of the individual schools or divisions, and their administration of student discipline is known as Dean's Discipline.

Students should be aware that academic dishonesty (for example, plagiarism, cheating on an examination, or dishonesty in dealing with a faculty member or other University official) or the threat of violence or harassment are particularly serious offenses that will be dealt with severely under Dean's Discipline.

### ACADEMIC DISCIPLINE

In addition to Dean's Discipline, each school or division of the University has established standards of academic progress and requirements for remaining in academic good standing. Progress and standing are monitored by the Dean's Office of the respective school or division. For further information about academic standards and requirements students should consult the bulletin of the school or division in which they are enrolled.

The continuance of each student upon the rolls of the University, the receipt of academic credits, graduation, and the conferring of any degree or the granting of any certificate are strictly subject to the disciplinary powers of the University.

## RULES OF UNIVERSITY CONDUCT

### Chapter XLI of the Statutes of Columbia University

The Rules of University Conduct (Chapter XLI of the Statutes of the University) provide special disciplinary rules applicable to demonstrations, rallies, picketing, and the circulation of petitions. These rules are designed to protect the rights of free expression through peaceful demonstration while at the same time ensuring the proper functioning of the University and the protection of the rights of those who may be affected by such demonstrations.

The Rules of University Conduct are University-wide and supersede all other rules of any school or division. Minor violations of the Rules of Conduct are referred to the normal disciplinary procedures of each school or division ("Dean's Discipline"). A student who is charged with a serious violation of the Rules has the option of choosing Dean's Discipline or a more formal procedure provided in the Rules.

All University faculty, students, and staff are responsible for compliance with the Rules of University Conduct. The text of the Rules of University Conduct is reproduced below.

### §410. Demonstrations, Rallies and Picketing.

Demonstrations, rallies, picketing, and the circulation of petitions have an important place in the life of a university. They are means by which protests may be registered and attention drawn to new directions possible in the evolution of the University community. But in order to protect the rights of all members of the University community and to ensure the proper functioning of the University as an institution of teaching and research, it is necessary to impose reasonable restraints on the place and manner in which picketing and other demonstrations are conducted and on activities of counter demonstrators or self-appointed vigilantes. This is the intention of the Rules of University Conduct: to protect the concurrent rights of both the University community as a whole and demonstrators.

While the University as a private institution is not subject to the Constitutional provisions on free speech and due process of law, the University by its nature is dedicated to the free expression of ideas and to evenhanded and fair dealing with all with whom it conducts its affairs. The Rules of University Conduct are thus enacted by the University to provide as a matter of University policy the maximum freedom of expression consistent with the rights of others and a fair and speedy hearing to any person charged with a violation of these Rules.

A violation of these Rules is an offense against the entire University community. However, such violations are not here considered as crimes, and University disciplines should not carry the same stigma as a criminal conviction. All members of the University community are assumed to be innocent until proven guilty of a violation of the Rules. The University shall publicize the existence of the Rules and make them readily available to persons who may be affected by them. Such persons are responsible for being aware of all provisions contained in the Rules.

## §411. Definitions.

Terms used in this Chapter XLI shall have the following meanings: (Comment: While gender-neutral language is employed in these Rules whenever possible, “he,” “him,” or “his” occasionally appear. They are used to avoid awkward locutions and are not intended to perpetuate gender stereotypes.)

- a. University means Columbia University in the City of New York.
- b. University facility means that place where a University function occurs.
- c. University function means any charter or statutory operation or activity of the University, including instruction, research, study, administration, habitation, social life, space allocation and control, food supply, and other functions directly related thereto. Specifically included are both functions of fixed-time duration (e.g., classes, examinations, lectures, etc.) and functions of continuing duration (e.g., the operation of libraries, research laboratories, maintenance shops, computers, business offices, etc.). Also included are functions ancillary to directly educational purposes such as meetings, disciplinary proceedings, and athletic and social events sponsored by any University-approved organization.
- d. Deans mean persons appointed by the President, and approved by the Trustees, either as Dean, Acting Dean, or Director of one of the divisions or schools of the Columbia Corporation or such staff persons as they may assign to administer disciplinary affairs.
- e. Delegates. A “Presidential delegate” is appointed by the President, and a “divisional delegate” is appointed by the Dean or Director of a division or school. Delegates have principal authority for the enforcement of these Rules. They shall warn individuals and groups whose actions may violate these Rules and may declare their belief that the demonstration is illegal under Sections 413a (18), (19), and (20). They shall, when facts known to them or brought to their attention warrant, file a complaint with the Rules Administrator against alleged violators.
- f. Dean’s Discipline means in the case of students the normal disciplinary procedure of a school or division that would ordinarily apply but for these Rules; in the case of faculty and staff, Dean’s Discipline means the normal disciplinary procedure that would ordinarily apply but for these Rules.
- g. Day means a calendar day, regardless of whether the University is in academic session except for purposes of the appeal procedures set forth in §418. Whenever any time limit expires on a non-working day, it shall be extended to the next working day.
- h. Students mean any persons registered in any division of the University, whether for courses or research, and whether or not they are candidates for a degree or certificate. It also includes persons who are on leave or suspended or continuing matriculants for any degree or certificate. It includes persons registered during any preceding terms and who have not since that time earned the degree or certificate or withdrawn from the University.
- i. Faculty means officers of instruction or research appointed to any division, school, or other department of the University, including officers on leave.

- j. Staff means members of the administration, administrative staff, research staff, library staff, or supporting staff.
- k. Violation means the commission of an act proscribed by these Rules. However, inadvertent or accidental behavior shall not be considered to be the substance of a violation.
- l. Sanctions comprise the following penalties for violation of these Rules:
  - (1) Disciplinary Warning. A disciplinary warning states that future violations will be treated more seriously. It in no way limits consideration for, or receipt of, financial aid or compensation for which the individual may be eligible. The period of warning shall be for not less than the remainder of the term in which the warning occurs nor for more than three regular terms, including the term in which the warning occurs. Upon notification by the proper authority, there shall be entered on the individual’s transcript or personal record the notation: “Disciplinary Warning, from (date) to (date).” This notation is removed when the disciplinary warning has been terminated.
  - (2) Censure. In addition to the provisions listed under disciplinary warning, censure remains on students’ records until completion of the degree or certificate for which they are candidates. For faculty and staff this notation remains on the record for a maximum of four years. It in no way limits consideration for, or receipt of, financial aid or compensation for which the individual may be eligible. Subsequent conviction for a simple offense requires suspension for a semester or dismissal from the University; subsequent conviction for a serious offense requires dismissal from the University.
  - (3) Suspension. Individuals who have been suspended are not permitted to continue their association with the University or reside in one of the University residence halls during the period of suspension, nor may they receive a leave of absence of any kind. The period of suspension shall be for not less than one regular term nor for more than three regular terms, not counting the Summer Session, but including the term in which the suspension occurs. The period of suspension shall be determined by the Hearing Officer; it may not be adjusted except under the appellate procedures set forth in these Rules or by an act of presidential clemency. Upon notification by the proper authority, there shall be entered on the individual’s record the notation: “Suspended, from (date) to (date).” Upon termination of the period of suspension, the individual may apply for reinstatement. The notation on the record is permanent.
  - (4) Dismissal. Unlike suspension, when an individual is dismissed, no time period is specified, nor is reinstatement anticipated, but in no case shall reinstatement occur less than one year after the imposition of the sanction except by act of Presidential clemency. Upon notification by the proper authority, there shall be entered on the individual’s record the notation: “Dismissed, (date).” Should the individual be subsequently readmitted or reemployed, upon notification from the proper authority, there shall be entered on the individual’s record the

notation: “Readmitted or reemployed (date).”

The notations on the record are permanent.

- m. Respondent means a person against whom a charge for violation of these Rules has been filed.
- n. Rules Administrator means the Rules Administrator appointed under §415b.
- o. Hearing Officer means a Hearing Officer appointed under §415d.
- p. University Judicial Board means the appellate review board appointed under §415e.

## §412. Jurisdiction.

The Rules of University Conduct shall apply to all members of the University community: administrators, administrative staff, research staff, library staff, supporting staff, faculty, and students. Also visitors, licensees, and invitees on a University facility shall be subject to the Rules of University Conduct. Violations by such persons may result in the revocation of their invitation or license to be on a University facility and their subsequent ejection.

The Rules of University Conduct apply to any demonstration, including a rally or picketing, that takes place on or at a University facility. Such facilities include, but are not limited to, all University campuses, research laboratories, maintenance shops, business offices, athletic fields, dormitories, classrooms, and meeting halls. The Rules of University Conduct do not apply to participation in a demonstration, including a rally or picketing, by full-time employees of the University represented by a collective bargaining agent, where the demonstration arises in the course of or is incident to a labor dispute involving the University.

## §413. Violations and Sanctions.

- a. Violations. A person is in violation of these Rules when such person individually or with a group, incident to a demonstration, including a rally or picketing:
  - (1) (simple violation) engages in conduct that places another in danger of bodily harm;
  - (2) (serious violation) causes or clearly attempts to cause physical injury to another person;
  - (3) (simple) uses words that threaten bodily harm in a situation where there is clear and present danger of such bodily harm;
  - (4) (serious) uses words in a situation of clear and present danger that actually incite others to behavior that would violate Sections 413a (2) or (6);
  - (5) (simple) causes minor property damage or loss, or endangers property on a University facility;
  - (6) (serious) misappropriates, damages, or destroys books or scholarly material or any other property belonging to the University, or to another party, when that property is in or on a University facility, and by such action causes or threatens substantial educational, administrative, or financial loss;
  - (7) (simple) interferes over a very short period of time with entrance to, exit from, passage within, or use of, a University facility but does not substantially disrupt any University function;
  - (8) (serious) continues for more than a very short period of time to physically prevent, or clearly attempt to prevent, passage within, or unimpeded use of, a University facility, and thereby interferes with the normal conduct of a University function;

- (9) (serious) enters or remains in a University facility without authorization at a time after the facility has been declared closed by the University; (Comment: The University shall make all reasonable attempts to publicize this declaration to the fullest extent possible.)
- (10) (simple) enters a private office without authorization;
- (11) (serious) holds or occupies a private office for his own purposes; (Comment: Persons may not enter a private office unless invited and then not in excess of the number designated or invited by the occupant. Anyone so entering must leave on request of a recognized occupant of such office or on request of another authorized person. Passage through reception areas leading to private offices must not be obstructed. Clear and unimpeded passageway through lobbies, corridors, and stairways must be maintained at all times. For this purpose, the delegate may advise demonstrators as to the permissible number of participants in such restricted areas and regulate the location of such participants. Persons may use rooms in which instruction, research, or study normally take place only when such rooms are assigned to them through established University procedures.)
- (12) (simple) causes a noise that substantially hinders others in their normal academic activities;
- (13) (simple) briefly interrupts a University function;
- (14) (serious) disrupts a University function or renders its continuation impossible;
- (15) (serious) illicitly uses, or attempts to use, or makes threats with a firearm, explosive, dangerous or noxious chemical, or other dangerous instrument or weapon;
- (16) (serious) fails to self-identify when requested to do so by a properly identified delegate;
- (17) (serious) prevents a properly identified delegate from the discharge of his official responsibilities under these Rules, except through a mere refusal to self-identify;
- (18) (simple) fails to obey the reasonable orders of a properly identified delegate regulating the location of demonstrators or others within the vicinity of a demonstration to assure unimpeded access to or use of a facility or to avoid physical conflict between demonstrators and others; (Comment: This regulation gives the delegate authority to regulate assemblies. The check against abuse of such authority is provided by the test of reasonableness imposed by the Hearing Officer in such disciplinary proceedings as may result from noncompliance. Should a delegate in the exercise of discretion fail to disperse an assembly in which some or all of the participants are violating or have violated the Rules, this should in no way be construed as excusing the violators, who remain liable for their acts under these Rules.)
- (19) (simple) fails to disperse from an assembly upon order of a properly identified delegate when such order results from repeated or continuing violations of these Rules by members of the assembly and the delegate has by

- verbal directions made reasonable effort to secure compliance before ordering dispersal;
  - (20) (serious) fails to disperse from an assembly upon order of a properly identified delegate when such order results from serious violations of these Rules by members of the assembly and the delegate so states in his order to disperse;
  - (21) (simple) aids and abets others or other groups in a simple violation of these Rules;
  - (22) (serious) aids and abets others or other groups in a serious violation of these Rules.
- b. Reserve Clause. Disciplinary matters not specifically enumerated in these Rules are reserved in the case of students to the Deans of their schools or their delegated authorities and to the regulations and mechanisms they have established, and in the case of faculty and staff to the President of the University or his delegated authority and to the regulations and mechanisms that have been established to deal with such matters.
- c. Sanctions.
- (1) A respondent who is found guilty of a simple violation of these Rules shall be sanctioned by: Disciplinary Warning or Censure. Censure is the most severe penalty that may be imposed for a simple violation.
    - (a) For repeated violations of a simple nature, or for a simple violation by a respondent already on Disciplinary Warning, the respondent shall be subject to Censure or Suspension; if already under Censure, the respondent shall be subject to Suspension. In especially extreme cases, Dismissal may be imposed.
  - (2) A respondent who is found guilty of a serious violation of these Rules shall be sanctioned by Censure, Suspension, or Dismissal.

#### §414. Enforcement.

- a. Summoning a Delegate. Should any member of the University community believe that participants in an assembly or other demonstration are violating the Rules of University Conduct, he or she should notify the appropriate delegate(s) by calling the Security Office. The delegates shall proceed to the site of the demonstration and gather information for possible transmission to the Rules Administrator. This includes the identities of any participants who the delegate feels are violating the Rules and the facts surrounding the demonstration.
- b. Warning and Advice. Properly identified delegates shall warn those parties whose actions they consider to be in violation of these Rules. However, a member of the University community may be charged with a violation of these Rules even if no prior warning has been given or perceived. The Hearing Officer (or Dean or other person conducting the proceedings in the case of Dean's Discipline) shall in either case determine whether the actions of the accused were in violation of these Rules.
- c. Creating Separate Areas for Demonstrations Believed to Be in Violation of These Rules and for Permissible Demonstrations/Observation. Delegates believing that an assembly or other demonstration is violating Sections 413a(7), (8), (9), or (14) of these Rules should, to the extent practicable in their sole judgment, immediately make all reasonable efforts to create separate areas for demonstrators whose actions are believed to

violate the Rules and for those wishing to demonstrate permissibly or to observe. There should be a reasonable distance between these areas, with a presumption in favor of allowing unobstructed view and observation, and they should be graphically delineated without creating barriers, to the extent feasible. Failure by a delegate to create these areas shall not excuse a violation of these Rules.

- d. Distribution of a Flier Conveying Pertinent Information to Demonstrators and Observers. Whenever an assembly or other demonstration believed to be in violation of these Rules continues for more than a very short period of time, the Presidential delegate shall consider preparing a flier for distribution to persons in the area of the demonstration. The flier should repeat any previous warning by a delegate concerning the violation or violations of these Rules that are believed to be taking place, describe the location of any areas cordoned off under Section 414c, and identify the locations where full copies of these Rules are available. Failure by the Presidential delegate to prepare and distribute such a flier shall not excuse a violation of these Rules.
- e. Self-identifying. A properly identified delegate may request individuals believed to be violating these Rules to identify themselves through production of their University ID cards. Their cards will be returned immediately after the delegate has recorded the individual's name and ID number. Members of the University community who do not self-identify may be charged with serious violation of these Rules under Section 413a(16).
- f. Treatment of Outsiders. In accordance with the jurisdiction of these Rules (Section 412), any visitor, licensee, or invitee whom the delegate determines is violating these Rules, and who does not comply with the delegate's warning and advice, may be ejected from a University facility without regard to the procedures set forth in Sections 416-418 herein.
- g. Delegates also have a responsibility to protect the rights of lawful demonstrators. Counterdemonstrators or vigilantes may be warned by delegates if they consider their actions to be in violation of the Rules. The same procedure of information gathering shall be initiated by delegates for all suspected violators. Members of the University community should not take enforcement of these Rules into their own hands, since such action may result in violations of these Rules.
- h. If the President, upon consultation with a majority of a panel established by the Executive Committee of the University Senate, decides that a demonstration poses a clear and present danger to persons, property, or the substantial functioning of any division of the University, he shall take all necessary steps to secure the cooperation of external authority to bring about the end of the disruption. The President shall make public his decision to the fullest extent possible as soon as it is feasible. Nothing in the above shall be construed to limit the President's emergency authority to protect persons or property.

#### §415. Administrative and Judicial Personnel.

- a. The Delegate.
  - (1) The Dean or Director of each division or school shall appoint one or more divisional delegates.

- (2) Divisional delegates may be called upon to enforce these Rules by anyone subject to them; or they may proceed to enforce them on their own initiative.
  - (3) Whenever feasible, a divisional delegate is obliged, upon the request of another delegate, to assist that delegate.
  - (4) There shall be one or more Presidential delegates who shall have the powers and responsibilities of divisional delegates but who shall, in addition, be kept informed of all actions and charges undertaken by the divisional delegates.
- b. Rules Administrator. The Rules Administrator, whose office shall be in the University Senate offices, shall have primary responsibility for the administration of these Rules. He shall maintain and have custody of the records of proceedings under these Rules; shall prepare and serve notices and other documents required under these Rules; shall accept and investigate complaints, file charges, organize informal settlements, and present evidence in support of charges to the Hearing Officer. The Rules Administrator shall be appointed by the President after consultation with the Executive Committee of the University Senate and shall serve at the pleasure of the President. The Rules Administrator may appoint one or more assistant administrators, who may act in his stead. Persons otherwise concerned with the disciplinary procedures of a particular school or division may not be appointed as the Rules Administrator or an assistant administrator.
- c. Deans and Supervisors. The dean of a school or division or the dean's designee shall hear all charges of simple violations of these Rules brought against students of that school or division, applying the substantive law of these Rules (including sanctions) in accordance with the procedure for Dean's Discipline of the school or division. Charges of simple violations of these Rules brought against faculty and staff shall be heard by the respondent's supervisor or other person who would normally conduct disciplinary proceeding against the respondent but for these Rules, applying the substantive law of these Rules (including sanctions) in accordance with the procedure of the Dean's Discipline applicable to the respondent.
- d. Hearing Officer. The Executive Committee of the University Senate shall at its first meeting each year appoint or fill vacancies in a panel of not less than three Hearing Officers, each of whom shall serve for a term of two years. It shall also designate the order in which persons on the panel shall serve as Hearing Officers. A Hearing Officer shall conduct hearings on charges of a serious violation of these Rules. Hearing Officers shall be lawyers appointed from without the University and shall be chosen for their professional competence and experience in the conduct of hearings. A person with a full- or part-time affiliation with the University as faculty, student, or staff shall be considered from within the University for the purposes of these Rules; a person whose only direct affiliation is as an alumnus shall be considered from without the University. The Executive Committee of the University Senate may appoint additional persons to the panel of Hearing Officers should the need arise. Persons otherwise concerned with disciplinary procedures may not be appointed as Hearing Officers.

- e. University Judicial Board. The Executive Committee of the University Senate shall at its first meeting each year appoint or fill vacancies in a University Judicial Board consisting of five members, one of whom shall be a student, one of whom shall be a faculty member, and one of whom shall be from administration, administrative staff, research staff, or library staff. The Executive Committee shall designate the Chairman of the Board and shall make appointments to the Board, which shall ordinarily be for a term of three years, so as to provide for staggered terms to ensure continuity in the Board. The members of the University Judicial Board shall be persons from within the University, and no person otherwise concerned with disciplinary procedures may be appointed to the Board.

### §416. Pre-Hearing Procedures.

- a. Filing Complaints. Any member of the University who believes a violation of the Rules has been committed may file a written complaint with the Rules Administrator. The complaint shall state with particularity the person(s) involved, the nature of the offense, and the circumstances under which the offense may have been committed.
- b. Investigation of Complaints. Upon receipt of a complaint, the Rules Administrator, after such investigation as he deems advisable, shall determine whether there is reasonable cause to believe an offense has been committed. The Administrator may interview any person, including a prospective respondent.
- c. Complaints Dismissed. If the Rules Administrator determines that there is no reasonable cause to believe an offense has been committed, he shall so inform the complainant.
- d. Informal Settlements; Charges Filed. If the Rules Administrator determines that there is reasonable cause to believe an offense has been committed, such Administrator shall interview the prospective respondent(s). The Rules Administrator shall notify the respondent(s), during the interview, of the substance of the charges that may be filed. On the basis of the complaint investigation and the interview, the Rules Administrator shall:
- (1) attempt an informal settlement of the matter with the respondent(s), either alone or in conjunction with the Dean(s) of such respondent(s) division(s); with the written consent of the respondent, the Rules Administrator may accept an admission of guilt of a simple or a serious violation and impose the sanction the Rules Administrator deems appropriate, without the necessity of formally filing charges; or
  - (2) prepare charges for filing. The charges shall be in writing, stating with particularity the offense alleged, and shall charge one or more simple violations or one or more serious violations; the charges may not include both simple and serious violations against any one respondent based on the same conduct (similar conduct occurring at clearly different times is not considered "same conduct"); in case of serious violation, the charges shall state the witnesses likely to be called in support of the charges. The Rules Administrator may file charges against a prospective respondent who has attempted and failed to achieve informal settlement with the appropriate dean or with the Rules Administrator.

- e. Duties of the Rules Administrator after Deciding to Prepare Charges. Promptly after deciding to prepare charges of a violation of the Rules, the Rules Administrator shall either:
- (1) In the case of charges of a simple violation (subject to §416h), file the charges with the respondent's dean or supervisor (or other person referred to in §415c), as the case may be, sending a copy by hand delivery to the respondent's campus address or by hand delivery or regular mail if the respondent has an off-campus address; or
  - (2) in the case of charges of a serious violation,
    - i. notify the Hearing Officer next available to serve in the order designated by the Senate Executive Committee as provided in §415d.
    - ii. in consultation with the Hearing Officer, set a time and place for a hearing. The hearing may not be held less than 10 days after notice is given to the respondent.
    - iii. file the charges with the Hearing Officer.
    - iv. give notice to the respondent(s) by hand delivery or by registered mail. Notice shall be considered given when delivered or, if mailed, five days after being deposited in the mail. The notice shall include:
      - A. a copy of the charge;
      - B. the name of the Hearing Officer;
      - C. the time and place of the hearing;
      - D. a copy of these Rules; and
      - E. any other information the Rules Administrator thinks relevant.
- f. Procedural Motions Prior to the Hearing on Charges of a Serious Violation. Not less than five days prior to the hearing, the Rules Administrator and the respondent may each file with the Hearing Officer, in writing and stating the reasons therefor, the following procedural motions:
- (1) motion to postpone the hearing;
  - (2) motion to consolidate this hearing with that of another respondent;
  - (3) motion to sever this hearing from that of another respondent;
  - (4) motion to dismiss the charges.
- The Hearing Officer shall decide whether to grant a motion set forth in (1)–(4) above and shall communicate this decision to the Administrator and to the respondent. Not less than two days prior to the hearing, the respondent may file with the Hearing Officer a request for a closed hearing. The Hearing Officer shall automatically grant such a request. The Hearing Officer may in his discretion receive and rule upon other pre-hearing motions.
- g. Respondent's Right to an Adviser. A respondent may be assisted in his or her defense of charges of a serious violation by an adviser of his or her choice from within or without the University; the adviser may be a lawyer. In the case of charges of a simple violation, the respondent may be assisted by an adviser only to the extent provided under the procedure of the relevant Dean's Discipline.
- h. Procedure for Charges of a Simple Violation by a Respondent under Censure. Charges of a simple violation brought against a respondent for conduct while under Censure (where a finding of guilty requires the sanction of suspension) shall not be heard under Dean's Discipline but shall be filed with a Hearing Officer and treated for all procedural purposes as if they were charges of a serious violation. If a respondent is found guilty

of a simple violation under Dean's Discipline for conduct not while under Censure, only the sanction of Disciplinary Warning or Censure may be imposed; any prior discipline for an offense not related to these Rules shall not be taken into account. Multiple charges of simple violations against a respondent for conduct while not under Censure shall be heard under Dean's Discipline as herein provided, and the dean or other person imposing a sanction after one or more findings of guilty may impose only the sanction of Disciplinary Warning or Censure.

- i. Interview of a Respondent under Dean's Discipline. Notwithstanding anything to the contrary in the procedures of the Dean's Discipline applicable to a particular respondent, in the case of charges of a simple violation of these Rules to be heard under Dean's Discipline, the dean or other person conducting the proceedings shall schedule an interview with the respondent, such scheduling to occur within 48 hours of the filing of the charges by the Rules Administrator. At the interview the respondent shall be informed of the evidence against him or her and shall have the opportunity to be heard in his or her defense. Failure to attend the interview unless excused for cause may be taken into account in considering the charges against the respondent.

#### **§417. The Hearing on Charges of a Serious Violation.**

- a. Presentation by the Rules Administrator. The Rules Administrator, who may be assisted by a lawyer from within or without the University, shall produce all evidence and call all witnesses in support of the charges. The respondent and his adviser may examine any evidence and cross-examine any witness.
- b. Presentation by the Respondent. Following presentation by the Rules Administrator, the respondent and his adviser may produce evidence and call witnesses in his defense. The Rules Administrator may examine any evidence and cross-examine any witness.
- c. Role of the Hearing Officer. The Hearing Officer shall have broad discretion in the conduct of the pre-hearing procedures and the hearing, subject only to the express provisions of these Rules and to the principle that these Rules are intended to provide to the respondent a speedy and a fair hearing. The Hearing Officer will normally rely primarily on the Rules Administrator and the respondent and his adviser to present the case for and against the charges, but the Hearing Officer on his motion may call and examine witnesses and invite the submission of additional evidence.
- d. Record of the Hearing. The Hearing Officer shall provide for a verbatim record of the hearing, which may be by court reporter, tape recording, or such other means as the Hearing Officer shall determine. Unless the hearing has been closed at the request of the respondent, the verbatim record of the hearing shall be a public record.
- e. Open Hearing. Unless a closed hearing is requested by the respondent, the hearing shall be open to members of the University community and to the University news media, except that the Hearing Officer may impose reasonable limits on the number of persons admitted, may exclude witnesses from attendance at the hearing, and may close the

hearing as provided in §417g if it is disrupted by disorderly behavior of the participants or spectators.

- f. Attendance of Witnesses; Testimony by Respondent. Members of the University community subject to these Rules are compelled, under penalty of disciplinary action under these Rules, to appear as witnesses if summoned by the Hearing Officer.

Failure to appear shall constitute a simple violation, provided there is proof of notice. The respondent is compelled to attend the hearing under penalty of suspension. He may be a witness only if he freely consents to be; failure to testify may not be weighed against him; however, failure to answer any question on the part of a respondent who agrees to testify may be weighed against him.

- g. Contempt Procedures; Disruptions. The Hearing Officer may find a person in contempt of the Rules who fails to obey a proper order of the Hearing Officer during the hearing. If any person present at a hearing continues seriously to interfere with or substantially disrupt the orderly functioning of the hearing, after being given proper warning by the Hearing Officer, the Hearing Officer may find the person in contempt of the Rules. The Hearing Officer may hear and decide cases of contempt by summary proceedings during the hearing.

If the person found in contempt is a respondent, he shall be subject to either Disciplinary Warning or Censure and shall be warned that any further contempt, including further disruption, will lead to his Suspension. The penalty for being twice found in contempt shall be Suspension, in accordance with Section 411.l(3) of these Rules.

If the person found in contempt is not a respondent, he shall be subject to either Disciplinary Warning or Censure and shall be asked to leave the hearing. The Hearing Officer will warn the party that if he does not leave he will be suspended. Failure to leave at this time shall mandate a suspension in accordance with Section 411.l(3) of these Rules. If a disruption occurs, the Hearing Officer may:

- (1) order a recess and reconvene;
- (2) reconvene at an alternate place;
- (3) reconvene and limit the number of spectators;
- (4) reconvene and exclude designated spectator participants in the prior disorder;
- (5) reconvene in a closed hearing, provided that members of the University news media shall be excluded only on request of the respondent, save when an individual reporter acts obstreperously, in which case the Hearing Officer may admit a replacement for him.

- h. Respondent's Right to Elect Alternate Procedures in the Case of Charges of a Serious Violation. At any time up to the day of the hearing, student respondents may elect Dean's Discipline in lieu of these Rules; faculty and staff respondents may elect the disciplinary procedures to which they would ordinarily be subject but for these Rules. A respondent who has once elected the alternate procedure shall not thereafter be subject to these Rules with respect to the violations with which he was charged.

- i. Status of Respondent during Proceedings. Any respondent granted a leave of absence during the pendency of proceedings shall not, on that account, be granted a postponement or deferment. If, however, a respondent, having been notified of charges brought against him, voluntarily withdraws

from the University permanently or indefinitely, the charges shall be dropped and proceedings shall be terminated. Upon any subsequent application for readmission to the University by a respondent who has withdrawn under such circumstances, the dean shall decide whether the applicant shall be subject to further discipline as a requirement for readmission.

Whether degrees or certificates shall be withheld from candidates charged with violations of these Rules pending hearings is a matter of administrative discretion to be exercised by the appropriate dean. The decision should take into account the seriousness of the charge, the degree of punishment likely to be given, and the extent to which the plans of the respondent will be disrupted.

A student's transcript shall not be withheld during the pendency of hearings, but the transcript shall be issued with a notation thereon of the pendency of the hearing and the possibility of sanctions if the respondent is found guilty of a violation of the Rules. The requirement of the notation may be waived in the discretion of the appropriate dean.

If the respondent is charged with a violation of these Rules and criminal or civil charges are brought against the respondent for the same occurrence as the result of police action or civil proceedings, the University may proceed with disciplinary action, with the understanding that the respondent's response to the criminal charge shall take precedence should a conflict in hearing times occur.

- j. Conduct of Hearings after the End of an Academic Term. Except for the appeal procedures set forth in §418, the processes of these Rules shall go forward notwithstanding the end of an academic term. The University shall provide housing free of charge for up to seven days to all student respondents who remain at the University to participate in a hearing on charges against them after their room contracts with the University expire; the Hearing Officer in his discretion may extend the University's obligation to house respondents free of charge. The Hearing Officer in his discretion may excuse any student respondent from attendance at a consolidated hearing on a showing of hardship, provided the respondent agrees to be bound by the Hearing Officer's decision made on the basis of the consolidated hearing conducted during the respondent's absence.

- k. Decision of the Hearing Officer. The Hearing Officer promptly after the conclusion of the hearing shall prepare and send to the Rules Administrator and the respondent and such respondent's adviser, by hand delivery or registered mail, a written decision with an explanation of the reasons therefore, either acquitting the respondent of the charges or finding the respondent guilty of the charges on the basis of the clear preponderance of the evidence. The Hearing Officer may not find a respondent guilty of a simple violation subsumed under charges of a serious violation. If the Hearing Officer finds the respondent guilty, the Hearing Officer shall in his or her decision impose the sanction of Suspension or Dismissal, giving due regard to the circumstances of the offense and the offender, the seriousness of the offense, and offender's prior disciplinary record, except that the sanction of Suspension shall be imposed if the



Hearing Officer finds the respondent guilty of charges of a simple violation based on conduct occurring while the respondent was under Censure.

#### §418. Appeal Procedures.

- a. In cases of charges of a simple violation, the appeal procedure shall be as provided in the relevant Dean's Discipline. Only the respondent may appeal in the case of charges of a simple violation.
- b. In the case of charges of a serious violation, the appeal procedure shall be as follows:
  - (1) Right to Appeal; Notice of Appeal. Either the Rules Administrator or the respondent may appeal the decision of the Hearing Officer by filing a notice of appeal with the Chairman of the University Judicial Board within 10 days after the sending of the decision by the Hearing Officer. A person found in contempt by the Hearing Officer may appeal the Hearing Officer's decision by filing a notice of appeal with the Chairman of the University Judicial Board within 10 days after the Hearing Officer's decision. A notice of appeal shall be in writing and shall include a brief statement of the reasons therefor. For purpose of this §418, only those days shall be counted that occur during the University's fall or spring term; any action taken between those terms shall be considered as having occurred on the first day of the next following fall or spring term.
  - (2) Arrangements for the Appeal Hearing. Promptly after the filing of a notice of appeal, the Chairman of the University Judicial Board shall:
    - i. designate a time and place for the appeal hearing, which shall not be less than 10 nor more than 14 days after the filing of the appeal;
    - ii. notify the other members of the University Judicial Board and the Rules Administrator

and the respondent and his adviser, or the person appealing a contempt decision, of the time and place of the appeal hearing;

- iii. designate, in consultation with the Rules Administrator and the respondent and his adviser, or the person appealing a contempt decision, the portions of the hearing record to be considered by the University Judicial Board. The record will normally consist of the record of the pre-hearing procedures, the verbatim record of the hearing, and the Hearing Officer's decision.
- (3) Appeal Hearing; Scope of the Review of the University Judicial Board. At the appeal hearing, the Rules Administrator and the respondent and his adviser, or the person appealing a contempt decision, shall present the case for and against the appeal to the University Judicial Board. In the case of an appeal of a contempt decision, the Rules Administrator shall present the case against the appeal. The case presented shall consist of reasoned argument based on the hearing record; the University Judicial Board shall not hear the testimony of witnesses and shall not consider any evidence not considered by the Hearing Officer. In its review the Board shall consider if requested:
  - i. whether the Hearing Officer erred in the interpretation of these Rules;
  - ii. abuse of discretion by the Hearing Officer;
  - iii. the reasonableness of the Hearing Officer's decision on factual matters in light of evidence presented;
  - iv. the reasonableness of the sanction imposed.
- (4) Decision of the Board. Within 14 days after the conclusion of the appeal hearing, the Chairman of the University Judicial Board shall prepare and send to the Hearing Officer, the Rules Administrator, and the respondent and his adviser, or the person appealing a contempt decision, by hand delivery or registered

mail, the Board's written decision, with an explanation of the reasons therefor. The Board's decision may affirm or reverse the Hearing Officer's decision in whole or in part, including reversing an acquittal and imposing sanctions, and may remand to the Hearing Officer or the Rules Administrator for such further proceedings as the Board may direct, but the Board may not increase the sanctions imposed by the Hearing Officer. The Board's decision shall be by majority vote, including the Chairman.

#### §419. Presidential Action.

A final appeal may be made to the President for clemency or review, which the President may hear in his discretion in the case of charges of a serious violation, and in the case of charges of simple violation only if provided by the relevant Dean's Discipline.

#### §420. Additional Judicial Boards.

Should further University Judicial Boards be needed, the Executive Committee of the University Senate may appoint additional University Judicial Boards and shall seek to divide the original University Judicial Board as equitably as possible to ensure maximum continuity of experience.

#### §421. Committee on Rules of University Conduct.

- a. The University Senate Committee on Rules of University Conduct shall prepare any material that will facilitate the functioning of the procedures.
- b. Persons otherwise connected with the disciplinary procedures shall be excluded from the University Senate Committee on Rules of University Conduct.
- c. All changes in these Rules shall be passed by the University Senate for approval and acceptance by the Trustees in accordance with the Statutes of the University.

## APPENDIX D: Policies on Alcohol, Drugs, and Tobacco

In order to comply with federal, state, and city laws, and to promote the health and well-being of its community, Columbia has enacted the following policy on alcohol, drugs, and smoking. All students, faculty, and staff are expected to comply with this policy.

#### ALCOHOL STATEMENT OF POLICY

Columbia University is committed to creating and maintaining an environment that is free of alcohol abuse. The University complies with New York State law and other applicable regulations governing alcoholic beverages for those on the University's premises or participating in its activities. The University strongly supports education and treatment programs as the most effective means to help prevent and reduce alcohol abuse.

In addition, Columbia University is committed to providing an academic and social environment that supports individual freedom while promoting individual responsibility, health and safety, and community welfare. To that end:

1. Columbia expects that those who wish to include alcohol as part of their activities will do so responsibly and lawfully. Responsible drinking includes making sound judgments about whether, when, and how much to drink, understanding the health issues related to the consumption of alcohol, and avoiding excessive or "binge" drinking or any other abuse of alcohol that negatively affects one's academic, work, social, athletic or personal activities, and health.
2. Persons planning events on campus should be mindful of the complexities introduced into planning an event with alcohol. Event management issues—the presentation of entertainment, provision of refreshments, management of the participants or audience, security, and other factors—require serious attention for any event, and all the more for an event at which alcohol is served. Event organizers must fully understand the University alcohol policy and applicable laws and manage their events accordingly. They also are expected to keep the safety and

well-being of participants at the forefront of their planning and management of events. Staff members who advise students are expected to assist them in making responsible decisions about their events and to facilitate the enforcement of the University's alcohol policy.

3. Organizations may not plan events that promote or encourage the consumption of alcohol, nor may event planning be based upon the assumption of abusive or illegal alcohol consumption. Persons planning events should remember that the vast majority of events at Columbia take place without alcohol, that most members of the undergraduate community are not of legal drinking age, and that among those who are, many do not drink alcoholic beverages at all. Campus organizations that choose to plan events with alcoholic beverages are expected to maintain a reasonable balance in their programming between events with and those without the serving of alcoholic beverages.

## HEALTH ISSUES RELATED TO ALCOHOL

The National Council on Alcoholism and Drug Dependence cites “alcohol-related problems or impairment in such areas as . . . liver disease, gastritis, anemia, neurological disorders . . . impairments in cognition, [and] changes in mood or behavior.” Alcohol consumption also presents serious health risks to pregnant women.

Additionally, alcohol abuse including excessive or “binge” drinking, can seriously effect academic, athletic, and work performance while leading to behaviors that are destructive, violent, or asocial. In particular, recent studies have revealed a strong relationship between alcohol consumption and instances of wrongful or inappropriate sexual behaviors.

Mindful of these risks, Columbia University provides a variety of counseling, treatment, and educational programs to identify and help those who abuse alcohol. The programs are listed below.

## LEGAL REQUIREMENTS

New York State law provides that:

1. Alcoholic beverages shall not be provided under any circumstances by any licensed server to any person under the age of 21 or to anyone who is disorderly, visibly intoxicated, or known to be a habitual drunkard.
2. No person under 21 years of age may misrepresent her/his age for the purpose of obtaining alcoholic beverages, nor may a person assist another in such a misrepresentation.
3. Proof of age must include presentation of a valid American or Canadian driver's license or nondriver identification card, a valid passport, or a valid identification card issued by the United States Armed Forces. No person under 21 years of age shall provide false or written evidence of age for the purpose of attempting to purchase alcoholic beverages.
4. No person under the age of 21 may possess any alcoholic beverage with the intent to consume it.
5. Actions or situations that involve forced consumption of liquor or drugs for the purpose of initiation into or affiliation with any organization are prohibited.
6. Alcoholic beverages may not be served where money changes hands (sale of drinks, admission charged, donations solicited, etc.) without the appropriate license or permit.
7. Events that involve money changing hands require a Temporary Beer and Wine Permit issued by the New York State Alcoholic Beverage Control Board (see below). Hard liquor is not permitted at these events.
8. In premises that hold a New York State Liquor License (Faculty House or Club, designated areas at Barnard, etc.), all individuals and groups must adhere to the provisions of the license. No unauthorized alcohol may be brought into such areas.
9. In unlicensed premises, beer or wine may be sold or dispensed if a Temporary Beer and Wine Permit issued by the New York State Alcoholic Beverage Control Board is obtained (see page 113). Hard liquor is not permitted at these events.
10. Appropriate posted warnings about the effects of alcohol during pregnancy must appear at all events where alcohol is served.

Violation of these laws may subject the violator to legal penalties that range from confiscation of the beverage by a police officer to suspension of

one's driver's license to fine or imprisonment. Moreover, within the University the illegal or wrongful possession, provision, or consumption of alcohol will lead to proceedings in accordance with the procedures of the respective school or administrative unit, which can include the requirement for the student to receive psychological or medical assessment and/or counseling and appropriate treatment. Disciplinary action may result in suspension or expulsion or the referral of violators for criminal prosecution. Employees should also note that they may not report to work or be at work while under the influence of alcohol.

## UNIVERSITY POLICIES

In addition to the provisions of New York State law as outlined above, the University requires adherence to the following policies at events where alcohol is served:

1. Alcohol may not be consumed outdoors on University property except at a registered and approved event.
2. Alcohol that is not specifically manufactured for human consumption may not be offered, served, or consumed in any form (e.g., diluted or undiluted, or as an ingredient in punches or other admixtures) under any circumstances.
3. The theme of all events where alcohol is served must be primarily social, cultural, or educational, and not the availability of alcohol. Language stating that double proof of age is required for consumption of alcoholic beverages must appear in all promotional material. No other mention or depiction of alcohol is permitted.
4. Ample quantities of food and appealing nonalcoholic beverages must be continuously provided and visibly displayed during the event.
5. There may be no games of chance, drinking games, contests, “happy hours,” or other activities that induce, encourage, or result in the consumption of alcohol.
6. Games of chance are not permitted at events where alcohol is served.
7. Only one drink at a time may be dispensed to each person.
8. Kegs or other bulk containers of alcoholic beverages are permitted only in connection with registered and approved events, and all such containers must be closed or untapped at the conclusion of the event and removed from the premises as soon as is practicable. The possession, use, or storage of such containers is otherwise prohibited.
9. Those who serve alcohol and those who check proof of age for any event may not consume alcohol during that event. Prior to the event, the sponsoring organization must designate an additional nondrinking individual who will be present during the event to assist in its management.
10. Application for approval of events where alcohol is served must be made by an appropriately authorized representative of the sponsoring organization or group. This person must be at least 21 years of age.
11. All student events where alcohol is served require written approval by student organization advisers, student activities officers, or other recognizing body. The approving officer must meet with the organizer(s) of the event prior to approving same and discuss in detail the applicable provisions of this policy including: proctoring, health issues related to alcohol consumption, availability

of food and alternative nonalcoholic beverages, event management, and any additional requirements relative to the location of the event or the policies and procedures of the recognizing office. Signature of approval will constitute an assertion of compliance with this provision.

12. The following types of student events where alcohol is served must be registered with the appropriate school's dean's office or student activities office at least two weeks prior to the event. Applications for such events must be approved by that office, which will also assist in the application for a Temporary Wine and Beer Permit when necessary:
  - a. events that occur outdoors on University property; or
  - b. events that are open to the University community; or
  - c. events that are funded with University funds, irrespective of whether the attendees are affiliates or nonaffiliates; or
  - d. events where attendance is expected to exceed 50 invited guests; or
  - e. events where money changes hands.
13. Student events where alcohol will be served may not be publicized until the event is approved by the appropriate recognized adviser of the organization.
14. Proctors are not required for events where attendance is restricted to those over 21, except at the discretion of the appropriate dean or student activities officer. Such events will be governed only by the preceding legal and University requirements.
15. Where there is reason to believe that attendees may include persons under 21, individuals must present double proof of age before being served alcoholic beverages. A valid Columbia Card may constitute the second proof of age. Such events require proctors as directed by the University.
16. Officers of student organizations are responsible for the implementation and enforcement of these policies. Officers are also responsible for educating their membership, guests, alumni, and incoming officers about these policies. Violations will result in disciplinary action against the responsible individuals and organization, up to and including loss of University recognition and loss of housing status.
17. Consumption of alcohol in residence halls is additionally limited by these requirements:
  - a. No student events involving alcohol can be permitted in Carman, John Jay, Hartley-Wallach, or Barnard's Sulzberger Hall.
  - b. Alcohol may not be consumed by any person in any part of a residence hall except in a residential room or at a registered and approved event.
  - c. While the individual student or host has primary responsibility for abiding by this policy and New York State law, members of the Residence Life staff will address individual consumption or possession violations in their respective buildings as follows:
    1. On the first violation, a verbal warning will be given and documented.
    2. On the second violation, a written warning will be given.
    3. On the third violation, the individual will be referred to the appropriate dean of students' office.

4. If an individual is found with alcohol and is underage or is consuming it in a restricted area she/he will be directed to dispose of the alcohol and is expected to do so.
  5. In situations of multiple or serious violations of this policy, the individual may be referred immediately to the relevant dean of students.
18. Consumption of alcohol at events sponsored by a Greek-letter organization is governed additionally by these specific provisions, as well as by any additional requirements as directed by the Coordinator of Greek Affairs:
- a. Alcohol is not permitted at any rush event.
  - b. Pledge fees may not be used to purchase alcoholic beverages.

### UNIVERSITY ALCOHOL PROCEDURES

All University-sponsored events involving alcohol that take place either on or off campus must be authorized by their individual school. Application forms for such events must be submitted, including appropriate adviser approvals, to the appropriate deans or student activities officers. Those registering events with alcohol must be at least 21 years of age.

The deans and student activities officers of each school work with student leaders and their advisers to promote student responsibility and compliance with all University regulations and New York State and federal laws. Individual schools may also set more stringent restrictions on events involving alcohol, but all events must, at a minimum, comply with the policies outlined above.

The deans and student activities officers of Columbia's graduate and professional schools have responsibility for enforcing and implementing the University's alcohol policy within each school. Undergraduate student organizations are expected to work with their designated adviser to comply with the University's alcohol policy. Where appropriate, organization representatives must complete a formal training session for programming with alcohol.

Students may direct their questions about programming with alcohol to the dean of their school or the alcohol programming liaison for their school coordinator.

### TEMPORARY BEER AND WINE PERMIT

Events that involve money include, but are not limited to, those with preadmission ticketing, sales of any kind, bar charges, and charity benefits. Events involving money require a Temporary Beer and Wine Permit from the New York State Alcohol Beverage Board, which may be obtained, with appropriate documentation, from the appropriate dean's office or student activities office. Forms must be received at least 10 working days prior to the event. When authorization is granted, an organizational representative will need to submit a Temporary Beer and Wine License application with the New York State Alcoholic Beverage Board and pay for a permit to be issued for the event specified. A copy of the license must be submitted to the appropriate dean's office or student activities office at least five working days prior to the event.

### OUTDOOR EVENTS WITH ALCOHOL

In accordance with New York State law, the consumption of alcohol in an outdoor space without appropriate authorization is prohibited. All outdoor

events are subject to this policy and its attendant procedures. Outdoor space reservation authorization is also required for these events (see pages 83–84).

### UNDERGRADUATE STUDENT TRAINING FOR PROGRAMMING WITH ALCOHOL

Undergraduate student organizations that program with alcohol are required to have representatives complete a formal training session for University programming with alcohol. The training emphasizes student responsibility and focuses on the legal, health, safety, security, educational, and policy and procedural considerations involving the use of alcohol at University-sponsored events. Only students of legal drinking age may be authorized to program events involving alcohol. Student representatives are required to be present throughout authorized events and to serve as liaisons with University alcohol proctors. Training sessions will be offered as needed.

### UNIVERSITY ALCOHOL PROCTORS

The University recruits, selects, trains, and supervises proctors who oversee University-sponsored events where alcohol is present. Officers identified by each school request proctors be assigned from a central pool to cover specific events, authorize pay for the proctors, maintain copies of their reports, and follow up on disciplinary problems when necessary. The proctors are responsible for ensuring that the sponsors of the event accurately identify those of legal drinking age, appropriately handle the distribution of alcohol, and effectively monitor behavior at the event.

### SUPPLEMENTAL GUIDELINES AND PROCEDURES TO IMPLEMENT THE UNIVERSITY POLICY ON ALCOHOL ON THE HEALTH SCIENCES CAMPUS

#### General Principles

1. There are laws governing when and to whom alcohol may be served. There is a University policy on alcohol, which is part of a larger policy statement on alcohol, drugs, and smoking. All Health Sciences students are expected to comply with the laws and with University policies. Copies of the University policies will be available in the student affairs office of each school and program of the Health Sciences campus, in the Health Sciences Residence Housing Office, and in the P&S Club.
2. Because this is a Health Sciences campus, we have a particular responsibility to recognize that alcohol abuse and alcohol dependency are very serious personal and public health problems. All members of the Health Sciences community are expected to be sensitive to the difference between responsible and irresponsible serving and consumption of beer, wine, and other alcoholic beverages.
3. Because our campus is largely a graduate student campus, we operate on the presumption that our students are adults who are responsible for their own behavior, and the procedures we adopt reflect this fact. At the same time, as in the society at large, specific guidelines and procedures are necessary to clarify expectations of behavior and to protect and promote the welfare of the larger community.

When alcohol is served at student-sponsored events, the sponsoring students are responsible for

assuring that moderation is exercised in the amount of alcohol purchased and served, and individual students are responsible for moderating their consumption. In compliance with University policy, no alcohol is to be served to a person who is disorderly or who is or appears to be intoxicated.

4. While most Health Sciences students are over 21, not all are. State law prohibits the serving of alcohol to anyone under the age of 21. As prescribed by law and by University policy, no individual on the Health Sciences campus shall be sold, served, given, or otherwise receive alcoholic beverages if that individual is not at least 21 years of age. Any student-sponsored function where there is a possibility of students attending who are not yet 21 must pay special attention to and comply with procedure number three in the section on procedures (see below).
5. Respect for personal and property rights must be maintained at student events where alcohol is served. When a student-sponsored event takes place in a residence hall or other University space, there must be a designated student(s) responsible and accountable for assuring that University and Health Sciences policies and procedures are known and complied with. Any damage to property resulting from disorderly or intoxicated conduct will be the financial responsibility of the students involved in such conduct. If the identity of such students cannot be determined, the group sponsoring the event during which property damage occurred will assume financial responsibility.

### Procedures to be Followed

These procedures are to be followed for all student-sponsored events in University space where alcohol is expected to be served.

1. Prior to reserving space, the student or student organization sponsoring such an event must file a plan with the appropriate office. The appropriate offices are as follows:
  - The Health Sciences Housing Office for Bard Hall and Georgian Apartments.
  - The relevant office of student affairs for all other space, including the Riverview Lounge.
 If sponsoring students are from more than one school or program, the event must be registered with each of the relevant schools and programs.
2. Copies of the University Policy on Alcohol and the Guidelines and Procedures to Implement the University Policy on Alcohol on the Health Sciences Campus will be available in each of these offices. Student sponsors are responsible for knowing these policies and complying with them.
3. If there is any possibility that individuals attending the event may be under 21, the event must be supervised in accordance with University policy. A designated individual or individuals must be responsible for checking the IDs of all students to assure that no one under 21 is served. Students have the option of hiring a paid proctor to carry out this responsibility or designating one or more of their own number to do so. This individual(s) must be identified by name in the plan and may not drink prior to or during the time he/she is proctoring.
4. The plan that is filed must contain the following information:
  - Sponsoring student(s) and, where relevant, organization(s).
  - Students' schools or programs.
  - Date or dates of the event.

## FEDERAL TRAFFICKING PENALTIES

CSA	Penalty		Quantity	Drug	Quantity	Penalty	
	1st Offense	2nd Offense				1st Offense	2nd Offense
I and II	<ul style="list-style-type: none"> <li>• Not less than 5 years. Not more than 40 yrs.</li> <li>• If death or serious injury, not less than 20 yrs. Not more than life.</li> <li>• Fine of not more than \$2 million individual, \$5 million other than individual.</li> </ul>	<ul style="list-style-type: none"> <li>• Not less than 10 yrs. Not more than life.</li> <li>• If death or serious injury, not less than life.</li> <li>• Fine of not more than \$4 million individual, \$10 million other than individual.</li> </ul>	10–99 gm or 100–999 gm mixture	<b>methamphetamine</b>	100 gm or 1 kg or more mixture	<ul style="list-style-type: none"> <li>• Not less than 10 yrs. Not more than life.</li> <li>• If death or serious injury, not less than 20 yrs. Not more than life.</li> <li>• Fine of not more than \$4 million individual, \$10 million other than individual.</li> </ul>	<ul style="list-style-type: none"> <li>• Not less than 20 yrs. Not more than life.</li> <li>• If death or serious injury, not less than life.</li> <li>• Fine of not more than \$8 million individual, \$20 million other than individual.</li> </ul>
			100–999 gm mixture	<b>heroin</b>	1 kg or more mixture		
			500–4,999 gm mixture	<b>cocaine</b>	5 kg or more mixture		
			5–49 gm mixture	<b>cocaine base</b>	50 gm or more mixture		
			10–99 gm or 100–999 gm mixture	<b>pcp</b>	100 gm or 1 kg or more mixture		
			1–10 gm mixture	<b>lsd</b>	10 gm or more mixture		
			40–399 gm mixture	<b>fentanyl</b>	400 gm or more mixture		
10–99 gm mixture	<b>fentanyl analogue</b>	100 gm or more mixture					
	<b>Drug</b>	<b>Quantity</b>	<b>1st Offense</b>		<b>2nd Offense</b>		
	Others*	Any	Not more than 20 yrs. If death or serious injury, not less than 20 yrs., not more than life. Fine \$1 million individual, \$5 million not individual.		Not more than 30 yrs. If death or serious injury, life. Fine \$2 million individual, \$10 million not individual.		
III	All	Any	Not more than 5 yrs. Fine not more than \$250,000 individual, \$1 million not individual.		Not more than 10 yrs. Fine not more than \$500,000 individual, \$2 million not individual.		
IV	All	Any	Not more than 3 yrs. Fine not more than \$250,000 individual, \$1 million not individual.		Not more than 6 yrs. Fine not more than \$500,000 individual, \$2 million not individual.		
V	All	Any	Not more than 1 yr. Fine not more than \$100,000 individual, \$250,000 not individual.		Not more than 2 yrs. Fine not more than \$200,000 individual, \$500,000 not individual.		

## FEDERAL TRAFFICKING PENALTIES — MARIJUANA

Drug	Quantity	1st Offense	2nd Offense
<b>marijuana mixture containing detectable quantity**</b>	1,000 kg or more; or 1,000 or more plants	Not less than 10 yrs., not more than life. If death or serious injury, not less than 20 yrs., not more than life. Fine not more than \$4 million individual, \$10 million other than individual.	Not less than 20 yrs., not more than life. If death or serious injury, not less than life. Fine not more than \$8 million individual, \$20 million other than individual.
	100 kg to 1,000 kg; or 100–999 plants	Not less than 5 yrs., not more than 40 years. If death or serious injury, not less than 20 yrs., not more than life. Fine not more than \$2 million individual, \$5 million other than individual.	Not less than 10 yrs., not more than life. If death or serious injury, not less than life. Fine not more than \$4 million individual, \$10 million other than individual.
<b>marijuana</b>	50 to 100 kg; or 50-99 plants	Not more than 20 yrs. If death or serious injury, not less than 20 yrs., not more than life. Fine \$1 million individual, \$5 million other than individual.	Not more than 30 yrs. If death or serious injury, life. Fine \$2 million individual, \$10 million other than individual.
<b>hashish</b>	10 to 100 kg		
<b>hashish oil</b>	1 to 100 kg		
<b>marijuana</b>	less than 50 kg	Not more than 5 yrs. Fine not more than \$250,000 individual, \$1 million other than individual.	Not more than 10 yrs. Fine \$500,000 individual, \$2 million other than individual.
<b>hashish</b>	less than 10 kg		
<b>hashish oil</b>	less than 1 kg		

\* Does not include marijuana, hashish, hashish oil

\*\* Includes hashish and hashish oil

Marijuana is a Schedule I Controlled Substance.

- Location of the event.
  - Number of people expected.
  - Whether any individuals attending may be under 21. If so, the plan must indicate how IDs will be checked and by whom, and whether the event will be supervised by a paid proctor or by the sponsoring students.
  - Hours the space is needed for setup, for the event, and for cleanup.
  - Hours during which alcohol will be served. Note: No alcohol may be served after 1:00 a.m.
  - Alcoholic beverages to be served.
  - Planned number of beer kegs to be served. Note: One keg of beer serves about 75 people with two 12-ounce glasses (gross) each.
  - Nonalcoholic beverages to be served.
  - Food to be served.
  - The names of individuals who will be responsible for setup and cleanup. Note: At the end of the event, the sponsoring students must remove the taps from all kegs.
5. Forms for providing the required plan information will be available in the student affairs offices of each of the schools and programs, in the Office of Facilities Management where space is scheduled, and in the Bard Hall Office of the Assistant Director of Residence Halls, Health Sciences.
  6. These guidelines and procedures in no way supersede or substitute for the rules and Dean's Discipline of the individual schools and programs nor for the policies and rules of the Health Sciences Housing Office. These policies and guidelines will be reviewed on a regular basis.

## Drugs

Columbia University recognizes the illegality and danger of drug abuse and, accordingly, strictly prohibits the possession, use, manufacture, or distribution of illicit drugs on University premises or as part of any University activity.

Columbia affiliates (students and employees) who violate the University's policies concerning illicit drugs will face discipline through their schools or administrative units, up to and including expulsion or termination of employment, and may also include the requirement of completing an appropriate rehabilitation program. Moreover, all students and employees should be aware that, in addition to University sanctions, they may be subject to criminal prosecution under federal and state laws that specify severe penalties, including fines and imprisonment, for drug-related criminal offenses. The seriousness of these crimes and the penalties imposed upon conviction usually depend upon the individual drug and amount involved in the crime. Attachment A (see below) provides information concerning sanctions under federal law.

New York State also provides sanctions for unlawful possession or distribution of illicit drugs. For example, in New York State, unlawful possession of four or more ounces of cocaine is a class A-1 felony, punishable by a minimum of 15–25 years and a maximum of life in prison. Where appropriate or necessary, the University will cooperate fully with law enforcement agencies and may refer students and employees for prosecution.

Following the adoption of the federal Drug Free Workplace Act of 1988, the University announced these policies for all employees, which remain in effect:

1. The unlawful manufacture, distribution, dispensation, possession, or use of a Controlled Substance in a University Workplace by any Columbia

employee is prohibited. A "Controlled Substance" is any of those substances referred to in Schedules I through V of Section 202 of the Controlled Substances Act, 21 U.S.C. 812, and as further defined in regulation at 21 CFR 1308.11–1308.15. These include substances that have a high potential for misuse or which, if abused, may lead to severe psychological or physical dependence. Among these are heroin and other opium derivatives, marijuana, cocaine, and mescaline and other hallucinogens. "University Workplace" means any site at which employees perform work for the University, whether or not such site is owned by Columbia University.

2. Employees may not report to work or be at work (at a University Workplace) while under the influence of either a Controlled Substance or alcohol.
3. It is a condition of employment that each University employee will abide by the terms of this Policy. In addition, each employee must notify the University's Vice President for Human Resources (1901 Interchurch, Columbia University, New York, NY 10027) in writing no later than five days after Conviction for a violation occurring in the workplace of any criminal drug statute. A "Conviction" is a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the criminal drug statutes. Such statutes involve the manufacture, distribution, dispensation, possession, or use of any Controlled Substance.
4. Any employee who violates this Policy will be subject to serious disciplinary action, up to and including termination of employment.
5. Within 30 days after receiving notice from an employee of a Conviction, the University will:
  - a. take appropriate disciplinary action, up to and including termination of employment, or
  - b. require the employee to satisfactorily participate in a drug assistance or rehabilitation program approved for such purposes by a federal, state, or local health agency, law enforcement agency, or other appropriate agency.

The specific provisions of the Drug Free Workplace Act of 1988 may be obtained from the Office of the Vice President for Human Resources, 1901 Interchurch.

## Health Issues Related to Drugs

While adverse health effects may vary depending on the substance, most drugs can produce one or more of the following reactions: headache, nausea, dizziness, anxiety, damage to organs, addiction, and, in extreme cases, death. Interactions between drugs and alcohol can be especially extreme. Moreover, the use of drugs can result in asocial or violent behaviors and can have a severe negative effect on personal development, schoolwork, and job performance.

A listing of counseling, treatment, and educational programs that are available to the Columbia community may be found below.

## Attachment A

Federal Penalties and Sanctions for Illegal Possession of a Controlled Substance

### 21 U.S.C. 844(a)

First conviction: Up to one year imprisonment and fine of at least \$1,000 but not more than \$5,000, or both.

After one prior drug conviction: At least 15 days in prison, not to exceed two years and fined at least \$2,500 but not more than \$10,000, or both.

Special sentencing provisions for possession of crack cocaine: Mandatory at least five years in prison, not to exceed 20 years and fined a minimum of \$1,000, or both if:

- (a) First conviction and the amount of crack possessed exceeds 5 grams.
- (b) Second crack conviction and the amount of crack possessed exceeds 3 grams.
- (c) Third or subsequent crack conviction and the amount of crack possessed exceeds 1 gram.

### 21 U.S.C. 853(a) (2) and 881 (a) (7)

Forfeiture of personal and real property used to possess or to facilitate possession of a Controlled Substance if that offense is punishable by more than one year imprisonment. (See special sentencing provisions re: crack.)

### 21 U.S.C. 881(a) (4)

Forfeiture of vehicles, boats, aircraft, or any other conveyance used to transport or conceal a Controlled Substance.

### 21 U.S.C. 844(a)

Civil fine of the reasonable costs of the investigation and prosecution of the offense.

### 21 U.S.C. 862

Denial of federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to five years for first offense, up to 10 years for second, and permanent denial of benefits for subsequent offenses.

### 18 U.S.C. 922 (g)

Ineligible to receive or purchase a firearm.

## Miscellaneous

Revocation of certain federal licenses and benefits, e.g., pilot licenses, public housing tenancy, etc., is vested within the authorities of individual federal agencies.

## Drug Offenses at or near Educational Institutions

In addition to the trafficking penalties listed on page 114, (1) distribution of a Controlled Substance to a person under 21 years of age, or (2) distribution of a Controlled Substance in, on, or within 1,000 feet of real property comprising a school, college, or university, or (3) receipt of a Controlled Substance from a person under 18 years of age, may subject the violator to twice the usual maximum punishment otherwise authorized by law.

## Smoking

In recognition of the severe health risks associated with smoking, and in compliance with applicable laws, Columbia has adopted the following policy that restricts the right to smoke on its premises:

1. Smoking is prohibited in any indoor area at the University that is open to the public.
2. Smoking is prohibited in any enclosed work area for faculty, staff, or students, except as provided in paragraph 7b, set forth below.
3. Smoking is prohibited in the following outdoor areas at the University:
  - a. Outdoor seating or viewing areas of sports arenas and recreational areas, such as those at Baker Field.

- b. Outdoor dining areas of restaurants, such as those outside the Uris dining facility.
  - c. Outdoor seating or viewing areas where presentations and performances (such as motion pictures, concerts, theater, lectures, or dances) are to take place.
4. Smoking is prohibited in University vehicles used for shuttle-bus service for University faculty, staff, or students and is prohibited in other University vehicles unless all occupants agree that smoking may be permitted.
  5. Without in any way limiting the general rule, smoking is specifically prohibited in the following areas at the University: auditoriums, classrooms, libraries, conference rooms, meeting rooms, day care centers, laboratories, storage areas, employee or student lounges, theaters, clubhouses, elevators, hallways, stairways, rest rooms, apartment buildings (other than in individual apartments, rooms, or suites), seating or viewing areas of sports arenas and recreational areas, gymnasiums, swimming pools, health care facilities, employee or student medical facilities, rooms or areas containing photocopying or other equipment used by employees or students in common, food markets or other retail stores, restaurants, cafeterias and dining facilities (including Faculty House), and bars or other places in which alcoholic or other beverages are served.
  6. In any dispute under this policy, the health concerns of the nonsmoking faculty, staff, or students shall be granted priority.
  7. The restrictions announced in this policy statement do not apply to:
    - a. Student bedrooms in University residence halls, which will be subject to the University Residence Halls policies with regard to smoking.
    - b. Private enclosed faculty, staff, or student offices that are usually occupied by no more than three persons provided that:
      - (i) smoking is prohibited whenever more than three persons are present even if each person present consents to permit smoking;
      - (ii) when between one and three persons are present, at least one of the persons present is the usual occupant, and each person present consents to permit smoking; and
      - (iii) the office door is completely closed while anyone is smoking and remains closed for a reasonable period of time thereafter in order to minimize or eliminate the drift of second-hand smoke into smoke-free areas.
  - c. Individual apartments, rooms, or suites in University off-campus apartment buildings.
8. The New York City Smoke Free Air Act of 1995 and University policy prohibit employer retaliatory and adverse personnel action against employees or applicants for employment who exercise, or attempt to exercise, any rights under this policy, which includes the right to refuse to enter a room while anyone is smoking. Any complaints or grievances claiming retaliation may be processed through the appropriate grievance procedures.
  9. Also under the City Smoke Free Air Act of 1995, the University has an obligation to inform persons smoking in restricted areas that they are doing so. Certain employees have been designated in the various schools and departments as responsible for informing persons who smoke in restricted areas that they are in violation of the law and University policy.
  10. Questions, problems, or complaints concerning smoking and this Policy should, as much as possible, be resolved by the appropriate dean, vice president, director, or department chairperson (or their delegates). Any employee having a question or problem of this nature should present it to his/her immediate supervisor. If the problem is not resolved at that level, the employee should present the matter to the department head who will resolve the dispute in a manner consistent with the Policy. These officers or their delegates will have the responsibility in the first instances of enforcing the Policy in areas under their control. The Vice President for Environmental Health and Safety will have overall enforcement responsibility throughout the University and can also provide advice about the University's Smoking Policy. Human Resources' Office of Employee and Labor Relations will assist with issues relating to employee and labor relations.
 

According to reports issued by the Surgeon General, smoking presents risks of certain cancers, coronary artery disease, emphysema, gastric ulcers, stroke, and fetal injury. In general, smokers die from a variety of ailments at a rate twice as high as nonsmokers.

Smoking cessation programs are sponsored by and held at Columbia throughout the year. Because quitting smoking decreases most risks to health, and because most people who smoke would quit if they could, Columbia urges its affiliates to take advantage of all available programs.

## Counseling, Treatment, and Educational Programs Available to the Columbia Community

A variety of programs are available to members of the University community who use or abuse alcohol, drugs, or tobacco, or who are affected by people who use these substances. These programs, many of which observe strict confidentiality, include:

1. The Peer Educator Program, which trains students to recognize the risks of alcohol and drug use.
2. Health Education outreach programs in residence halls, fraternity/sorority houses, and elsewhere within the University community
3. Assessment, counseling, and referral services provided by the University Health Service and the Counseling and Psychological Service.
4. Outpatient and inpatient treatment coverage under the Student Health Insurance Policy and various faculty and staff medical policies.
5. Crisis intervention programs available at St. Luke's-Roosevelt Hospital.
6. Programs offered by the University's Human Resources Department. Columbia affiliates are also urged to consult the appropriate dean of students, student affairs officer, unit supervisor, or health care provider for guidance and assistance.

## APPENDIX E: Policy Statement on Discrimination and Harassment, Policies on Sexual Harassment and Sexual Misconduct, Statement of Nondiscriminatory Policies, and Discrimination Grievance Procedure

For information and a more comprehensive explanation of the University's policies and procedures regarding discrimination, sexual harassment, or sexual misconduct, contact:

**Beth Wilson**, Associate Provost  
Office of Equal Opportunity and Affirmative Action  
402 Low Memorial Library, Mail Code 4333, or  
101 Bard Hall  
(212) 854-5511

**Marsha Wagner**, Ombuds Officer  
Ombuds Office  
402 Hamilton Hall, Mail Code 2878, or  
101 Bard Hall  
(212) 854-1234; (212) 304-7026

### POLICY ON DISCRIMINATION AND HARASSMENT

The University Senate adopted the following statement on April 27, 1990.

As a great center of learning, Columbia University prides itself on being a community committed to free and open discourse and to tolerance of differing views. We take pride, too, in preparing the leaders of our society and exemplifying the values we hope they will uphold. These commitments are subverted by intolerance, bigotry, and harassment. Even in recent history, we must recognize race, ethnicity, religion, gender, sexual orientation, disability, and other irrel-evancies have all occasioned attacks by the ignorant, the foolish, the sick, the evil. Instead of enjoying our

differences and the richness they bring to our shared lives, some have chosen to make those differences the targets of anger and hate. As a community, we are committed to the principle that individuals are to be treated as human beings rather than dehumanized by treatment as members of a category that represents only one aspect of their identity.

This University resolutely condemns conduct that makes such targets of our differences. The free exchange of ideas central to the University can take place only in an environment that is based on equal opportunity for admission to academic and other programs and to employment, and on freedom from behavior that stigmatizes or victimizes others. All decisions concerning an individual's admission to or participation in any University program must be based on that individual's qualifications, free of stigmatizing considerations of race, color, national or ethnic origin, religion, disability, gender, sexual orientation, marital status, age, or Vietnam era or disabled veteran status. Nor will Columbia tolerate any behavior that harasses members of the community on the basis of any of these qualities. Such behavior will be regarded as a violation of the standards of conduct required of any person associated with the University and will subject the person guilty of it to the full range of internal institutional discipline, including permanent separation. While mediation and consensual resolution are, of course, to be encouraged, we also recognize the right of all persons who believe themselves to have been the targets of such behavior to institute a formal grievance. Coercion to require them to overlook or retract their complaints fosters discrimination and harassment and is equally intolerable in our community.

It is not enough to be prepared to respond when ugliness appears. Members of a community such as ours must work preventively as well, to ensure that all our dealings with each other are marked by decency and characterized by civility. Columbia is committed to do what it can to engender mutual respect, understanding, and empathy. The University acknowledges a special responsibility to develop sensitivity to the concerns of those who are most vulnerable to discrimination and harassment.

## STATEMENT OF NONDISCRIMINATORY POLICIES

The University is publishing the following statements in accordance with certain federal, state, and local statutes and administrative regulations:

Consistent with the requirements of Title IX of the Education Amendments of 1972, as amended, and regulations thereunder, the University does not discriminate on the basis of sex in the conduct or operation of its education programs or activities (including employment therein and admission thereto). Inquiries concerning the application of Title IX may be referred to Ms. Beth Wilson, Associate Provost, who heads the University's Office of Equal Opportunity and Affirmative Action, 402 Low Memorial Library, Mail Code 4333, 535 West 116th Street, New York, NY 10027, telephone (212) 854-5511; or to the Director, Office for Civil Rights (Region II), 26 Federal Plaza, New York, NY 10278.

Columbia University admits students of any race, color, national and ethnic origin, and age to all the rights, privileges, programs, and activities generally accorded or made available to students at the

University. It does not discriminate against any person on the basis of race, color, national and ethnic origin, or age in administration of its educational policies, admissions policies, scholarship and loan programs, athletic and other University-administered programs.

Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination against any person on the basis of race, color, or national origin in programs or activities receiving federal financial assistance. Title VII of the Civil Rights Act of 1964, as amended, prohibits employment discrimination against any person because of race, color, religion, sex, or national origin. Executive Order 11246, as amended, prohibits discrimination in employment because of race, color, religion, sex, or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment. In addition, the New York Human Rights Law, Article 15, Executive Law §296 prohibits discrimination against any person in employment because of age, race, creed, color, national origin, disability, sex, marital status, and genetic predisposition or carrier status.

Consistent with the requirements of Section 504 of the Rehabilitation Act of 1973, as amended, and regulations thereunder, the University does not discriminate against any person on the basis of disability in admission or access to, employment or treatment in, its programs and activities. Section 503 of the Rehabilitation Act of 1973, as amended, requires affirmative action to employ and advance in employment qualified workers with disabilities. The Americans with Disabilities Act of 1990 also prohibits discrimination in public accommodation and in employment against qualified persons with disabilities. It requires the University to provide qualified applicants and employees with reasonable accommodations that do not impose undue hardship or pose a direct threat of harm to themselves or others.

The Equal Pay Act of 1963 prohibits discrimination on the basis of sex in rates of pay. The Age Discrimination in Employment Act of 1967, as amended, prohibits discrimination in employment on the basis of age. The Age Discrimination Act of 1975 prohibits discrimination on the basis of age in programs and activities receiving federal financial assistance.

Section 313 of the New York Education Law, as amended, prohibits educational institutions from discriminating against persons seeking admission as students to any institution, program, or course because of race, religion, creed, sex, color, marital status, age, or national origin. The New York City Human Rights Law, Title 8, §8-107, makes it an unlawful discriminatory practice for an employer to discriminate against any persons because of their age, race, creed, color, national origin, gender, disability, marital status, sexual orientation, or alienage or citizenship status. It also prohibits educational institutions from discriminating against persons in any of the above categories in the provision of certain accommodations, advantages, facilities, or privileges.

On December 1, 1978, the Columbia University Senate passed a resolution announcing its general educational policy on discrimination, which reaffirms the University's commitment to nondiscriminatory policies and practices. The Senate reaffirmed this policy on April 27, 1990, by expanding the categories protected from discrimination and adding protection against harassment as well. Currently, the policies protect against discrimination and harass-

ment on the basis of race, color, gender, religion, national and ethnic origin, age, disability, marital status, sexual orientation, and status as a Vietnam era or disabled veteran.

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, (38 U.S.C. 4212), prohibits job discrimination and requires affirmative action to employ and advance in employment qualified special disabled veterans and veterans of the Vietnam era.

All employees, students, and applicants are protected from coercion, intimidation, interference, or retaliation for filing a complaint or assisting in an investigation under any of the foregoing policies and laws.

The University's Office of Equal Opportunity and Affirmative Action has been designated to coordinate compliance under each of the programs referred to above. Any employee who believes that he or she has been denied equal opportunity should contact this Office, which may informally investigate complaints, and offer advice and counsel on questions relating to equal opportunity and affirmative action, including information about applicable formal grievance procedures and agencies where complaints may be filed.

## What to do if you feel you are the victim of discrimination or harassment:

Students who feel they may have been harassed or discriminated against based on race, color, age, national origin, religion, gender, sexual orientation, disability, veteran status, and related issues may consult or file a complaint with:

- the EO/AA Office if the accused is a University employee (faculty or staff) or student;
- the Ombuds Office;
- their own dean;
- the dean of the school of the accused if the accused is a student;
- the Department of Security if the situation may involve criminal activity.

## COLUMBIA UNIVERSITY DISCRIMINATION GRIEVANCE PROCEDURE

### Availability of Procedure (A) Students

This Grievance Procedure is available to enrolled students of Columbia University to assist in resolution of complaints of discrimination or harassment on

the basis of race, color, religion, national or ethnic origin, sex, sexual orientation, marital status, age, disability, citizenship, or Vietnam era or qualified special disabled veteran status.

### **(B) Employees**

This Grievance Procedure is available to employees of Columbia University when no otherwise applicable University grievance procedure (including those mandated by any collective bargaining agreement) is available to assist in the resolution of complaints alleging discrimination or harassment on the basis of race, color, religion, national or ethnic origin, sex, sexual orientation, marital status, age, disability, citizenship, or Vietnam era or qualified special disabled veteran status. Complaints may be against the University, its employees, its students, or a combined group of employees and students.

This Procedure is intended to comply with the requirements of applicable federal, state, local laws.

## **Initiation of Complaint**

### **(A) Manner of Filing**

A complaint may be brought by filing a written complaint with the Associate Provost in charge of the University's Office of Equal Opportunity and Affirmative Action (the "Equal Opportunity Officer"), 402 Low Memorial Library or 101 Bard Hall, (212) 854-5511.

### **(B) Time for Filing**

A complaint under the Discrimination Grievance Procedure shall be brought within 90 days after the occurrence of the alleged unlawful discrimination. Where a complaint is not timely filed, however, the Equal Opportunity Officer may determine that special circumstances exist that excuse the delay, and then will consider the complaint as timely filed.

## **Voluntary Mediation Process**

Prior to consulting a committee to investigate a complaint of discrimination, the Equal Opportunity Officer shall advise the complainant that voluntary mediation or conciliation of the complaint is available should the complainant so desire. If the complainant chooses to pursue this course, and the person charged with discrimination agrees, the Equal Opportunity Officer shall suspend the formal grievance procedure for up to 60 days (which can be extended upon consent of all parties) to permit mediation to take place. The Equal Opportunity Officer may appoint a mediator or may serve as mediator. At any time, any of the parties to the grievance or the person serving as mediator may terminate mediation efforts through notice to the Equal Opportunity Officer. Upon receipt of such notice, the Equal Opportunity Officer may proceed to Step One, as deemed warranted.

### *Step One.*

The Equal Opportunity Officer in consultation with the Provost shall, within 15 working days following the filing of the complaint when mediation has not been consented to, or following receipt of notice of termination of mediation or conclusion of the mediation period without resolution, designate in writing a committee of three persons to consider the com-

plaint at Step One (the "Committee").\*

If the complaint includes charges against one or more students, a dean shall be one of the three Committee members. In making this appointment, the following rules shall apply: if all student parties to the complaint (including student complainants, as well as students charged) are from the same school, a dean from that school shall serve on the Committee. If the parties include students from more than one school, a dean from a noninvolved school will be appointed.

The Provost shall at the same time designate a senior officer of the University (the "Appeal Officer") to whom any appeal from the Committee decision may be brought. The Provost may, in an appropriate case, designate himself or herself as the Appeal Officer.

A copy of the complaint shall be sent to the General Counsel, who will be available to provide counsel to the Committee in its proceedings and to the Appeal Officer. Once formal grievance procedures are instituted, all parties, including the Committee and any witnesses, shall be asked by the Equal Opportunity Officer to agree to hold the proceedings confidential.

### *Step Two*

The Committee shall, within 10 working days after being designated (or soon thereafter as practicable), begin to meet with the complainant and with such other persons as it shall deem appropriate. The purpose is to ascertain facts relevant to appropriate resolution of the complaint. The Committee is not authorized to address matters outside the scope of the specific allegation(s) of discrimination, harassment, or retaliation.

Both the complainant and the person or persons charged with discrimination by the complainant will be given the opportunity to present evidence to the Committee. Upon consultation with the Associate Provost, the Committee may conduct such further inquiry into relevant facts as deemed appropriate.

Any person charged with discrimination has the right to be present when testimony against him or her, whether by the complainant or other witnesses, is presented, and to review any documentary evidence presented. The complainant has the right to be present when testimony is presented and to review and to rebut any evidence presented in defense of a charge of discrimination. In the Committee's discretion, in special circumstances, any of the rights set forth in this paragraph may be modified.

The Committee will render a decision on the merits of the complaint in writing. If the Committee finds there has been discrimination, harassment, or retaliation, it shall make recommendations to the Provost for relief and/or disciplinary action where appropriate. The decision of the Committee shall be rendered within 45 working days following its designation (or as soon thereafter as practicable). A copy of the Committee's decision shall be sent to the Equal Opportunity Officer, who will provide a copy to the General Counsel, the complainant, and the accused.

### *Step Three*

Either the complainant or the accused may appeal the Committee's decision by making a written request to the Appeal Officer within 15 working days after having received a copy of the decision.

The individual filing the appeal shall attach a copy of the Committee's decision to the request. A copy of this request shall also be submitted to the Equal Opportunity Officer. The request for an appeal shall identify the specific portions of the decision appealed. The Appeal Officer may conduct such proceedings as he or she deems appropriate but will not hear the testimony of witnesses. The Appeal Officer will render a written decision within 30 working days following receipt of the appeal, or as soon thereafter as practicable. That decision will be final and not subject to further review, other than the reserved right of the President and the Trustees of the University to review a decision affecting matters of overall University policy. The decision of the Appeal Officer will be submitted to the Provost with a copy to the Equal Opportunity Officer.

### *Final Disposition*

The Provost will notify the parties of the final disposition of the complaint. The notice will cite the final decision made by the Appeal Officer or by the Committee, if not appealed. Such notification shall be in writing, within 15 working days (or as soon thereafter as practicable) following receipt of the Appeal Officer's decision or receipt of notice from the Equal Opportunity Officer that the time for appeal of the Committee decision has expired without an appeal being filed. Copies of the Provost's notification of final disposition shall be sent to the Equal Opportunity Officer and to the General Counsel.

## **Independent Investigation**

The University may conduct at any time, at the discretion of the General Counsel, an investigation independent of or in addition to the procedures provided for herein, of complaints against the University or any of its employees or students alleging discrimination, harassment, or retaliation.

## **SEXUAL HARASSMENT**

Sexual harassment occurs when someone subjects another person to unwanted sexual activity or attention on the basis of sex. Repeated unwelcome sexual comments, suggestions, or pressures also may constitute sexual harassment if they make a person's learning or working environment intimidating, hostile, or offensive. Sexual harassment can range from coerced sexual relations or physical assault to constant joking or repeated sexually oriented remarks or behavior.

Here are four specific forms that sexual harassment can take:

- Coercion into sexual activity by threats of punishment (such as lower grades, spreading rumors, etc.). What is at stake can go far beyond one grade or a single recommendation or research opportunity: it can mean denial of access to a particular discipline or even a career.
- Solicitation of sexual activity or other sex-related behavior by promise of rewards. This form of harassment suggests there will be a reward for complicity. Put bluntly, it may amount to an attempt to offer higher grades, fellowships, or job opportunities in exchange for sexual favors.
- Inappropriate, offensive, but essentially sanction-free, sexually oriented advances. In this case, sexual harassment can take the form of repeated, uninvited requests

\* Working days, for the purposes of the Discrimination Grievance Procedure are weekdays during the fall, spring, and summer terms, excluding University and academic holidays.



for social or sexual encounters, often accompanied by touching. These advances are unwelcome and uncomfortable, although they carry with them neither direct nor implied threats or rewards.

- Generalized sexual remarks or behavior. This may or may not be directed at a particular individual. While a single statement probably will not constitute sexual harassment, a pattern of such statements can, if their cumulative effect results in making the working or learning environment intimidating, hostile, or offensive. It can also occur from distributing or posting sexually oriented pictures, posters, magazines, or other visual materials, including those sent electronically.

If you think you are being sexually harassed, first, don't ignore the problem. If you are comfortable doing so, confront your harasser. Be polite but firm. Present the facts as you see them. Describe how you feel about what has happened, make it clear that the behavior is unwelcome, and say that you want it to stop. If you are reluctant to have this conversation face-to-face, put it in a letter, preferably delivered by registered mail, and keep a copy. Tell someone you trust what happened to you, and tell them right away (for support, advice, future reference).

If that does not work, or if you are reluctant to have any dealings at all with your harasser, you may—and should—go to your dean of students office, the office of Equal Opportunity and Affirmative Action, the Ombuds Officer, or a member of the University Panel on Sexual Harassment. A list of current panelists is provided on page 120. The University's Discrimination Grievance Procedure may be used to redress sexual harassment complaints against students, faculty, or staff. The Sexual Misconduct alternative procedure is available for students' complaints of physical sexual assault against other students.

Sexual harassment is particularly reprehensible in an academic community where Columbia's institutional integrity can be threatened by misuse of authority, sexual coercion, or intimidation of students. Following federal guidelines, Columbia University has adopted the following formal policy on sexual harassment.

### Policy Statement on Sexual Harassment

Federal law, including Title VII of the Civil Rights Act of 1964, provides that it shall be an unlawful discriminatory practice for any employer, because of the sex of any person, to discharge without just cause, to refuse to hire, or otherwise to discriminate against that person with respect to any matter directly or indirectly related to employment. Harassment of any employee on the basis of sex violates this federal law.

To help clarify what is unlawful sexual harassment, the Federal Equal Employment Opportunity Commission (EEOC) has issued guidelines on the subject. While the EEOC Title VII Guidelines apply only to faculty and other employees, Title IX, administered by the U.S. Education Department's Office for Civil Rights (OCR), also protects students from sexual harassment. Accordingly, the University prohibits sexual harassment of any member of the Columbia community, whether such harassment is aimed at students, faculty, or other employees, and violators will be subject to disciplinary action. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual

nature will constitute sexual harassment when:

1. submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment;
2. submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting that individual; or
3. such conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance or creating an intimidating, hostile, or offensive academic or working environment.

Any person who believes that he or she is being sexually harassed may choose to seek a resolution of the problem through discussion with the person directly concerned. If this does not resolve the matter, or if there is a reluctance to deal directly with the person involved, the problem should be brought to the attention of a member of the University Panel on Sexual Harassment. Advice may also be sought from the Office of Equal Opportunity and Affirmative Action, 402 Low Memorial Library or 101 Bard Hall, (212) 854-5511, or the Ombuds Office, 402 Hamilton Hall or 101 Bard Hall, (212) 854-1234. If these steps do not resolve the problem, the applicable University grievance procedure should be used. The University Discrimination Grievance Procedure is available if no other University grievance procedure is specifically applicable. No one at the University may retaliate in any way against a person who makes a claim of sexual harassment.

### Charge of the University Panel on Sexual Harassment

The Columbia Panel on Sexual Harassment is composed of trusted, accessible, and sympathetic members of the University community who act as informal mediators. Their goal is the protection and counsel of any member of the University who is made to feel personally pressured or uncomfortable because of the behavior of another University member. Members of the Panel provide a safe, impartial, nonadversarial setting in which the problem may be considered or solved through confidential counseling and, when requested, mediation between the complainant and the alleged harasser. The Panel thus provides guidance and protection for the accused as well, identifying false or mistaken accusations, misunderstandings, or unconscious behavior. Panel members are also a link through which the University can take account of, and take appropriate action against, those on campus who are behaving illegally. The Panel on Sexual Harassment is a timely, protective, and compassionate arm of the University, one that not only sensitizes and educates the University community but also demonstrates the University's commitment to fair treatment of all its members.

### Sexual Misconduct

Sexual assault and misconduct are important issues for everyone. Columbia University has established a Sexual Misconduct Policy and Procedure because it recognizes the importance of protecting its students and is concerned about their physical and emotional well-being. This means reasonable standards of sexual conduct must be maintained by all members of the University community. The standardization of this University-wide policy and alternative disciplinary hearing procedure, as an alternative to the current traditional Dean's Discipline procedures, gives victims another effective choice for redress of their grievances. The University's Sexual Harassment Policy also remains a viable

## What to do if you are the victim of sexual misconduct or assault (intentional, nonconsensual sexual advances involving physical contact):

- consult or file a complaint with the EO/AA Office for advice, including information about the University's Discrimination Grievance Procedure;
- consult with the Ombuds Office;
- consult or file a complaint with a Gatekeeper of the University-wide alternative procedure if the accused is another student;
- contact the Rape Crisis/Anti-Violence Support Center;
- consult or file a complaint with your dean;
- consult or file a complaint with the dean of the accused if the accused is a student;
- file a complaint with the Department of Security.

third option for internal adjudication.

The critical factor that distinguishes acceptable sexual behavior from unacceptable sexual assault or misconduct is consent. When individuals willingly and knowingly engage in sexual activity with each other, then it is consensual. However, when a person imposes his or her will on another, without voluntary consent, then physical contact of a sexual nature could be characterized as sexual assault/misconduct.

Columbia University's Policy defines sexual misconduct as nonconsensual, intentional physical contact with a person's genitals, buttocks, and/or breasts. Lack of consent may be inferred from the use of force, coercion, physical intimidation, or advantage gained by the victim's mental and/or physical impairment or incapacity, of which the perpetrator was, or should have been, aware.

The Sexual Misconduct Policy applies to students in all schools on the Morningside campus, all schools on the Health Sciences campus, Barnard College, and Teachers College. The alternative disciplinary procedure applies to these same groups (through April 2000, unless extended), with the exception of the Law School.

### New York State Law

Under New York State law, sexual assault refers to rape, sodomy, sexual abuse, and other nonconsensual offenses that are serious crimes. Rape is an act of unwelcome penile/vaginal penetration, however slight, by forcible compulsion. Other sexual offenses under New York State law involve unwelcome physi-

## Columbia University Panel on Sexual Harassment

While panelists are identified by location, school, or administrative area on this list, each of them is, in fact, available to any member of the Columbia community. Persons who feel uncomfortable speaking with “their” Panelist(s) are encouraged to seek out a Panelist from elsewhere at the University. For more information, please contact the Office of Equal Opportunity and Affirmative Action at (212) 854-5511.

### MORNINGSIDE PROFESSIONAL SCHOOLS

**Mary McLeod**

Architecture  
Associate Professor  
306 Buell  
(212) 854-8262

**Jacob Thomas**

Business  
Ernst and Young Professor of Accounting  
and Finance  
620 Uris Hall  
(212) 854-3492

**Stephen H. Unger**

Fu Foundation School of Engineering  
and Applied Science  
Professor  
Department of Computer Science  
505 Computer Science  
(212) 939-7053

**To Be Announced**

Journalism

**Harold Korn**

Law  
Harold R. Medina Professor of Law  
6W10 Law, Box B-24  
(212) 854-2667

**Helene Jackson**

Social Work  
Associate Professor  
504 McVickar Hall  
(212) 854-7393

### UNIVERSITY LIBRARIES

**Angela Giral**

Avery Library  
Director  
230 Avery Library  
(212) 854-3068

### LAMONT-DOHERTY EARTH OBSERVATORY

**Amy Ffield**

Lamont-Doherty  
Associate Research Scientist  
Oceanography Room 205  
(914) 365-8816

### NEVIS LABORATORIES

**Michael Shaevitz**

Professor of Physics  
(914) 591-2806

### ARTS AND SCIENCES

(Columbia College, Graduate School of Arts  
and Sciences, School of General Studies,  
School of the Arts, School of International  
and Public Affairs)

**Larry Engel**

School of the Arts  
Director of Undergraduate Instruction  
513 Dodge  
(212) 854-1681

**Eric Foner**

History  
DeWitt Clinton Professor of History  
620 Fayerweather, Box 16  
(212) 854-5253

**Martha Howell**

History  
Professor  
614 Fayerweather  
(212) 854-7404

**Irina Reyfman**

Slavic Languages  
Associate Professor  
712 Hamilton Hall  
(212) 854-5696

**Gauri Viswanathan**

English and Comparative Literature  
Associate Professor  
408J Philosophy  
(212) 854-5440

### MORNINGSIDE CENTRAL ADMINISTRATION

**Donna Badrig**

Columbia College  
Associate Dean  
213 Low Library  
(212) 854-4900

**Joan Turner**

School of International and Public Affairs  
Associate Dean  
1415 International Affairs Building  
(212) 854-2598

### HEALTH SCIENCES

**Carolyn Britton**

College of Physicians and Surgeons  
Associate Professor  
Department of Neurology  
Neurological Institute  
710 West 168th Street  
(212) 305-5220

**Jeanette Coy**

Harlem Hospital Center  
Administrator for Professional Services  
Obstetrics and Gynecology  
4155 MLK Pavilion  
506 Lenox Avenue  
(212) 939-4341

**Ellen Giesow**

Harlem Hospital  
Associate Dean  
Administrative Affairs  
2134 MLK Pavilion  
506 Lenox Avenue  
(212) 939-1379

**Debra Kalmuss**

School of Public Health  
Associate Professor  
Center for Population and Family Health  
60 Haven Avenue, Level B-2  
(212) 304-5234

**Marlene Klyvert**

School of Dental and Oral Surgery  
Assistant Dean  
Box 20 Physicians and Surgeons  
(212) 305-3573

**Patricia Murphy**

Department of Obstetrics and Gynecology  
Associate Research Scientist  
c/o Family Planning Center  
21 Audubon Avenue  
(212) 342-3208

**Katherine G. Nickerson**

College of Physicians and Surgeons  
Assistant Clinical Professor  
Rheumatology  
Atchley Pavilion 221  
(212) 305-8039

**Debra Wolgemuth**

College of Physicians and Surgeons  
Professor  
Genetics and Development  
1613 Black Building  
630 West 168th Street  
(212) 305-7900

cal contact with a person's genitals, buttocks, or breasts. In all cases, the force need not be overtly violent: the threat of force that places a person in fear of physical injury or kidnapping may be sufficient. A number of sexual offenses under New York State law involve nonforcible sexual, anal, or oral intercourse with someone under the age of 17. The severity of the offense depends in part on the age of the parties. Criminal penalties in New York State for all such acts vary according to the circumstances but can include prison sentences of up to 25 years.

### Where to Get Help

The Rape Crisis/Anti-Violence Support Center is located at 123 Brooks Hall, Barnard College. Please contact a Gatekeeper for additional support services.

The Center's telephone numbers are (212) 854-HELP (counselors) or (212) 854-WALK (advocates). If you are the victim of sexual assault, you can receive help from a trained student volunteer advocate. Advocates can be reached by calling (212) 854-9255 [(212) 854-WALK]. They are available 24 hours a day, seven days a week, to respond to callers. Upon request, they can immediately meet victims at a place of their choice on campus to provide support, reassurance, and information about various avenues that may be accessed for their immediate and long-term needs. Advocates can accompany the victim/survivor to counseling services, emergency medical care, campus security, or the New York City Police. They can discuss handling complaints via campus disciplinary procedures and/or the criminal justice system.

### Alternative Disciplinary Hearing Procedure for Sexual Misconduct

#### Gatekeepers

Gatekeepers are assistant or associate deans, or those in equivalent positions, who have been selected and trained in University policy and procedure as well as the social, psychological, and legal aspects of sexual misconduct. The names and telephone numbers of Gatekeepers are listed below and are also available from the Office of Equal Opportunity and Affirmative Action and the Ombuds Office.

In the alternative procedure, Gatekeepers receive and review allegations of sexual misconduct, as confidentially as possible, to determine whether sexual

misconduct may have occurred. They will discuss available options and, if a written request for a hearing is submitted, will determine the propriety of convening a hearing panel.

If warranted, they will contact the Associate Provost in the Office of Equal Opportunity and Affirmative Action to request that a hearing be convened.

During discussion with the complainant, the Gatekeeper will present all options available for pursuing a complaint, including Dean's Discipline, the alternative hearing panel procedure, mediation, filing a sexual harassment complaint, and filing a criminal complaint. This information may then be used by the complainant to choose the recourse deemed most appropriate. In addition to the complainant, the Gatekeeper may meet (separately) with the accused and others and gather information as needed to aid in this determination.

A University student may file a complaint of sexual misconduct with a Gatekeeper within 180 calendar days from the date of the alleged incident. Only complaints filed by a student against another student that the Gatekeeper deems plausible (and that meet other established criteria) can be accepted. Gatekeepers cannot handle the complaint when the complainant or the accused is enrolled in a school with which the Gatekeeper is affiliated but will refer the student to a neutral Gatekeeper.

Within five working days of receiving the written complaint, the Gatekeeper will determine whether the complaint meets the criteria for convening a hearing panel and will notify the complainant whether the request for a hearing has been approved or denied. If the request is denied, the complainant may appeal this denial in a timely manner to the Associate Provost, who will submit the appeal to two other neutral Gatekeepers for their review. The denial will stand unless both appeal Gatekeepers agree to overturn it.

#### Hearing Panelists

Hearing Panelists are selected by the Associate Provost from a pool of students, faculty members, and officers of administration. Three individuals—one faculty member, one administrator, and one student—are selected to serve on a hearing panel. None of the panelists will be from the school/department of the complainant or accused or closely affiliated with either party.

### Criteria to Convene a Hearing

For a hearing in the alternative procedure to be convened, the allegation must meet the following criteria:

1. The alleged incident falls within the definition of sexual misconduct.
2. The location of the alleged incident is (a) on University-owned or University-managed property; (b) a University-sponsored event; or (c) on property within the immediate environs of the University.
3. The accused is a matriculated student at Columbia University (except the Law School), Barnard College, or Teachers College.
4. The alleged incident occurred no more than 180 calendar days prior to the written request for a hearing.
5. The Gatekeeper finds it plausible that sexual misconduct may have taken place and that the accused may be the perpetrator of this misconduct.

### The Hearing Procedure

Hearings are ordinarily closed, and proceedings are confidential. The complainant and the accused may be accompanied at the hearing by nonparticipating advisers. The panel will hear evidence, including testimony from the complainant, the accused (at his/her option), and from witnesses for either of them. Panelists may also review physical evidence as well as documents and related information supplied to them by either party.

In order for the accused to be found guilty, the panel must agree unanimously in its final disposition, on the basis of clear and convincing evidence, that it is highly probable that sexual misconduct occurred. If a student is found guilty, the panel will make formal recommendations to the dean of students or other appropriate dean of the accused's school regarding disciplinary action to be taken. The panel may also consider a victim's impact statement, if provided. Following a determination of guilt, the accused may submit a statement to the panel in mitigation of the offense or may appeal the judgment. If the panel makes a unanimous determination of not guilty, members may agree to dismiss all charges against the accused. Also, if it should become evident to panel members during the course of the hearing panel process that the complainant maliciously made false allegations against the accused or otherwise acted in bad faith, disciplinary action, as judged appropriate, may be recommended.

## APPENDIX F: Romantic Relationship Advisory Statement

Columbia University's educational mission is promoted by the professionalism in its faculty/student and staff/student relationships. Faculty and staff are cautioned that consensual romantic relationships with student members of the University community, while not expressly prohibited, may prove problematic. While some relationships may begin and remain harmonious, they are susceptible to being characterized as nonconsensual and even coercive. This sometimes occurs when such a relationship ends and is exacerbated by the inherent power differential between the parties.

A faculty or staff member involved in a consensual relationship with a student is expected to remove

him/herself from academic or professional decisions concerning the student. This expectation arises because the relationship may impair, or may be perceived as impairing, a faculty or staff member's ability to make objective judgments about that student.

The Provost has authorized some departments to adopt more restrictive policies, given the special nature of the relationship between their students and faculty and staff. Individuals are, therefore, encouraged to contact their department head if they have any questions about whether a more restrictive policy applies to them. Departments that wish to establish more restrictive policies should contact Associate Provost Beth Wilson before implementation.

Should a romantic relationship with a student lead to a charge of sexual harassment against a faculty or staff member, the University is obligated to investigate and resolve the charge in accordance with its Sexual Harassment Policy and applicable grievance procedure.

Questions regarding this advisory statement may be directed to:

Beth Wilson, Associate Provost  
Office of Equal Opportunity and Affirmative Action  
402 Low Memorial Library, Mail Code 4333  
535 West 116th Street  
New York, NY 10027  
(212) 854-5511

## Alternative Procedure Gatekeepers

### Jonnet Abeles

Journalism  
709C Journalism Building  
(212) 854-5048

### William Baldwin

Teachers College  
113 Main Hall, Box 151  
(212) 678-3052

### Karen Blank

Barnard College  
105 Milbank Hall  
(212) 854-2024

### Gemma Campbell

Columbia College  
202 Hamilton Hall  
(212) 854-2446

### Sarah Cook

Nursing  
139 Georgian Building  
(212) 305-3582

### Mary Margaret Hess

Social Work  
208 McVickar Hall  
(212) 854-5187

### David Hinkle

Architecture  
401 Avery Hall  
(212) 854-3473

### Linda Meehan

Business  
105 Uris Hall  
(212) 854-6129

### Sunny Park Suh

Engineering and Applied Science  
530 S. W. Mudd Building  
(212) 854-2981

### To Be Announced

International and Public Affairs

### Beatrice Terrien-Somerville

Arts and Sciences  
109 Low Memorial Library  
(212) 854-5052

### Gerald Thomson, M.D.

Physicians and Surgeons  
6303 West 168th Street 3-413 P&S  
(212) 305-4158

## Emergency Support Services for Sexual Assault

### Security Services:

Morningside Heights: x99 or (212) 854-5555  
Barnard College Security: (212) 854-3362  
Health Sciences: (212) 305-7979

### Morningside campus

Health Service (day): (212) 854-3187  
Women's Health Center (day): (212) 854-4499  
After-hours doctor on call (night):  
(212) 415-0120

### Health Sciences campus

Health Service (day): (212) 305-3400  
After-hours doctor on call (night):  
(212) 305-5549

### Barnard Health Services (day): (212) 854-2091

After-hours doctor on call (night):  
(212) 666-5838

### Counseling and Psychological Services:

Morningside campus (day): (212) 854-2468  
Barnard (day): (212) 854-2091  
Health Sciences campus (day): (212) 305-3400

Columbia Undergraduate Deans of Students  
(24 hours a day):

Contact your R.A. or Residence Hall Director.

Barnard residence life staff (24 hours a day):

Contact your building front desk.

Columbia-Barnard Rape Crisis/Anti-Violence

Support Center: (212) 854-HELP;  
(212) 854-WALK (confidential and  
anonymous)

St. Luke's-Roosevelt Crime Victims

Treatment Center: (212) 523-4728

St. Luke's-Roosevelt Emergency:

(212) 523-3335

Columbia Presbyterian Medical Center

VICTIMS/Rape Crisis Services  
(day): (212) 305-9060

Mt. Sinai Rape Crisis Intervention

Program: (212) 241-5461

Bellevue Hospital Crime Victims

Program: (212) 562-4695

Victim Services Agency: (24 hours a day)

(212) 577-7777

Samaritan Hotline (24 hours a day):

(212) 673-3000

Domestic Violence 24-Hour Hotline

(New York City): (800) 621-HOPE (4673)

Gay and Lesbian Anti-Violence Project:

(212) 807-0197

New York City Police Department—

Emergency: 911

NYPD Special Victims Squad: (212) 694-3010

NYPD Sex Crimes Reporting Line:

(212) 267-RAPE (7273)

A female police officer will answer or is  
available at this number.