

[Guidelines for the Rules of University Conduct](#)

Table of Contents

INTRODUCTION ..... 3

    Affirmative Statement ..... 3

    Purpose of the Guidelines ..... 3

    2024 Revisions to the Guidelines ..... 3

    Jurisdiction ..... 3

    Overview of the Rules ..... 4

    University Senate Committee on the Rules of University Conduct ..... 4

    Amendments to the Guidelines ..... 4

    Questions of Interpretation ..... 4

PROHIBITED CONDUCT ..... 5

    Time, Place, and Manner Restrictions ..... 5

    Anti-Harassment Principle ..... 5

    Violations ..... 6

    Sanctions ..... 6

MANAGING EVENTS ..... 7

    Delegates ..... 7

    Summoning a Delegate ..... 7

    Identification and Warning ..... 7

    Student Media ..... 8

REPORTING AN ALLEGED VIOLATION ..... 9

DISCIPLINARY PROCESS ..... 9

RIGHTS OF THE RESPONDENT ..... 9

    Privacy ..... 9

    Advisors ..... 9

    Notice ..... 10

INVESTIGATION PROCESS ..... 10

    External Investigations ..... 10

    Ongoing Alleged Violation of the Rules ..... 10

    Initial Assessment of Complaints ..... 11

    Planning an Investigation ..... 11

    Interim Sanctions ..... 11

Conducting Interviews.....	12
Witness Statements.....	13
Declining to Participate.....	13
Informal Resolution.....	13
Preparing an Investigation Report.....	13
Respondent’s Response to the Investigation Report.....	14
ADJUDICATION PROCESS.....	14
Preparing for the Hearing.....	14
Determining that a Hearing is Not Necessary.....	15
Conducting a Hearing.....	15
Determining Responsibility.....	16
Determining Sanctions.....	16
Preparing a Report of the UJB’s Determination.....	16
APPEALS PROCESS.....	17
ADMINISTRATIVE AND JUDICIAL ROLES.....	17
Rules Administrator.....	17
Rules Clerk.....	17
University Judicial Board Membership.....	17
Appeals Board Membership.....	17
CONFLICTS OF INTEREST.....	18
RECORD KEEPING.....	19
APPENDIX – SAMPLE FORMS AND APPLICATIONS.....	20

## INTRODUCTION

### Affirmative Statement

The Affirmative Statement of the Rules of University Conduct (§440) recognizes the right of every member of our community to demonstrate, to rally, to picket, to circulate petitions and distribute ideas, to partake in debates, to invite outsiders to participate, and publicly to retain the freedom to express opinions on any subject whatsoever, even when such expression invites controversy and sharp scrutiny. We expect that members of our community will engage in public discussions that may challenge conventional thinking. Free expression would mean little if it did not include the right to express what others might reject or loathe.

### Purpose of the Guidelines

These guidelines are written by the University Senate [Committee on the Rules of University Conduct](#) (the Committee) **to promote a common understanding of the Rules of University Conduct (the Rules) for the entire Columbia community, and to assist the Rules Administrator, as well as the members of the University Judicial Board (UJB) and Appeals Board, as they investigate and adjudicate alleged violations of the Rules. The Guidelines provide insight into the Committee's understanding of the time, place, and manner restrictions contained within the Rules** and clarify the investigation, hearing, and sanctioning procedures for alleged violations that provide due process protections. If a discrepancy exists between the Guidelines and the Rules of University Conduct, the Rules of University Conduct shall take precedence.

### 2024 Revisions to the Guidelines

Revisions to the Guidelines for the Rules of University Conduct are informed by three main goals that have always been integral to the Rules themselves. First, the revisions aim to bolster the consistency, integrity, and fairness of the University's disciplinary procedures and the University community's confidence therein. Second, the revisions reassert the primacy of the Rules process as the appropriate mechanism for resolving disciplinary matters connected to demonstrations, protests, and the like. Third, the revisions seek to maximize the scope for free expression and debate at the University, consistent with the University's academic mission as well as federal, state, and city law. The 2024 revisions are part of the review of the Rules and Guidelines that the Statutes of the University require the Committee to undertake every four years.

### Jurisdiction

The Rules of University Conduct apply, by their plain terms, "to all members of the University community" and "to any demonstration, including a rally or picketing, that takes place on or at a University facility or at any University sponsored activity" (§442). **Both the history of the Rules and the language of §442 support the conclusions that (1) any University regulations of demonstrations or other policies regulating or restricting freedom of expression must be consistent with the Rules; and (2) the Rules are the fundamental source of authority within the University for regulating or otherwise restricting conduct "incident to a demonstration" (§443.a). Accordingly, any complaint that a member of the University community has engaged in prohibited conduct that arises out of, or is related to, a demonstration**

shall be directed to and reviewed by the Rules Administrator, and resolved under the Rules process, consistent with applicable law and the Statutes of the University. In all cases in which such a complaint is referred, in full or in part, to a University process other than the Rules process, the Rules Administrator, Rules Clerk, and the Committee on the Rules of University Conduct must be informed promptly of the referral, including the adjudicating body and relevant facts and circumstances (anonymized as appropriate), as well as any intermediate or final disposition.

Commented [GMc1]: New

### Overview of the Rules

The Rules of University Conduct emerged from the student protests of 1968. Following those protests, the Columbia University Senate was created and it then adopted the Rules and created the Committee on the Rules of University Conduct to oversee them. Any amendments to the Rules need the approval of both the University Senate and the Trustees of the University.

In 2013, the Committee undertook an arduous review of the Rules, in broad consultation with the University community, and revised Rules were adopted by the University Senate in 2015. The Affirmative Statement was added at that time, the UJB was empowered to act as an independent hearing panel and sanctioning body, and the adjudicatory procedures were streamlined to make the Rules process more transparent, uniform, and consistent in application.

The Rules have four main sections. The Affirmative Statement in the first section (§440) emphasizes Columbia’s commitment to freedom of expression for every member of the University and the right to openly demonstrate, rally, picket, and circulate petitions, while still protecting the academic, pedagogical, and research work of the University as well as the safety of the University community. Section two (§441-§443) provides reasonable time, place, and manner restrictions on acceptable forms of protest by detailing types of activities that constitute violations of the Rules. The third section (§444-§445) defines how demonstrations should be managed by the University, outlining official duties and roles for that purpose. The final section (§446-§451) describes institutional disciplinary procedures and the due process protections for alleged violators of the Rules.

Commented [GMc2]: Elaboration

Previously: The Rules have three sections. The first section defines the limits on acceptable forms of protest by listing types of activities that are considered violations. The second section defines how demonstrations should be managed, creating positions for that purpose. The last section explains the disciplinary process.

### University Senate Committee on the Rules of University Conduct

In addition to being the statutory custodian of the Rules, undertaking regular reviews of the Rules, and preparing proposals for changes for consideration by the University Senate, the Committee acts as an interpretive body in case of disputes about the meaning and application of the Rules, and may prepare guidelines, sample documents, and training materials to facilitate implementation of the Rules.

### Amendments to the Guidelines

In accordance with its statutory duty to “prepare any material that will facilitate the functioning of the procedures” for the Rules (§452.a), the Committee may, from time to time, revise these Guidelines and may consult with members of the community and officials involved with the disciplinary procedures to clarify the guidance provided herein. Any revisions must be approved by majority vote of the Committee.

### Questions of Interpretation

During ongoing disciplinary cases, questions of interpretation, **both of the Rules and**

these Guidelines, will be considered by the Chair(s) of the Committee in consultation with the Chair of the University Senate Executive Committee. If co-Chairs of the Committee disagree, or if individuals involved in a case (e.g., Respondents, Rules Administrator, UJB Members, or Appeals Board members) disagree on the interpretation provided, the matter will be referred to the full Rules Committee for final comment.

Questions of interpretation should be submitted to the Rules Clerk.

## PROHIBITED CONDUCT

### Time, Place, and Manner Restrictions

The Committee affirms that the freedoms we enjoy are not boundless. The Rules of University Conduct strive to safeguard free expression and open debate while protecting academic activities, as well as the safety of the University community. Academic activities are herein defined as including, but not limited to, studying, teaching, research, clinical activities, conferences, and workshops. The Affirmative Statement of the Rules of University Conduct notes, “the University reasonably regulates the time, place, and manner of certain forms of public expression” (§440); such restrictions are defined and described in §443.a. **General principles to inform the application of the time, place, and manner restrictions outlined in §443.a are:**

1. Demonstrations, protests, and other similar events that take place in spaces in which the University is holding academic activities must allow for the continuation of those activities without disruption or interference.
2. **University space** is intended for the use and enjoyment of all members of the University community. Therefore, demonstrations and protests may not claim exclusive use or substantially inhibit the primary purposes of a given University space or facility for an extended period of time without prior authorization.
3. **Demonstrations, protests, and similar events** are subject to the imperative to avoid disruptions that substantially hinder ongoing academic activities in the University. **For example, sound amplification during demonstrations may only be used in a manner that does not substantially hinder academic activities; participants must effectively address complaints about such disruptions of academic activities in the surrounding areas. Individuals may be subject to appropriate sanctions for noise disruption as outlined in §443.a.12.**
4. **Organizers or sponsors of demonstrations, protests, and other similar events** should provide notice no later than at the time of their public announcement (including email or social media) to Public Safety and University Life, *by emailing [eventnotifications@columbia.edu](mailto:eventnotifications@columbia.edu) or filling a webform at <https://eventnotifications.columbia.edu>*, so that any preparations deemed necessary for ensuring the safety of the community may be made by the relevant campus office(s).

### Anti-Harassment Principle

The University may restrict expression that constitutes a genuine threat of harassment, that unjustifiably invades an individual’s privacy, or that defames a specific individual. These forms of expression stand apart because they do little if anything to advance the University’s truth-seeking function and they impair the ability of individuals at the

Commented [GMc3]: New

Commented [GMc4]: Elaboration:

Previously: The Committee affirms that the freedoms we enjoy are not boundless. The University reasonably regulates the time, place, and manner of certain forms of public expression. The right to demonstrate cannot come at the expense of the right of others to counter-demonstrate, to teach, or to engage in academic pursuits requiring uninterrupted attention. As is true of the larger community in which the University sits, the University must protect the rights of all to engage in their callings and express their own views.

The University has an obligation to assure members of its community that they can continue in their academic or professional pursuits, or employment, without fear for their personal security or other serious intrusions.

Commented [GMc5]: Elaboration: see above

Commented [GMc6]: New

University to participate in that function. The University has an obligation to assure members of its community that they can continue in their academic or professional pursuits, or employment, without fear for their personal security or other serious intrusions (§440).

### Violations

The Rules define the limits on acceptable forms of protest. In §443.a, they detail twenty types of activity that are considered violations of the Rules and may include a broad range of behaviors related to, or resulting from, a demonstration such as a rally or picketing. The Rules are neutral with regard to the content of expressed opinion and protest; therefore, none of the violations makes any reference to the expression of opinion. The violations in §443.a concern actions that, for example, injure others, impede access for others to University resources, damage or deface University property, or inhibit the primary academic activities of the University. A violation of the Rules can occur separately from, or simultaneously with, other forms of prohibited conduct, **including alleged infractions involving gender-based misconduct or discrimination; violations of the Rules shall be processed as outlined in the Rules, while other prohibited conduct may undergo a different process.**

The Rules apply to individuals, acting alone or with a group, in the context of a demonstration or protest. A group may not be sanctioned for the behavior of an individual, and individuals alleged to have violated the Rules shall be charged for their individual actions based on available evidence, not the actions taken by others in a larger group.

### Sanctions

Consistent with the University's educational mission, a range of sanctions is offered in line with the severity of the violations of the Rules. Only the UJB may issue a sanction, and it may do so only after a respondent has either accepted responsibility or has been found responsible. The Rules provide for a limited range of sanctions for simple violations, and a fuller range for serious ones. Simple and serious violations are so defined in §443.a. Sanctioning through the UJB may be avoided if the Rules Administrator reaches an informal resolution with the individual accused of a violation; the Committee supports the use of informal resolutions where appropriate.

Section §449 of the Rules emphasizes consistency and fairness in the application of sanctions, noting that they are to be the same across departments and schools, in line with historical precedent, and adequate to protect the safety of the campus community. **The Rules Clerk** will assist the UJB in arriving at a suitable sanction by providing records of previous sanctions imposed for similar violations (with records redacted for privacy).

Sanctions can range from the very mild to more serious, as specified in §449, with more serious sanctions reserved for serious violations. **Sanctions used in the past have included pedagogically-grounded restorative justice approaches, which the Committee considers to fall under "Community service" in the list of sanctions in §449.** No minimum sanction is required for any particular infraction; the UJB has leeway to determine the severity of the offense and choose an appropriate sanction.

**In a pedagogically-based restorative justice approach, the adjudication and disposition focus on pedagogical and research-based sanctions aligned with the University's research and teaching mission, rather than punitive measures. Restorative justice approaches may include research paper assignments on**

**Commented [GMc7]:** Elaboration: Previously: The Rules define the limits on acceptable forms of protest. They do so by listing 20 types of activity that are considered violations and may include a broad range of behaviors that are related to, or resulting from, a demonstration such as a rally or picketing. None of the violations make any reference to the expression of opinion. They all concern actions that, for example, injure others or infringe upon the access of others to the University's resources and programs. A violation of the Rules can occur separately from, or simultaneously with, another form of prohibited conduct.

**Commented [GMc8]:** Elaboration: Previously: The Rules Administrator may investigate an alleged violation and may charge an individual with a violation of the Rules. If an individual accepts responsibility, the matter will proceed to the sanctioning stage with sanctions determined by the Chair of the UJB. If an individual does not accept responsibility, only the University Judicial Board may determine whether the actions of the accused were in violation of the Rules. If the panel finds the respondent responsible, the matter will proceed to the sanctioning stage by the UJB.

**Commented [GMc9]:** Elaboration: Previously: The Rules define the limits on acceptable forms of protest. They do so by listing 20 types of activity that are considered violations and may include a broad range of behaviors that are related to, or resulting from, a demonstration such as a rally or picketing.

**Commented [GMc10]:** Previously, the Rules Administrator

**Commented [GMc11]:** Elaboration: Similar language was not included previously, as there were not sanctions to which to refer.

topics relevant to the violation, such as the history of the First Amendment, academic freedom, or the lived experience of those whose labor was impacted by the protest activity (e.g., Facilities and Public Safety workers); and also may include writing formal letters of apology to those impacted by the violation. These documents will be reviewed by the UJB Chair before being shared with those impacted or with appropriate faculty with expertise in the research area. The Committee encourages this approach when applicable.

Commented [GMc12]: New: See above

The UJB shall seek consistency and uniformity in its sanctioning decisions in similarly situated cases. Further, once each quarter, the UJB shall deliver a report aggregating year-to-date information regarding charges, sanctions, and material facts to the Committee, which may use this information to further develop and update the Guidelines and propose changes to the Rules.

Commented [GMc13]: New

Sanctions against recognized student groups are outside the jurisdiction of the UJB and are subject to other procedures and policies, such as the Student Adjudication Governing Board's disciplinary process or the policies of the relevant school's student group governing association.

Commented [GMc14]: New

## MANAGING EVENTS

The Rules define how demonstrations should be managed and create positions for that purpose in §444 and §445.

### Delegates

Commented [GMc15]: Essentially unchanged

While the Rules Administrator has overall responsibility for administering the Rules, Delegates act as front-line enforcers of the Rules. Delegates may be called upon to enforce these Rules by anyone subject to them, including faculty, students, and staff, or they may proceed to enforce them on their own initiative. The Rules Administrator shall be kept informed of all actions undertaken by a Delegate.

### Summoning a Delegate

Commented [GMc16]: Essentially unchanged

If any member of the University community believes that participants in an assembly or other demonstration are violating the Rules, they should alert an identified Delegate or contact the Rules Administrator(s) and/or the Department of Public Safety. At the site of demonstration, Delegates shall identify themselves and gather information (for possible transmission to the Rules Administrator), including the identities of any participants whom the Delegate thinks are violating the Rules, and the facts surrounding the demonstration.

### Identification and Warning

Properly identified Delegates may warn individuals whose actions they consider to be in violation of the Rules and may request such individuals to identify themselves (§444.e). However, a member of the University community may be charged with a violation of these Rules even if no prior warning has been given.

Commented [GMc17]: New

A Delegate should only ask for identification if they reasonably believe that an individual is committing or has committed a violation of the Rules as described in §443.a; the Delegate shall not ask for identification for a presumed violation of §443.a(16) (failure to self-identify) alone. Once the person is identified, the Delegate shall provide the Rules Administrator and Rules Clerk with the information for record keeping and due process. These records shall maintain the

privacy of the individual, consistent with §446 and §451, to ensure that identities are only made available to those who need to know the information in order to carry out their duties and responsibilities under the Rules, with limited exceptions outlined in §451.

**Facial Coverings:** Where a Delegate reasonably believes that an individual is committing or has committed a violation of the Rules, the individual's face is covered, and the individual refuses to show photo identification, the Delegate may request that they briefly remove their face covering to show the Delegate their face and provide their name; refusal may constitute an additional violation under §443.a(16). The Delegate may choose to photograph the individual and/or their identification; photographs shall remain private, consistent with §446 and §451, to ensure that identities and photographs are only made available to those who need to know the information in order to carry out their duties and responsibilities under the Rules, with limited exceptions outlined in §451. If the individual refuses to provide photo identification and refuses to temporarily remove any object that obscures their face, the Delegate should give the person a pamphlet that indicates which violation(s) of the Rules according to §443.a is (are) being alleged and contains the following text:

*"You are suspected to be in violation of the Rules of University Conduct and are being asked to cease such actions. As a Delegate I may choose to report a failure to identify yourself to the Rules Administrator and inform Public Safety that you are refusing to identify yourself while suspected to be violating the Rules of University Conduct. You may be required to leave campus."*

The Delegate shall keep a record of the number of individuals refusing to identify themselves and report it to the Rules Administrator and Rules Clerk for record-keeping purposes.

If the Delegate observes that the individual refusing to identify themselves continues to violate the Rules, the individual may be escorted off campus by Public Safety. Afterwards, the Delegate shall inform the Rules Administrator and Rules Clerk of individuals who refuse to identify themselves and who are escorted off campus for record-keeping purposes.

The Delegate, Rules Administrator, and Rules Clerk shall maintain the privacy of the individuals consistent with the Family Educational Records and Privacy Act (FERPA) and with §446 and §451.

#### **Student Media**

Student members of a media outlet – either (1) staff of a University-recognized student media outlet (e.g., Columbia Daily Spectator, WKCR-FM, or Bwog) or (2) established freelance journalists – may apply for a Student Media Credential, to be approved at the discretion of the Interschool Governing Board (IGB). The purpose of the media credential is to identify an individual as being a recognized student journalist. The credential does not itself authorize access to an event, a secure area, or a high-profile area.

A current list of issued Student Media Credentials should be posted on the University

Commented [GMc18]: New

Commented [GMc19]: Simplified

Senate website and provided to the Rules Administrator and the Department of Public Safety.

Persons issued Student Media Credentials are entitled to a presumption that the holder is acting in their role as a journalist and, therefore, is not in violation of the Rules. However, this presumption may be overcome with evidence that shows the person's behavior to be inconsistent with that of a journalist.

## REPORTING AN ALLEGED VIOLATION

Any member of the University who believes a violation of the Rules has been committed may file a written complaint, either on paper or electronically via U.S. mail, email, or online portal, 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.

The Rules Administrator may consider requests for anonymity made by a complainant or witness and, in compelling circumstances, may withhold the name of such person. Circumstances in which this request may be granted include a reasonable fear of retribution, harassment, or other inappropriate responses to the disclosure of a complainant's name.

An online form may be found on the website for the University Senate.

## DISCIPLINARY PROCESS

The Rules separate charging from sanctions. Per §447, the Rules Administrator may investigate an alleged violation and may charge an individual with a violation of the Rules. If an individual accepts responsibility, the matter will proceed to the sanctioning stage with sanctions determined by the Chair of the UJB (§449). If an individual does not accept responsibility, only the UJB may determine whether the actions of the accused were in violation of the Rules. If the panel finds the respondent responsible, the matter will proceed to the sanctioning stage by the UJB.

## RIGHTS OF THE RESPONDENT

Section §446 details the Rights of the Respondent, providing due process protections.

### Privacy

The University will reveal information about disciplinary proceedings only to those who need to know the information in order to carry out their duties and responsibilities. It will inform all University personnel participating in an investigation, proceeding, or hearing that they are expected to maintain the confidentiality of the process and the privacy of the respondent. A respondent who successfully requests that a hearing be open may waive their rights to privacy.

### Advisors

It is intended that the respondent will take the lead in responding to the charge(s). The respondent may be accompanied to any meeting or hearing related to an alleged incident of misconduct by up to two advisors of their choice. It is not required that the same

**Commented [GMc20]:** Previously included: [TIME FRAME](#)

The University will seek to resolve every report of misconduct within approximately two (2) months of an incident, not counting any appeal.

advisor(s) attend all meetings and hearings. During meetings and hearings, an advisor may talk quietly with the respondent or exchange messages in a non-disruptive manner. The advisor may not intervene in a meeting/hearing and may not address the Rules Administrator or hearing panel, including by questioning witnesses or making objections.

A respondent may identify and retain their own advisor or they may request information on potential volunteer advisors. The Rules Clerk may provide a list of volunteer advisors to the respondent. The respondent is not obligated to select a volunteer advisor from the list. The choice to have an advisor, if any, is at the discretion of the respondent, as is the selection of any specific advisor.

Advisors may include but are not limited to family members, friends, counselors, therapists, clergy, attorneys, academic advisors, professors, and administrators. Members of the Rules Committee may not serve as advisors in a hearing.

#### Notice

The Rules Administrator will give the respondent a written explanation of their rights and options as soon as possible after an incident is reported. The University will also ensure that the respondent is updated throughout the investigative process, including with timely notice of meetings where the respondent may be present.

## INVESTIGATION PROCESS

The Rules Administrator is required to gather information in relation to a particular allegation and to carry out a thorough investigation of a complaint. Per §445.a, the Rules Administrator may appoint one or more Assistant Rules Administrators who may act in their stead. **The Executive Committee and the Committee on the Rules of University Conduct shall be promptly notified of the appointment(s) of the Rules Administrator and of any Assistant Rules Administrator(s).** Persons otherwise associated with the disciplinary procedures of a particular school or division may not be appointed as the Rules Administrator or as an Assistant Administrator.

#### External Investigations

In some instances, a law enforcement investigation may overlap with a Rules violation investigation. In that event, the University may decide to temporarily suspend its investigation for a reasonable period of time, and shall notify the respondent and any complainants of this suspension, consistent with §447.

#### Ongoing Alleged Violation of the Rules

In the event of an ongoing alleged violation of the Rules (e.g., protestors occupying University facilities or other sustained disruptions), the Rules Administrator may initiate the investigation process concurrently with the alleged ongoing violation, provided that other requirements set forth by the Rules and Guidelines are met.

If the alleged violation of the Rules has exceeded a period of five (5) business days from the initial date of the incident, the Rules Administrator, in their discretion, may submit charges to the UJB for adjudication in accordance with the Rules and Guidelines. The UJB may consider the ongoing nature of the alleged violation to the Rules in its determination of responsibility and sanctions. **Interim sanctions may be imposed under the conditions described in the relevant section of this document.**

Commented [GMc21]: New

The Rules Administrator may bring additional charges, stemming from the ongoing conduct, when the nature of the alleged violation has become more serious.

The Rules Committee has a strong preference for post-hoc adjudication of alleged violations. Thus, the initiation of charges by the Rules Administrator for an ongoing Rules violation should only be used in rare circumstances.

### Initial Assessment of Complaints

The Rules Administrator must determine whether there is substance to a complaint that an individual has violated the Rules. **If a group of individuals is alleged to have committed multiple violations, the assessment of the complaint(s) shall only take into account individual actions and evidence, rather than assessing and/or charging all individuals collectively. This approach both upholds due process and avoids bringing cases to the UJB that may be dismissed during an initial investigation.**

**Generally, if an alleged violation of the Rules is found not to have been a violation, subsequent allegations against other individuals for the same actions under materially similar circumstances should be dismissed.**

Commented [GMc22]: New

If the Rules Administrator decides that there is no need for an investigation because the complaint is without merit, they may dismiss the complaint without further action. If, after conducting an investigation, the Rules Administrator dismisses a complaint for being without merit, they will notify the complainant and the respondent in writing; no record will be maintained.

### Planning an Investigation

If an investigation proceeds, the Rules Administrator will notify the respondent and the Rules Clerk, in writing, of the allegation(s). The respondent should be informed that they may not attempt to discuss the matter with the complainant. If the respondent does, they may be charged with violations including under other codes such as the Student Code of Conduct.

The Rules Administrator will conduct interviews and will gather pertinent information and documentation. The Rules Administrator will direct the respondent, witnesses, and other interested individuals to preserve any relevant evidence.

### Interim Sanctions

**Interim sanctions may not impact a respondent's access to their housing, dining, or healthcare services unless their alleged conduct involved serious actual or threatened harm to or in such facilities.**

**The Rules Administrator may impose interim sanctions, other than holds, at any time during the investigation process if there is an imminent need to protect the physical safety and security of the Columbia community and/or to prevent further substantial and persistent disruption of academic activities. For all interim sanctions, other than holds, the Rules Administrator must attest that the interim sanction(s) is (are) necessary based on the above criteria.**

**Any sanctions that are not imminently necessary to protect the physical safety and security of the Columbia community or to prevent further substantial and persistent disruption of academic activities, as described above, must be imposed**

Commented [GMc23]: Previously: **HOLD PLACED ON AN ACCOUNT**

The Rules Administrator shall inform the Rules Clerk when an investigation commences (and/or a charge has been filed) against a respondent. The Rules Clerk will inform the Dean of the relevant school(s) that an investigation is commencing. At that point, the **Dean(s) may place a hold on a respondent's account.** The hold will remain in place until the investigation (or subsequent charge) is resolved. Having a Hold may prevent a respondent from receiving, for example, a diploma, transcripts, Academic Certifications, etc.

by the UJB as outlined in the Rules.

A respondent has a right to appeal the imposition of interim sanctions by the Rules Administrator. The respondent shall notify the Rules Clerk that they are appealing the interim sanction. The Rules Clerk shall notify the chair of the UJB that has been empaneled to hear the respondent's case. The chair shall hear and decide the appeal within 15 days unless the chair shows good cause in writing. The chair shall endeavor to hear the appeal and issue a decision as quickly as practicable. An interim sanction does not replace charges that may result from the UJB investigation process.

If no appeal is brought or the UJB chair determines that the Rules Administrator met their burden in bringing interim sanctions, the interim sanction will automatically expire after 15 business days unless the Rules Administrator shows good cause in writing to the UJB chair.

If the respondent is not subsequently charged, agrees to an informal resolution, or has their case moved to the broader UJB process, the interim sanctions will be removed at the conclusion of the relevant process unless the UJB extends them. If an extension is made, the Rules Clerk will notify the respondent.

Once each quarter, the Rules Administrator shall deliver to the Committee on the Rules of University Conduct a report on the frequency and use of interim sanctions on an anonymized basis. These reports will be used to assess the application of interim sanctions and to ensure that they are applied only in appropriate circumstances.

The Rules Administrator shall inform the Rules Clerk when an investigation commences (and/or a charge has been filed) against a respondent. The Rules Clerk will inform the Dean of the relevant school(s) that an investigation is commencing. At that point, the Dean(s) may choose to place a hold on a respondent's account, at the recommendation of the Rules Administrator. **The Rules Clerk shall be informed of any holds placed on accounts.** The hold will remain in place until the investigation (or subsequent charge) is resolved. Having a hold may prevent a respondent from receiving, for example, a diploma, transcripts, or academic certifications.

### Conducting Interviews

The Rules Administrator should interview any person identified who may be able to provide information relevant to the investigation, but should not interview witnesses whose sole purpose is to provide character information.

All witnesses should be advised of a suitable meeting date and be given reasonable notice. The witness should be advised that the purpose of the meeting is to discuss in detail their account of a particular incident or allegation.

The Rules Administrator may have an assistant available to take detailed notes of the meeting for use with the investigation and, where appropriate, for use with drafting a witness statement.

During the meeting, the Rules Administrator should explain the context of the interview; advise on the purpose of the meeting notes and how the subsequent statement may be used; explain how and when the interviewee may review the notes or statement; reiterate the importance of confidentiality; and explain the next steps.

### Witness Statements

Any notes taken during the investigation may be typed, and if no written statement by the witness has been submitted, the notes shall be typed. Witnesses shall be given an opportunity to verify or correct the notes or statement. Witnesses shall be advised that the investigatory notes are not verbatim.

### Declining to Participate

**Respondent Declines to Participate:** A respondent may decline to participate in the investigation or adjudication process. The University may continue the process without the respondent's participation. In most cases, a refusal to participate in the investigation process will preclude a respondent from participating before the hearing panel.

**Witness Declines to Participate:** If a witness refuses to participate, where possible the Rules Administrator may meet with the witness to find out the reasons why they do not wish to participate, to discuss the process which will be followed, and to provide reassurances of the support which will be available to the witness. The University may continue the process without a formal statement by the witness.

### Informal Resolution

The Rules Administrator may seek to resolve certain cases through an informal process with the respondent. This type of informal resolution can take place during the investigation or after its conclusion but before a hearing has begun. The Committee supports the use of informal resolutions where appropriate.

An informal resolution, like any negotiated settlement, must be made on consent of both parties. The Rules Administrator and respondent are co-equal in the negotiation of an informal resolution.

If the Rules Administrator offers the respondent an informal resolution, the respondent has five (5) business days to either accept or decline the offer; **if a hearing has been scheduled for less than two (2) business days after the offer of an informal resolution, the hearing shall be delayed, upon request of the respondent, to allow for at least two (2) business days between the extension of the offer and the hearing.** The deadline to respond to the offer is whichever date comes first: five (5) business days from the extension of the offer or the date and time of the hearing.

The terms of the informal resolution shall be in writing. **The resolution might or might not contain a sanction.** The informal resolution will not be entered into the respondent's formal record. These requirements must be met to create a clear, unambiguous process in which all parties are fully informed of, understand, and mutually agree to the terms and consequences of the resolution.

If an attempt to resolve the matter informally is successful, the Rules Administrator shall inform the Rules Clerk of the result. If these efforts are unsuccessful, the Rules Administrator must either dismiss the complaint, file charges with the UJB, or if charges have already been filed continue with the case.

### Preparing an Investigation Report

If a charge is filed against the respondent, the Rules Administrator will prepare an Investigation Report, which will include a review of all relevant evidence gathered during the investigation. This may include, but is not limited to, notes from interviews, witness

**Commented [GMc24]:** Essentially unchanged: Previously Any notes taken during the investigation interviews may be typed and verified and signed by the witness. This is essential if a written witness statement is not prepared. Witnesses should be made aware that the investigatory notes are not verbatim and are instead a record of the discussion. Witnesses should be advised that if they wish to make any amendments to the written notes that these should be included in a separate document. If a witness statement is prepared, the witness must be given the opportunity to review the statement and sign to confirm if they accept it to be a true and accurate version of events.

**Commented [GMc25]:** Previously: If the Rules Administrator offers the respondent an informal resolution, the respondent has five (5) business days to either accept or decline the offer; if a hearing has been scheduled, the deadline to respond to the offer is whichever date comes first (i.e., five business days from the offer or the date & time of the hearing).

**Commented [GMc26]:** Previously: The resolution may not contain a sanction

statements, copies of correspondence, photographs, transcripts of audio/video recordings, relevant policies and procedures, and evidence of custom and practice.

The Rules Administrator should be mindful of document management issues, ensuring that original documents are maintained as master file copies and that information on the source of a document is noted appropriately. A sample Investigation Report may be found in the appendix of this guidance document.

When a charge has been filed, the Rules Administrator shall inform the Rules Clerk of the charge(s) and provide them with the complete Investigation Report. The Rules Clerk will coordinate information sharing with the respondent, Rules Administrator, and the UJB.

### **Respondent's Response to the Investigation Report**

After the respondent has had an opportunity to review the Investigation Report and related material, the Rules Administrator will ask the respondent to respond to the alleged violation in one of the following ways: (1) Responsible; (2) Not Responsible; or (3) No Response. If the respondent accepts responsibility, the matter will proceed to the sanctioning stage, followed by any appeals.

## **ADJUDICATION PROCESS**

If the respondent declines responsibility, or chooses not to respond, the matter will proceed to the hearing stage. If the respondent selects not to respond, this shall not be considered to be an admission of responsibility.

The Rules Administrator will submit the charge(s) to the University Judicial Board (UJB). The UJB shall hear all charges of violations of these Rules and will determine whether the respondent is responsible or not responsible for a violation of the Rules. If the UJB dismisses a charge(s), the Rules Clerk will notify the Rules Administrator and the respondent.

### **Preparing for the Hearing**

The Rules Administrator shall inform the respondent of who will be on the hearing panels, including any substitutions, for the respondent's case.

**File Review:** In preparation for the hearing, the Rules Administrator and the respondent will have the opportunity to review any written, recorded, photographic, or digital submissions by the other. To schedule an appointment, the respondent should contact the Rules Administrator's office. The UJB may submit queries, via the Rules Clerk, to either the Rules Administrator or respondent.

**Consulting an Advisor:** The respondent may consult with their advisor(s) who may assist the respondent with their preparation for the hearing. Although advisors can answer questions about the adjudication process and are able to provide guidance in regard to general preparation of submissions and for the hearing, the primary responsibility to prepare for the hearing belongs with the respondent.

**Written Submissions:** The respondent may prepare a written statement for the hearing process; this statement must be completed by the respondent and should outline their perspective on the allegations and the incident as a whole. The respondent may also add pertinent documentation and information as evidence to their written submission or as

appendices to the written submission. The hearing panel may set reasonable parameters for these written submissions.

### Determining that a Hearing is Not Necessary

The UJB may determine that a hearing is not necessary when all panel members and the respondent agree that the information in the Investigation Report and the written submissions (if any) is sufficient to make a determination (for example, when the respondent does not dispute relevant facts).

These scenarios help illustrate application of the Rules.

1. Respondent decides to accept responsibility and requests that the UJB proceed to the sanctioning stage. If the UJB grants the request and agrees to not hold a hearing, the panel will proceed directly to the sanctioning stage, including an explanation of why a hearing is not necessary.
2. Respondent does not dispute the relevant facts and requests that the UJB proceed directly to make a determination of responsibility. If the UJB grants the request and agrees to not hold a hearing, the panel will proceed directly to make a determination, including an explanation of why a hearing is not necessary.

### Conducting a Hearing

**Respondent Not Able to Be Present for Hearing:** When a respondent is not able to be present for a hearing, either in person or virtually, arrangements may be made for participation via alternate means and/or on an alternate date. The respondent must submit a request in writing to the Rules Clerk. The request must include a reason for the respondent not being able to attend the hearing. **The Chair of the UJB shall arrange for alternate participation means.**

**Request for Open Hearing:** A respondent may request in writing to the UJB that a hearing be open to the public. Only the panel may determine whether to grant the request. The panel may consider: (1) the risk to public safety, including to witnesses who may be called, and (2) the effect on the campus community, including on particular individuals and organizations. A respondent who successfully requests that a hearing be open waives their rights to privacy.

**Hearing Attendees:** Unless a respondent successfully requests that a hearing be open, the hearing is a closed proceeding, meaning that the only individuals who may be present in the hearing room during the proceeding are: the panel members, the Rules Administrator, the respondent, their respective advisors, witnesses (when called), and necessary University personnel.

**Calling Witnesses:** Prior to the hearing, the Rules Administrator and Respondent will have an opportunity to submit a list of witnesses who they might call at the hearing. The list(s) will be shared with the other party and with the UJB. At the hearing, the Rules Administrator and Respondent may call any person on the list(s). Witnesses may decline to participate and cannot be compelled to appear before the UJB.

**Cell Phones and Recording Devices:** Cell phones may not be used in the hearing room unless approved by the chairperson. Unauthorized recordings are not allowed. Approval to use recording devices during the hearing must be obtained in advance in writing from the chairperson of the UJB.

**Commented [GMC27]:** Previously: It is at the discretion of the Chair of the University Judicial Board to approve the request and to provide an alternate means for participation.

### **Determining Responsibility**

Following the investigation and review of the evidence in the case, a determination is rendered regarding whether the respondent is responsible for the violation(s). Each case is determined on the merits based on the facts of the case. Only the UJB may determine whether the actions of the accused were in violation of the Rules.

**Standard of Proof:** The panel will use “preponderance of the evidence” as the standard of proof to determine whether a violation of the Rules occurred. Preponderance of the evidence means that a panel must be convinced, based on the information it considers, that the respondent was more likely than not to have engaged in the conduct at issue.

The panel will find a respondent responsible, or not responsible, based on a majority vote. The panel will generally render a decision within five (5) business days after the conclusion of a hearing. The panel’s decision will include an explanation of the basis for the decision.

### **Determining Sanctions**

Per §449, if a respondent accepts responsibility, the chairperson of the UJB or the chairperson’s designee shall determine the sanction. The UJB Chair has the option to consult the UJB panel when determining what sanctions to impose.

If the UJB finds a respondent responsible for a violation, the UJB will also determine the sanction(s).

The UJB will impose sanctions that are: fair and appropriate given the facts of the particular case; reasonably consistent with the UJB’s handling of similar cases; and adequate to protect the safety of the campus community. Similar offenses may result in different sanctions when there are distinguishing facts and circumstances in the opinion of the UJB.

The UJB may:

Call witnesses (from the list(s) of witness provided by the Rules Administrator and respondent) whose sole purpose is to provide character information;

Interview the respondent regarding factors of intent; and

Consider the respondent’s prior conduct if the respondent was previously found to be responsible or accepted responsibility, and if the previous incident was substantially similar to the present allegation(s) and/or the information indicates a pattern of behavior by the respondent.

The sanctioning decision will be communicated in writing to the Rules Clerk who will communicate with the Rules Administrator and the respondent. The transmission must include (1) the sanction(s); and (2) the reasoning behind the imposed sanction(s).

### **Preparing a Report of the UJB’s Determination**

If a respondent accepts responsibility, the chairperson will transmit their sanctioning decision in writing to the Rules Administrator and the respondent. The transmission must include (1) the sanction(s), if any; and (2) the reasoning behind the imposed sanction(s). A sample UJB Chairperson Sanctions Form may be found in the appendix of this guidance document.

If the respondent’s case was submitted to the UJB panel for consideration (with or without

a hearing), the panel will transmit its determination to the Rules Administrator and the respondent. The transmission must include (1) the finding of the respondent as responsible or not responsible; and (2) the reasoning behind the finding. The transmission must also include (1) the sanction(s); and (2) the reasoning behind the imposed sanction(s). A sample UJB Findings & Sanctions Form may be found in the appendix of this guidance document.

The transmission may include the date of the decision, the decision-maker (e.g., UJB Chair, UJB), documents and information considered, and the right of appeal.

## APPEALS PROCESS

Commented [GMc28]: Abbreviated language

The process for appealing decisions by the UJB or by the Chair of the UJB is detailed in §450.

## ADMINISTRATIVE AND JUDICIAL ROLES

### Rules Administrator

The Rules Administrator has primary responsibility for the administration of the Rules. They shall maintain records of proceedings under the Rules; shall prepare and serve notices and other documents required under the Rules; and shall accept and investigate complaints, file charges, and present evidence in support of charges to the hearing panels.

### Rules Clerk

The Rules Clerk will coordinate information sharing between the respondent, Rules Administrator, and the UJB; in the event of an appeal, the Rules Clerk will also coordinate information sharing with the Appeals Board and Office of the President. The Rules Clerk will be appointed by the Chair of the Executive Committee. The Rules Clerk may be contacted via email at RulesClerk@columbia.edu. Any submissions to/from the Committee, Rules Administrator, UJB, Appeals Board, or Office of the President must go through the Rules Clerk. Documents submitted through alternate means may be denied and returned to the sender.

### University Judicial Board Membership

The UJB consists of five members, one of whom shall be a student, one of whom shall be a faculty member, and one of whom shall be a staff member, as defined in §441.i.

The Executive Committee shall designate the chair of the board, as well as an alternate chair, and shall also appoint a pool of alternate board members. Appointments to the board shall ordinarily be for a term of three years, and shall be staggered to ensure continuity. The members of the UJB shall be persons from within the University, and no person otherwise concerned with disciplinary procedures may be appointed to the Board. Members of the Committee on the Rules of University Conduct shall not be appointed to the Board.

### Appeals Board Membership

The Appeals Board consists of three members, each of whom is a Dean of School or Division. The Executive Committee shall designate the chair 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. The members of the Appeals Board shall be persons from within the University.

## CONFLICTS OF INTEREST

The University requires any individual participating in the investigation, hearing, sanctioning, or appeal process to disclose to the University any potential, perceived, or actual conflict of interest, **as defined by the [University policy on conflicts of interest](#)**.

Commented [GMc29]: New

When a charge has been filed, the Rules Administrator shall inform the Rules Clerk of the charge(s). The Rules Clerk will provide, in a timely manner, a Conflict of Interest Disclosure Survey to the Rules Administrator and to the members of the hearing panels. The Rules Clerk will also provide a survey to the respondent and the respondent should provide it to their advisor(s); the respondent should return any completed surveys to the Rules Clerk. The survey may include, for example, such questions as: Do you know the respondent? Have you ever made a public statement about the issue or the respondent's organization? Is there any reason you cannot be impartial in the matter?

If either the Rules Administrator or a respondent believes that any individual involved in the process has a conflict of interest, they have three (3) business days from receiving notice of their participation to make a written request that the individual not participate. The written request must include a description of the conflict and be submitted to the Rules Clerk.

A request may not be submitted after the conclusion of a case, if it is known prior to the conclusion.

The Rules Clerk will forward any requests and any affirmative survey answers to the Executive Committee of the University Senate and, if approved, the individual with a conflict will be replaced as follows:

1. The Chair of the UJB – The Chair of the UJB will be replaced by, if available, the Vice Chair of the UJB. If the Vice Chair is not available to serve, the Chair of the UJB will designate a new Chair, from either the UJB or the pool of alternates, for the respondent's case.
2. Other Members of the UJB – The Chair of the UJB will select a replacement from the pool of alternates for the respondent's case.
3. Chair of the Appeals Board – The Chair of the Appeals Board will be replaced by, if available, the Vice Chair. If the Vice Chair is not available to serve, the Chair will designate a new Chair, from either the sitting Appeals Board or the pool of alternates, for the respondent's case.
4. Members of the Appeals Board – The Chair of the Appeals Board will select a replacement from the pool of alternates for the respondent's case.
5. The Rules Administrator – An Assistant Administrator will be appointed by the President after consultation with the Executive Committee of the University Senate and shall oversee the respondent's case.

## RECORD KEEPING

The Rules Administrator shall maintain and have custody of the records of proceedings under these Rules. The file must be stored securely to prevent unauthorized access, damage, or alteration and to maintain confidentiality.

**Individuals Found Responsible:** A central investigation file, which is a complete record of an investigation, will be maintained for respondents found to be responsible. A Rules violation file generally documents every step and contains: a description of the alleged violation, supporting documentation, written statements, notes of interviews, hearing transcripts, and official case-related correspondence.

The University will maintain the files and release information contained in those files with appropriate permission for seven years from the date of the incident. After the retention period, the files will no longer be reportable except in cases resulting in suspension or expulsion, which may be retained indefinitely.

**Individuals Investigated for Potential Violations:** The Rules Administrator may retain information about investigations, warnings (if any), and related interactions regarding individuals who have been investigated in connection with potential rules violations. The retention of this information (including the name and identifying information of the respondent) would be for the purpose of identifying and evaluating allegations of repeat offenses by the same individual under the Rules, as guided by §447. This identified information may be maintained for seven years from the date of the incident.

Further, to ensure that charges filed by the Rules Administrator and sanctions imposed by the UJB are consistent with the University's handling of similar cases, the Rules Administrator will maintain a record of violations and sanctions (and provide to members of the UJB a record of any similar past cases), with the names and any other identifying information of past respondents removed.