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Report of Anti-Bullying Working Group

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Executive Summary

Columbia University aims "to provide an environment for learning, research, living, and working that is free from discrimination and harassment and that does not tolerate abusive or intimidating behavior."[1] Bullying and other abusive behaviors harm both the individuals directly involved and the community – e.g., department, School, class, research group or administrative unit – that bears witness to it. The University has a compelling obligation to promote and maintain an environment where abusive behavior is recognized as unacceptable and is prevented and corrected effectively when needed, through a formal disciplinary process.

The Working Group is making three Key Recommendations that outline a comprehensive approach to preventing and responding to abusive behavior at individual and community levels. Specifically,

> **Recommendation 1:** The University should clearly **define and prohibit bullying and other abusive behavior**. This prohibition should take the form of a commitment to a Professional Standard applicable across the entire University. The commitment should outline what all members – faculty, researchers, staff and students – can expect of the University and what the University expects of its members.
>
> **Recommendation 2:** The University should adopt a flexible **Remedial Framework** that is timely, transparent, and supportive of all participants. A new ***Office of Conflict Resolution*** should act as the central body that implements and evaluates the effectiveness of this remedial framework.
>
> **Recommendation 3:** The entire University, led by its senior leadership, needs to mount a collective and sustained effort to promote a **culture and climate that prevents** abuse in the first place. Such effort should include creation of a University-wide Anti-Bullying Advisory Committee to keep attention focused on the topic of bullying and abusive behavior and lead a continuing conversation on issues identified in this report, including possible changes to the processes by which mentors are selected, trained and evaluated.

* * * * *

[1] From the Provost's charge to the Anti-Bullying Working Group.

Full Report

1 Introduction

1.1 The Committee and Its Charge

This is the report of a University-wide Anti-Bullying Working Group convened by Provost Mary Boyce in September, 2021. Members of the Working Group are identified in Appendix A. The Provost's charge to the Working Group (the full text of which can be found in Appendix B) was to "make recommendations to the University on how to address complaints about workplace misconduct that does not constitute a violation of the University's current policies on sexual and gender-based harassment or other forms of prohibited discrimination, but which nonetheless may be abusive and/or intimidating."

The goal of this effort, as stated in the Provost's charge, is "to provide an environment for learning, research, living, and working that is free from discrimination and harassment and that does not tolerate abusive or intimidating behavior."

The Working Group has met diligently since September and reviewed material relating to the experience of peer institutions in addressing bullying and other abusive behavior on their campuses as well as survey and other information about conditions at Columbia (see, e.g., Report on Power-based harassment among post-doctoral workers at Columbia University).

The Working Group is unanimous in its support of all the recommendations in this Report.

1.2 Terminology

While the name of this Working Group specifically calls out bullying – a term often used to describe problematic behavior that occurs within a power hierarchy – the members recommend the use of the terms "abuse" and "bullying" to be used synonymously, to cover problematic behaviors that can occur both within and across peer groups and that can manifest themselves on various scales from subtle microaggressions to blatant harassment.

We use the term "reporter" for the person (or people) making a complaint and "respondent" for the person against whom a complaint has been made.

* * * * *

2 Overview of Recommendations

2.1 Recommendation 1: Define and Prohibit Abusive Conduct

Columbia University and its members must make a University-wide commitment to providing an environment for learning, research, living, and working in which bullying and abusive behavior is clearly defined and prohibited, and in which every individual is treated with civility and respect.

Clearly Defining Abuse. The Working Group recommends that the University adopt the following definition of abuse as a standard of conduct for the University:

> *Abusive Conduct or Bullying is a pattern of unwelcome conduct that a reasonable person would find hostile, offensive, intimidating, disrespectful, degrading or humiliating. For purposes of this policy, the terms "Abusive Conduct" and "Bullying" are synonymous.*
>
> *Bullying may take many forms including physical, oral, or written acts or behaviors. Calls, texts, emails and social media postings can also constitute Bullying, even if they occur away from University premises or outside of work hours.*
>
> *In determining whether unwelcome conduct amounts to prohibited Bullying, it is essential to consider the totality of the circumstances, including the frequency, nature and severity of the conduct, any power differentials between the parties, and the context in which the conduct occurred.*

Adopting a Professional Standard. The University should formally establish a Standard of Professional Conduct, applicable across the entire University, explicitly declaring that bullying and other forms of abusive behavior are prohibited, even if not involving discrimination against a protected class. In the particular context of power-based bullying, the standards should explicitly declare that supervision – including academic mentoring – is a privilege rather than a right. The University-wide implementation of this Professional Standard is a foundational step in sustaining an effective "learning, research, living, and working environment."

A full report on this recommendation is found in Section 3 Prohibition of Abuse.

2.2 Recommendation 2: Remedial Framework

Addressing the repercussions of abuse on both individual and community scales will require a combination of approaches, along with resources for implementation and oversight.

Office of Conflict Resolution. At the center of this framework should be a newly created University office for which we propose the name: Office of Conflict Resolution ("OCR"). This is the office to which complaints of abuse, wherever they occur, may be directed. The OCR should perform the following functions:

i. **Establish a Central Hub**. The OCR should serve as a central and transparent hub capable of providing a formal frame and support for all remedial efforts across the University.

ii. **Maintain Records**. The OCR should maintain a central database of all complaints of abuse.

iii. **Disseminate Data**. The OCR should publish data on complaints and resolutions on an annual basis.

Overall, the mission of the OCR is to assure that complaints of bullying are addressed promptly, effectively, and compassionately, wherever they occur.

Additional details about the OCR can be found in Section 4.1.

Principles to guide the remedial framework. The University-wide remedial framework should contain the following elements:

i. **Participant Support**. It is essential that various options be available to any who wish to address their experiences of abuse. These should include collaborative, mediated dialogue, objective investigations and, if necessary, appropriate disciplinary responses. Columbia should facilitate access to these options through centralized systems in the OCR that coordinate efforts across units and offices to guide and support the reporter through these options from complaint to resolution. The reporter must also be protected from retaliation, and, if necessary, provided immediate relief in the form of counseling, opportunities for reassignment, transition funding, or other appropriate means. A properly functioning OCR process must respect the rights and interests of all participants – reporters, respondents and witnesses. Protections must be symmetrical.

ii. **Rehabilitation of Respondent**. Similarly, various approaches to accountability should be implemented. The work environment will be most positively affected when the respondents are able to understand, acknowledge and address the harm they may have caused. If this approach fails, mandatory coaching is the next step. As a last resort, if severe or repeated incidents of abuse are apparent, then punitive action, including loss of privileges, should be required.

iii. **Restoring Environment**. In the long term, units at the level of Schools or departments should also be encouraged and supported to transparently address harmful incidents within their own local communities. This approach can reinforce a positive environment by reaffirming Professional Standards and rebuilding broken trust between unit members. However, in order to be unbiased, these within-unit restorative efforts should be moderated by employees at all levels and may involve independent professionals from OCR. To be effective, such a method would require a University-wide framework to educate members and facilitate implementation within units.

iv. **Evaluation**. The remedial framework and processes should be the subject of regular evaluation to determine whether they are functioning properly and if they need to be refined. Outside experts should be consulted as part of these regular evaluations.

A full report on this recommendation is found in Section 4 Remedies.

2.3 Recommendation 3: Culture and Climate

Preventing bullying from happening in the first place is a better aspiration than having to implement a remedy for bullying after it occurs. The Central University and the Schools and other units each have important roles to play in promoting and maintaining a culture making clear that bullying is contrary to the norms and expectations of the University as a whole and its component parts and will not be tolerated. Prevention requires training and communication about standards and expectations, early intervention when there is evidence of bullying or other abusive behavior, and a demonstrated willingness to make abusers accountable for their behavior.

With that goal in mind, the Working Group recommends the following steps:

i) **Anti-Bullying Advisory Committee**. The University should create a new, permanent, University-wide body that includes faculty, researchers, students, and staff, to address culture and climate on an ongoing basis. It should not be part of the OCR nor involved in the resolution of particular disputes. Its mission would be to keep attention focused on the topic of bullying and abusive behavior, to serve as a continuing signal of the University's commitment to create an environment in which all can thrive. The Advisory Committee would be charged with assessing progress toward achievement of that goal and recommending changes in policy and practice to move the University forward in that direction. The Advisory Committee would be expected to play a continuing role in exploring issues raised by the recommendations in this report.

ii) **Emphasis on restorative justice**. Restorative justice emphasizes repairing the harm done to reporters and their community by the actions of respondents and seeks to give those directly affected the opportunity to dictate what repair looks like. Its successful implementation relies on mutual buy-in and meaningful engagement from all concerned parties (reporters, respondents, and the community around them) and requires that respondents accept responsibility for their actions and have a desire to make reparations for them. The successful use of restorative justice practices in our community, and more collaborative-based conflict resolution strategies in general, depend on a broad cultural shift at the University – one that sees these processes as helpful, effective, and taken seriously. A large and concerted effort will need to be undertaken to underpin such a shift in approach.

iii) **Ongoing data collection and dissemination**. Regular surveys and focus groups can play a key role in changing culture and climate. They can help to identify ongoing problematic behaviors as well as areas that require improvement, informing and evaluating the success of current policies and identifying those needing change. Regular reporting on such findings can raise community awareness of the problem of abuse and reinforce the message that abuse is contrary to the norms of the University and not to be tolerated.

iv) **Assessment of mentorship**. While members of the Columbia community are regularly assessed on their teaching abilities, no such standards exist for mentorship. This discrepancy leaves open a large space for potential abuses of power. Individuals who are responsible for academic mentoring should be periodically assessed, and academic mentoring should be established as a privilege that can be lost, rather than a right.

v) **Training and other professional standards.** Annual training taken by University members should be updated to include information about the new Standards of Professional Conduct recommended in this report. Other Professional Standards common to academia, such as standards of authorship, should also be implemented to foster a culture of fairness.

A full report on this recommendation is found in Section 5 Culture and Climate.

* * * * *

3 Prohibition of Abuse

The University should formally establish a Standard of Professional Conduct, applicable across the entire University, explicitly declaring that bullying and other forms of abusive behavior are prohibited, even if not involving discrimination against a protected class. This Standard of Professional Conduct should clearly define bullying, provide examples of behaviors that do or do not constitute bullying, and provide context that can clarify whether a behavior is abusive based on the particular circumstances. Other universities have developed policies defining and describing in detail abusive and intimidating behavior, including Guidelines For Preventing And Responding To Faculty Bullying And Other Demeaning & Disruptive Behavior, issued by UC Berkeley, August 1, 2019, and the MIT Policy on Harassment. The following sections draw upon, adopting in full or in part, their definitions and descriptions.

3.1 Recommended Definition of Abuse

As previously stated in 2.1, the Working Group recommends that the University adopt the following definition of abuse as a standard of conduct for the University:

> *Abusive Conduct or Bullying is a pattern of unwelcome conduct that a reasonable person would find hostile, offensive, intimidating, disrespectful, degrading or humiliating. For purposes of this policy, the terms "Abusive Conduct" and "Bullying" are synonymous.*
>
> *Bullying may take many forms including physical, oral, or written acts or behaviors. Calls, texts, emails and social media postings can also constitute Bullying, even if they occur away from University premises or outside of work hours.*
>
> *In determining whether unwelcome conduct amounts to prohibited Bullying, it is essential to consider the totality of the circumstances, including the frequency, nature*

and severity of the conduct, the relationship between the parties, and the context in which the conduct occurred.

3.2 Standard of Professional Conduct

The Working Group recommends that the University adopt a Professional Standard that prohibits abusive and bullying behavior, as defined above. Although not intended to be part of the formal definition of abuse, the Working Group addresses the potential impact bullying may have and provides examples that can be included in the Standard of Professional Conduct as a clarification of what behaviors may or may not constitute abuse.

3.2.1 Intent

A pattern of behavior can amount to bullying even if there is no conscious or malicious intent. Saying “I didn’t mean to hurt you,” even if true, does not negate the damage of a severe incident, especially if the incident is part of a recurring or pervasive pattern. It is important to recognize the effects that a person’s behavior can have on others, to take seriously any feedback received in this regard, and to stop behavior that is harmful. It is especially important for faculty, who tend to be in positions of relative power and privilege, to be aware of the impact of their behavior.

3.2.2 Impact of Abuse

Like sexual harassment, bullying has a negative effect on the entire community — not only on the target of the bullying, but also on observers. Bullying diminishes an individual’s ability to be successful as a student, as a researcher, as an instructor, or as an employee. It erodes confidence and productivity and can be severely damaging psychologically.

3.2.3 Prohibited Behavior

Examples of bullying and other abusive and/or intimidating behaviors may include, but are not limited to, the following:

- use of abusive, insulting, or offensive language
- spreading misinformation or malicious rumors
- behavior or language that frightens or threatens
- belittling, degrading, or humiliating someone
- yelling, screaming, threats, or insults
- inappropriate comments about a person’s appearance, habits, or interests
- teasing, telling jokes or making comments intended to demean others or make them feel unwelcome
- unwelcome interference with a person’s property or work environment
- circulating inappropriate or embarrassing images

- unwanted physical contact
- excluding, isolating, or marginalizing a person
- encouraging others, singly or in a group, to bully or harass other individuals
- demanding that someone do tasks or take actions that are inconsistent with that individual's job or are not that individual's responsibility
- refusing to take "no" for an answer when another is within their right to decline a demand
- pressuring someone to provide information that the individual is not authorized to release
- failing to give appropriate credit for work, ideas or inventions - e.g., in professional discussion or talks and (most egregiously) in authorship
- ignoring or failing to take someone's concerns seriously.

3.2.4 Power-Based Abuse

Conduct may be considered abuse even where one person lacks formal power over another. Power-based abuse, however, needs to be specifically recognized and addressed, as individuals with authority can engage in a wide range of abusive behaviors towards those they oversee. Individuals who hold authority over others have a responsibility not to use that authority in a manner that unreasonably interferes with others' academic/career progress or takes advantage of the power-differential to serve their own interests at the cost of those they oversee. If they do, they are engaging in prohibited abuse. In addition to the examples in section 3.2.3, power-based abuse in an academic context can include (but is not limited to)

- unreasonable interference with matriculation and promotion
- discontinuing funding without appropriate reason
- excessive communication outside of work hours, that is not mutually beneficial and agreed upon
- threatening to cancel a visa or fellowship without appropriate reason
- unreasonably denying or discouraging use of earned time off
- being assigned tasks punitively or inappropriately
- punishing trivial errors
- excessive monitoring or micromanaging
- overriding or excessively questioning decisions without justification
- open and unwarranted criticism of performance
- giving unreasonable or unrealistic workloads or deadlines.

As with any type of abuse, the behavior in question must be considered in the totality of the circumstances.

3.2.5 What May Not Be Abuse

Not all interactions that may be unpleasant, such as delivery of constructive criticism, a negative performance review, or a simple disagreement, are necessarily bullying. Nevertheless, persons who feel bullied, whether or not the behavior clearly fits into a category defined above, are encouraged to seek help as per Part 4 of these recommendations.

A few examples of behavior that may not necessarily be bullying or abusive or intimidating behavior are listed below:

- Failure to engage in social niceties (e.g., not greeting colleagues) or being unfriendly (e.g., not engaging in talking with colleagues) is not in itself bullying or other abusive and/or intimidating behavior.
- Being assertive, strong-willed, or failing to give what some might see as due deference is not per se bullying or abusive or intimidating behavior.

It is important to be mindful that “incivility” and “lack of collegiality” have sometimes been used to dismiss or even discriminate against those who are being appropriately assertive, and that sometimes this assertiveness has been labeled as bullying, especially when such assertiveness is at odds with stereotypes about status/gender/race/ethnicity or appropriate deference.

It is not the intent of these guidelines to claim that incivility or lack of collegiality are per se aspects of behavior or performance that fall outside the scope of regulation by the University or outside of consideration in personnel reviews. In no sense is this document intended to impinge on or limit the University’s rights and discretion.

3.2.6 Abuse Versus Appropriate Appraisal and Supervision

Providing feedback is an important aspect of work in an academic environment. For example, at Columbia University, various individuals, including faculty and researchers, have an important role in supervising students and trainees (undergraduate, graduate, and post-doctoral). They must provide frank appraisals of their work, including their course work, their service as teaching or research assistants, their research, and their performance in laboratories and other research facilities. To be meaningful, feedback about coursework, work performance, and scholarship must be delivered in a frank, honest, and transparent manner. Giving negative feedback or criticism is often necessary and does not in itself constitute bullying, so long as it is done in a respectful and constructive manner. The fact that an individual disagrees with an appraisal or considers it unfair, unjust or even “harsh” is not per se evidence of bullying or other abusive and/or intimidating behavior. On the other hand, appraisals that a reasonable person would find insulting, belittling, or offensive do constitute abuse and are unacceptable. These same principles apply to managers and supervisors, and not just to faculty and researchers.

3.2.7 Academic Freedom and Freedom of Expression

The Working Group believes that the recommendations proposed in this report are not only consistent with principles of academic freedom and freedom of expression but are essential to the

protection of these fundamental values. The foundational element of these recommendations is a definition of bullying that is narrowly tailored and informed by the experience of other institutions that have adopted similar standards. The recommendations explicitly recognize that not everything unpleasant is bullying, that negative feedback and criticism are, in fact, essential elements of the academic enterprise. The recommendations on remedial framework (see, in particular, sections 4.2.8 and 4.2.12) emphasize the need to protect the rights and interests of all participants, including respondents. That protection is required as a matter of fundamental due process. It is also essential to the restorative principles that animate this entire report.

The goal of this report, reflecting the charge to the Working Group, is to help create an environment in which all can thrive. The Working Group believes strongly that such an environment is essential to the protection of academic freedom and freedom of expression, not an obstacle to these critical objectives.

* * * * *

4 Remedies

A prohibition on abuse is not self-enforcing. There must be a remedial framework in place to address problems in a timely, transparent, and compassionate manner as they arise. This framework should include various resolution options including mediation, facilitated dialogue, restorative justice, administrative action, as well as investigatory and, if necessary, disciplinary processes. Designing good processes and procedures is only a first step. A remedial framework can be effective only if there is a determination by the members of the University to make it successful. That requires a commitment by the University community and the administrative resources – at the Central University, School and department levels – to make it effective.

4.1 Creating a new Office of Conflict Resolution

Addressing the repercussions of abuse on both individual and community scales will require a combination of approaches, along with resources for implementation and oversight. At the center of this framework should be a newly created University office for which we propose the name: Office of Conflict Resolution (“OCR”). This is the office to which complaints of abuse, wherever they occur, must be directed. The OCR would perform the following functions:

i. **Central Hub**. The OCR should serve as a central and transparent hub capable of providing formal resources and support for all remedial efforts across the University. Some reporters may choose not to first report their concerns at the OCR but prefer opportunities for support and redress at the School or department level. Even in such cases, the OCR should be immediately notified by the unit of any complaint so that it can provide advice and resources for the effective resolution of the complaint.

ii. **Maintain Records**. The OCR should maintain a central database of all complaints of abuse, whether those complaints are submitted directly to the OCR or are first presented at the School, department, or any other level.

iii. **Disseminate Data**. The OCR should publish data on complaints and resolutions on a regular basis. Dissemination of data is essential to promote awareness of the problem and to help identify patterns of conduct.

Overall, the mission of the OCR is to assure that complaints of bullying are addressed promptly, effectively, and compassionately, wherever they occur. The OCR should be responsible for reviewing complaints, conducting investigations, and adjudicating concerns in a fair and equitable manner. All investigators should receive training in conducting these investigations and should be committed to an impartial and unbiased review of the concerns.

4.2 Elements of a Successful Remedial Framework

Establishing the complete remedial framework goes beyond the scope of this Working Group and the expertise of its members. However, we have identified elements that are essential components of a successful framework. These include characteristics that the OCR should have, principles that should guide the implementation of procedures, and steps that should be included in the process for addressing complaints of abuse. They are:

1. **Centralization**: The OCR should be a central hub for reporting and tracking cases of abuse.
2. **Flexibility**: The OCR should provide multiple resolution options, and should allow reporters to have agency in determining which options are appropriate.
3. **Restorative**: The OCR should be informed by restorative justice and have the ability to engage in restorative practices.
4. **Investigation**: The OCR should have the capacity to conduct investigations as necessary to address complaints of abuse.
5. **Discipline**: The OCR should have the ability to recommend disciplinary measures in cases where they are necessary.
6. **Commitment to resolution**: The OCR should ensure that all cases of abuse reported are adequately resolved.
7. **Timeliness**: The OCR should have a set timeframe for the processing of complaints.
8. **Participant support**: The OCR should be responsible for ensuring that reporters, respondents and witnesses are treated equitably and adequately protected through the remedial process.
9. **Sensitive information**: The OCR should establish and follow policies that reflect the sensitivity of the information it receives and respects the privacy of the individuals involved to the extent feasible.
10. **Reports**: The OCR should regularly disseminate data about complaints of abuse and their processing.
11. **Accountability**: The OCR and its processes should be regularly reviewed and revised as needed, to ensure they are effective.
12. **Academic freedom and freedom of expression**: The OCR must operate in a manner that respects the fundamental values of the University.

4.2.1 Centralization: OCR as a Central Hub

To address adequately the broader issues of abuse across the University, the OCR should serve as a central hub for receiving complaints and maintaining records about cases and how they have

been resolved. Individuals should be able and encouraged to report their concerns about abuse to the OCR. However, if they prefer to discuss their concerns with others within their School, department, or unit, it should be mandatory for these entities to notify the OCR of these complaints.

No single reporting channel can meet all needs. For the person subject to possible abuse, the question of whether and how to raise the concern can itself be a source of great stress, raising fear of retaliation, and adding to the sense of powerlessness and isolation. The availability of multiple, alternative reporting channels is a feature of a well-designed system. However, once a complaint is filed, it must be reported to the OCR.

Each School, institute or other unit should identify one or more persons who are expressly designated and trained to address questions or concerns about abuse. In larger Schools, this responsibility might be assigned to an office, like the Office of Professionalism at the Columbia University Irving Medical Center, whose "overarching mission . . . is to promote the values and behaviors associated with an organizational climate and culture of respect, support and positive career growth for all." (See section 5.3) A person or office of this kind has an important responsibility to help address culture and climate within the unit. But equally important is the responsibility to receive questions or concerns about possible abuse, ranging from "I'm a victim of abuse. How do I file a formal complaint?" to "Am I being too sensitive here, or is this behavior inappropriate?"

Individuals experiencing abuse or bullying may also report their problems to Human Resources, the Ombuds Office, or a University Hotline. All of these resources have the responsibility to counsel reporters and inform them about the resolution options available through the OCR.

4.2.2 Flexibility: Multiple Resolution Options

Unless a complaint describes an egregious behavior that must be resolved immediately, both reporter and respondent should be given multiple resolution options. All of these resolution options should be carried out by trained professionals who are not affiliated with either the reporter or respondent and have no other conflicts of interest.

The OCR and its array of conflict resolution strategies can and should be utilized in instances where conduct does not rise to the level of a violation of University policy but where there still exists conflict that can be resolved. This use of the OCR should not only be permitted but encouraged. Addressing and seeking to repair issues and harms before they escalate should be a central tenet of the office, and a use case that it should seek to elevate whenever possible.

Resolution options include (but are not limited to):

Mediation: Use of a neutral expert to facilitate direct communication between the parties, or act as an intermediary, receiving and forwarding communications between the parties, to the end of helping reach an agreement on how to address and resolve the reported concerns.

Administrative action: Taking action to preclude further abuse between the parties, such as switching classes, moving to another workspace, or changing departments.

Restorative practice: (See 4.2.3 below). Dialogue aimed at increasing everyone's understanding of the situation, allow the responders to acknowledge the harm they may have caused, and create consensus about ways in which the harm can be repaired.

The availability of collaborative remedies (such as mediation and restorative practice) is essential to achieve complementary objectives: first, providing some relief to a complaining party without necessarily obligating that party to go through the stress of an investigation and potentially adversarial process; and second, operating as a form of triage, so the disciplinary mechanism can effectively focus on the more egregious cases and resolve them as expeditiously as possible. All of the resolution options procedures must be real and robust, supported by resources and training for the personnel involved.

4.2.3 Restorative Practices

When abuse occurs, it is likely to have an adverse effect not only on the individuals who are subject to abuse, but also on the surrounding community – a lab, for example, a work group, or an entire department. Restorative justice seeks to repair harm by facilitating a conversation between the reporter and respondent and sometimes includes the larger community that they are both a part of. When appropriate, the OCR should have the ability to help reporters and respondents, as well as units (e.g., departments), engage in restorative practices. These practices should help the individuals concerned and their community understand how harms can be repaired and further prevented.

4.2.4 Investigation

In cases where resolutions such as mediation, administrative action, or restorative practices can adequately resolve the complaints of abuse, a formal investigation may not be required. However, in cases where the reporter and/or respondent are not amenable to these resolutions, the OCR should have the capacity to initiate a formal investigation in order to determine whether the case meets the definition of abuse and if disciplinary measures are required. These investigations should be carried out objectively and impartially by professionals who have no conflict of interest with the concerned parties.

If the investigation finds no formal evidence of abuse, the OCR should still guide the reporter and respondent through a resolution process to resolve any conflicts.

Opportunity for Appeal: The decision made at the conclusion of an investigation can be appealed by either reporter or respondent. Such appeals should be reviewed by a neutral party who was not involved in the investigation. A standing committee made up of diverse Columbia community members, such as undergraduate and graduate students, postdocs, research officers, faculty, and administrative staff could be trained to handle such appeals. Or appeals could be handled by third party arbitrators.[2]

There should be concrete timelines for when an appeal can be filed, and how long the determination would take.

[2] In addition to processes available to all reporters, certain persons may have access to additional steps under the terms of applicable collective bargaining agreements.

4.2.5 Discipline

The OCR should be able to recommend disciplinary or punitive measures when necessary. In order to serve as a deterrent for abusive behavior, disciplinary measures must be real, robust, and their consequences must be proportional to the severity of the abusive actions. These measures should be consistent across all Schools and departments, and ensure that everyone, regardless of the privileges of their job title, is held accountable for abusive behavior.

Disciplinary measures should be called for when an investigation process reveals strong evidence of abuse, or when other resolutions have been disregarded. For instance, in cases where a remedial process such as mediation is undertaken, all parties should agree upon and act on the resolutions determined by the process. It should be made clear that punitive measures will become necessary if abuse continues.

The severity of consequences should depend upon the nature of the behavior. It is essential, however, that there is a consistent standard of punishment for everyone across the University, regardless of a School/department affiliation or job title. Care should also be taken to ensure that even those who have highly privileged job titles, such as tenured faculty, or department chairs, are held accountable for abusive behavior.

In some instances, the respondents may be asked to work with an executive coach or pursue counseling. In egregious cases of abuse or bullying, severe measures such as loss of access to trainees or loss of access to University buildings may be more appropriate. Such measures should be in effect until the respondent has undergone coaching, accepted responsibility for their actions, and taken actions to repair harm.

4.2.6 Commitment to Resolution

All cases where bullying or abuse is found must come to a resolution that provides concrete solutions to the problem raised by the reporter and holds the respondent accountable.

At the conclusion of a remedial process, the mediator should provide a written letter to all applicable parties, outlining concrete steps that should be taken to repair the harm caused by the abuse and ensure that it is not repeated. A report should also be made to the applicable supervisor of the respondent, who is in a position to keep the respondent accountable.

At the conclusion of an investigation, the investigator should provide a written determination letter to the parties and the applicable supervisor that briefly summarizes the concerns, identifies the definitions at issue, and informs the parties of the findings. The written determination letter should also inform the parties of the timeline for appeal and the grounds for appeal. If there are findings of policy violations, the supervisor, in consultation with the dean or head of the administrative unit, should make sanctioning decisions.

Once a case has been resolved, there should be an ongoing evaluation process, such as sending the reporter and respondent a questionnaire a few months after the conclusion of a case to ensure the remedies are effective.

If the reporter continues to face abuse and makes a new report, this new report should be considered a continuation of the original case and treated in an expedited manner.

4.2.7 Timeliness

There should be an established timeframe for the OCR to process complaints of abuse. These should include a timeframe for each step of the remedial process, e.g., initial response to a complaint, mediation, investigation process, etc. All cases should come to a resolution in a timely manner, for example, no longer than 60 days after the complaint was first made.

4.2.8 Participant Support

A properly functioning OCR process must respect the rights and interests of all participants – reporters, respondents and witnesses. Protections must be symmetrical.

For reporters, the OCR should have several measures to ensure they are adequately protected while their complaints are processed. These include, but are not limited to:

Freedom from retaliation: The policy should prohibit retaliation against anyone for raising a concern under the policy or for participating in restorative justice practices or any other mediation or investigative processes under the policy. The definition of retaliation should include conduct that would reasonably discourage a reasonable person from engaging in protected activity under the policy, including reporting concerns, seeking protective measures, and participating in an investigation. The OCR should explain to individuals participating in the process that avoiding academic interactions with someone because of their participation in this process could be perceived as a form of retaliation. Additionally, denying a reporter right of authorship on potential publications could also be considered retaliation.

Opportunities for reassignment and transitional support: If it is determined that the best course of action is to reassign a reporter, resources should be made available to provide bridge funding and visa support for a period of time (~6 months) to allow the reporter to look for and secure a new position.

Treating information sensitively: Respecting the sensitivity and privacy of information provided, as described in section 4.2.9, is an essential element of support and protection for reporters.

Witnesses and respondents also need protection and support. This principle follows naturally from the emphasis on restorative justice and practices and is required as a matter of due process for persons who may be charged with violation of University policies. Respecting the sensitivity and privacy of information provided, as described in section 4.2.9, is an essential element of support and protection for witnesses and respondents, and not just for reporters.

4.2.9 Sensitive Information

Treating information sensitively and showing concern for the privacy of all individuals involved are hallmarks of any properly functioning remedial process and are critical requirements for the OCR. Any individual who participates in restorative justice practices or any other mediation or investigative processes under the policy may request that information about their involvement in the process and information that they share through the process will be treated sensitively. The University should strive to preserve the privacy of information whenever maintaining this privacy does not conflict with the University's obligation to conduct a prompt and thorough investigation or other applicable legal requirements. University personnel should be trained to reveal information

about investigations and disciplinary proceedings only to those who need to know in order to carry out their duties and responsibilities.

4.2.10 Reports

The OCR should maintain records of complaints received, their disposition, and provide annual public reports on such matters (as EOAA currently does in relation to cases of discriminatory harassment), subject to confidentiality requirements. Such reports are essential to raise community awareness of the problem of abuse and what is being done about it, and to help identify patterns of behavior.

4.2.11 Accountability

The development of the OCR and implementation of remedial measures should be undertaken in consultation with a University-wide committee such as the Anti-Bullying Advisory Committee described in section 5.4, which would be composed of people representing different constituencies of the University (e.g., students, staff, postdoctoral workers and other research officers, faculty, administration).

The remedial framework and processes must be the subject of regular evaluation to determine whether they are functioning properly and how they might be refined. The University-wide committee as well as outside experts should be consulted as part of these regular evaluations.

4.2.12 Academic Freedom and Freedom of Expression

The OCR must operate in a manner that respects the fundamental values of the University, as discussed in section 3.2.7. The documents establishing the OCR should state explicitly that nothing in its policies and procedures should be construed to abridge academic freedom and inquiry, principles of free speech, or the University's educational mission.[3]

4.3 Illustrations of OCR's Role

Two examples to illustrate the elements above in action.

4.3.1 Individual Reporters

This section illustrates a possible set of responses in a case where a person experiences bullying or other prohibited abuse.

1. Make complaint to the OCR, which would make a preliminary assessment of whether the behavior meets the definition of bullying.

    a) If the reported behavior does not meet the definition of bullying, direct the reporter to a restorative process to help them improve their working conditions/mental health.

    b) If the reporter disagrees with the OCR's assessment that a behavior does not meet the definition of bullying, a third-party expert should be consulted.

[3] This would be comparable to the statement now found in the Introduction to the Policies and Procedures of the University's Office of Equal Opportunity and Affirmative Action.

2. If a complaint fits the definition of bullying, the reporter should be provided options.
    a) A collaborative process involving mediated dialogue. The OCR informs the individual against whom the complaint is made and determines whether all parties are willing to participate in the process.
    b) Timelines: 1 week to contact the respondent, 1 week for them to respond.
    c) If necessary, take immediate action to remove a reporter from an abusive situation. Reporters should be given the option to forgo mediated dialogue if there is a more immediate solution to their problem. Even in such cases, a record of the complaint should still be maintained to help identify patterns.
3. Mediated dialogue: This process should be designed with expert help. It should take into consideration the comfort of the reporter in discussing concerns directly with the respondent, and it should involve community members only if the action affects a larger community and if the reporter is comfortable with their presence.
4. If the respondent disagrees with the assessment that they were engaged in bullying behavior and does not want to go through mediated dialogue, they will respond accordingly to the OCR.
    a) This would trigger an investigation similar to the one that is conducted when complaints of discriminatory harassment are made.
    b) Investigations should have defined timelines and processes to keep the reporter updated.
    c) If an investigation finds bullying behavior, the OCR should inform all parties. The respondent (based on the nature of the case) would still be given a chance to go through mediated dialogue and restorative justice.
5. For egregious cases, repetitive bullies, and cases where resolutions recommended by the mediated dialogue are not followed, disciplinary actions would be taken.
    a) Disciplinary measures may include loss of access to trainees, required attendance to courses, etc.
    b) Disciplinary measures should have a timeline for assessing effectiveness and restoring rights that were lost.
6. Reparative measures for the reporter could include bridge funding (and visa support) to find a new mentor/professor to work with, help finding other resources for support and help to make up for lost productivity, ensure that there is no retaliation, and that the complainant keeps the right of authorship on potential publications that they contributed to.

4.3.2 Restoring Community

There are a multitude of ways that a community's culture can be affected. Often it is the accumulation of many minor incidents, rather than a single major incident, that can lead members to see the environment as unsupportive. In the vast majority of these situations, it is not useful, or

even necessary to single out anyone to “punish.” Rather, it is vital that the community discusses the harm and how to repair it. Example incidents could include:

Public remarks that are experienced as gendered or racially-insensitive.

- Bullying behavior in academic discourse (e.g., repeated interruption of a seminar or colloquium speaker).
- Proposals towards inclusion being dismissed as unnecessary (e.g., adoption of Mission Statements or Codes of Conduct, changes to curricula).
- Problems in classrooms: off-handed or clumsy comments to students in the class; perceived favoritism of a group of students, e.g., males/whites; poorly managed discussion of a controversial topic.

Some communities may be well equipped to handle these incidents themselves, but not all.

To give one example - it is easy for department culture to be set by one or two people who are perceived as bullies. They may be unaware of and/or refuse to take responsibility for their impact when asked. The following steps may help in this case.

1. OCR is approached by faculty member(s) (the reporters) with the concern
2. OCR invites the faculty – including the respondent – to join a facilitated discussion
3. The discussion includes
    - Reporters talking about the effect of the actions/incidents on their perception of - department culture
    - The respondent being given the opportunity to discuss, understand and acknowledge the harm
    - The group planning how to repair the harm going forward
4. 6 months later - OCR and community members meet to discuss the effectiveness of this restorative approach and adjust as necessary – possibly moving on to other measures.

Important: using this approach allows both the respondent and reporter to be re-integrated into the community. However, it is not necessary for either to participate for the community to discuss the harm and collectively act to repair it. It is sufficient that they are invited to join the discussion and community action.

* * * * *

5 Culture and Climate

5.1 Importance of Culture

Bullying is not just a form of misbehavior by a particular individual. It can be, and often is, a reflection of an institution’s culture: norms of behavior, values and priorities. If Columbia is to

create, in the words of this Working Group's charge, "an environment for learning, research, living, and working that is free from discrimination and abuse and that does not tolerate abusive or intimidating behavior," then the University must collectively address its climate and culture. This is not a one-time matter, to fix and then move on. Culture and climate need to be subjects of continuing attention. Other universities have effectively led in this area and can be models for needed change. See, for example, the work that the University of Notre Dame has done. Several recommendations from this Notre Dame report have been adopted in full, or in part, in this report.

5.2 Role of the Central University

In our decentralized structure, it is tempting to leave questions of culture and climate to individual Schools and other major units. The Working Group believes that would be a serious mistake. The Central University has a critical role to play in articulating standards of conduct and enforcing them across all campuses. Abuse is not a "local" problem. The entire University, led by its senior leadership, needs to mount a collective and sustained effort to declare it unacceptable and create an environment that actively discourages it: setting clear principles; recognizing that bullying and other abusive or intimidating behavior does harm to the entire community and not just its direct targets; assuring the availability of remedies based on restorative justice principles; committing as an institution to University-wide coordination; ensuring that resources are available to address this harm.

5.3 School and Other Unit Obligation

Every department and School must also be involved in this effort. Each has an obligation to promote and maintain a culture making clear that bullying and other abusive and/or intimidating behaviors are contrary to its norms and expectations and cannot be condoned or tolerated. Departments and Schools must ensure that all faculty, researchers, staff, and students are aware of appropriate guidelines and policies – community-wide and unit-specific – on bullying and other abusive and/or intimidating behavior.

The focus of departments and Schools should be on prevention through education, communication about standards and expectations, and on early intervention when there is evidence of bullying or other abusive and/or intimidating behavior by faculty members or other Columbia University officers, staff or students.

As a possible model, Schools and other units would do well to look to the Office of Professionalism at the Columbia University Irving Medical Center, whose overarching mission was discussed in 4.2.1. Importantly, that Office defines its purpose positively, not negatively – not just to define the behavior that is not permitted, but to foster "a culture and climate of teamwork, community, acceptance, respect, ethics, excellence, equity, and trust across CUIMC. The degree to which we achieve our aspirations to be the best workplace depends upon building a community where all feel comfortable, respected and welcomed in our workday lives."

5.4 Anti-Bullying Advisory Committee

To ensure that promoting an anti-bullying culture remains an enduring priority for our entire community, the University should create a new, permanent, University-wide body: The Anti-Bullying Advisory Committee. Members should include faculty, researchers, students, and staff and

should reflect the full range of activities across all our campuses. Members should serve defined terms to increase the diversity of voices that can be heard on the Committee over time.

This new Advisory Committee should address culture and climate on an ongoing basis. It should not be part of the OCR nor involved in the resolution of particular disputes. Its mission would be to keep attention focused on the topic of bullying and abusive behavior, to serve as a continuing signal of the University's commitment to create an environment in which all can thrive. The advisory group would be charged with assessing progress toward achievement of that goal and recommending changes in policy and practice to move the University forward in that direction.

The Advisory Committee would be expected to play a continuing role in relation to many of the recommendations described in this report. For example,

- It could sponsor the regular surveys recommended in section 5.6 of this report.
- It could assume responsibility for the ongoing evaluation of the remedial framework recommended in section 4.2.11.
- It could lead the exploration of new processes to evaluate mentoring and possibly provide for a regular evaluation or certification of those who supervise student employees, postdocs or staff, as recommended in section 5.8.
- It could examine standards of authorship as recommended in section 5.11.

More generally, the Committee would be expected to serve as a University-wide coordination mechanism, facilitating the sharing of information and best practices across the various School-based efforts to address culture and climate, and paying attention to the experiences of other universities, scientific and research institutions and organizations generally.

Changing culture and climate will require time, effort and an ongoing conversation that spans the entire University, including its senior leadership. The Advisory Committee would be charged with ensuring that such conversation continues and is effective.

5.5 Emphasis on Restorative Justice and Other Adaptable Conflict Resolution Strategies

Critical to the mission of creating a healthy environment free of bullying is the ability to acknowledge, address, repair and ultimately prevent (future) harm. To this end, any University policy meant to address bullying should place an emphasis on restorative justice, as described in section 4.2.3. An important aspect of restorative justice is its emphasis on the role of transgressions of community norms as harms to people, relationships, and communities, and its focus on repairing that harm by giving those directly affected the opportunity to dictate what repair looks like. Its successful implementation relies on mutual buy-in and meaningful engagement from all concerned parties (reporters, respondents, and the community around them). Ultimately, community involvement and support should emphasize taking measures to prevent a recurrence of the harms and promoting reconciliation.

The successful use of restorative justice practices in our community, and more collaborative-based conflict resolution strategies in general, depend on a broad cultural shift at the University – one that sees these processes as helpful, effective, and taken seriously. Additionally, they should be seen

as options that community members (respondents included) will willingly engage in, even if the transgressions do not rise to the level of a violation of University policy.

As such, a large and concerted effort will need to be undertaken to underpin such a shift in approach. It will be necessary to responsibly set up and flesh out a number of different collaborative conflict resolution strategies at the OCR, including, but not limited to, restorative justice practices and mediation. These resources should be accessible, well-advertised, and encouraged whenever appropriate. Importantly, respondents should be equally encouraged to participate. The OCR should also seek to enlist liaisons in Schools, departments and other units at the University. The OCR, and especially the Advisory Committee (see 5.4), should largely be responsible for overseeing this effort, and with counsel from experts whenever possible.

As a final note: engagement in collaborative conflict resolution strategies should always be voluntary, never forced or coerced. Meaningful engagement will come only with time and trust. An overarching goal of this effort should be that both reporters and respondents see collaborative conflict resolution processes as the preferred and most productive option for resolving issues, ones that can lead to better resolutions for reporter, respondent, and the community alike.

5.6 Ongoing Data Collection

Regular surveys and focus groups can be an important tool in changing culture and climate. They can be used to assess how much abuse is taking place and what forms it takes, and whether incidence is changing over time. They can be a tool not only for receiving information but also for delivering a message – demonstrating the importance the University places on this issue and raising awareness of it. A regular anonymized survey of the Columbia community is essential to (i) ensure that community members are aware that abuse is unacceptable, (ii) identify intimidating or bullying behaviors that may be occurring, and (iii) facilitate remediation for those in abusive circumstances. Further, periodic focus groups that reach out to specific groups within the University will allow for more nuanced perspectives to be heard and included in the conversation.

5.7 Mentoring Plans and Annual Feedback

The University should provide adequate resources for students and other mentees, and their mentors, to create and maintain productive mentoring practices that are grounded in clear communication of expectations. This should include the development of training and tools for recommended mentoring plans, as well as processes to receive annual feedback from all mentees (including postdocs, graduate students, research assistants). Research courses should include a mentorship evaluation form, similar to teaching evaluations currently included in other courses. These evaluations should be treated like teaching evaluations and considered during review and promotion of faculty. The University should also ensure that departments have practices in place to assess postdoc or student progress annually, particularly to identify and assist any student who is struggling academically or in their professional training.

5.8 Personnel Review and Evaluation

The mentor-mentee relationship is critical to the identity and success of the academic enterprise and a justifiable source of pride, at Columbia and other universities. But the relationship can also be abused. The University needs to focus attention at all levels – the

central University, Schools, institutes, departments – on how mentors are selected, trained and evaluated, with a particular focus on those who supervise postdocs and graduate students. The University should consider adopting the inclusion of letters from mentees (i.e., research advisees, teaching assistants, postdoctoral fellows), whenever possible, during the various stages of review and promotion for faculty and other mentors. The number of requested letters can increase at each stage. Stanford University and Case Western University both require evaluative letters from students and mentees as a part of their promotion packages.

Additionally, the University is limited in its current capacity to ensure continued good practices once one has achieved the status of full professor. In order to ensure that faculty continue to strive to be good mentors, the University should consider adopting a system of evaluation and review where personnel who supervise student employees, postdocs or staff are evaluated or certified at regular intervals, perhaps every five years. This approach would provide the University with an opportunity to periodically review a faculty member's mentoring of graduate students, as well as a mechanism to protect students without depending on student complaints to initiate the process. These reviews could help identify those with patterns of bullying and provide a basis for training, workshops or consultations to break these patterns.

To supplement this effort, the Working Group recommends the adoption of two approaches to address these issues systematically, recommended by the University of Notre Dame. These proposals deserve serious consideration at Columbia, including by the Anti-Bullying Advisory Committee. They are:

- Include and emphasize mentoring of graduate students and postdocs as an important component in the evaluation of faculty for reappointment, promotion and tenure.
- Establish a term-limited and renewable Graduate Faculty designation that includes mentoring evaluations and training as a prerequisite for appointment and renewal.

Biases should be carefully monitored and attempted to be corrected in any review assessment process. Research has found evidence for gender and cultural bias in course reviews, where female faculty and faculty from non-English speaking backgrounds received lower ratings than their male or English-speaking counterparts in course evaluations.

5.9 Academic Program Reviews

Academic program reviews should seek to be comprehensive and in addition to personnel reviews, should collectively assess the programs' practices around mentoring. The rationale behind this is that accountability to maintain high standards for mentoring should rest equally at the community level as it does on the individual level. By including mentoring as an explicit expectation in the review process, departments can be held accountable for the quality of their mentors and compelled to think about mechanisms to develop and assess their faculty with respect to mentoring.

5.10 Training

Training on how to be a mentor and/or manager should be required for all who would be responsible for managing others, such as Department Chairs, faculty who manage labs,

administrative managers, etc. This should include a course focused explicitly on good mentoring, which could be developed by the Center for Teaching and Learning in partnership with the Office of Faculty Advancement, for all new faculty as a part of their orientation. A refresher mentorship course should also be made available to all faculty periodically (for example, every 3 years). Further, training should be made readily available in response to the expectations delineated in 5.8 Personnel Review and Evaluation and 5.9 Academic Program Reviews. In addition, specific training should be provided to Directors of Undergraduate and Graduate Studies, who are intended to be the first point-of-contact for students encountering challenges in the departmental domain. Appropriate training can clarify and strengthen the student advocate responsibility of the DGS and DUS and promote best-practice sharing.

5.11 Standards for Authorship

Since authorship is an important criterion for evaluation of productivity, employment, and promotion in academia, guidelines for authorship determination may be an important component of a larger effort to improve climate and culture. Clear and transparent authorship guidelines can reduce the risk that persons who leave an abusive lab environment will be denied appropriate credit for their work on publications from that lab.

Guidelines on how to determine who should be included as an author on publications and in what order different co-authors should be listed vary greatly across disciplines. As such, there cannot be a single authorship determination standard for the entire university. However, the university should set clear expectations for individual departments, research centers, or labs to adopt authorship guidelines that are relevant to their discipline. Several examples of such authorship standards currently exist among professional associations, scientific publishing organizations, or funding agencies.

Generally accepted guidelines for determining authorship include anyone who has:

- made substantial contributions to the conception or design of the work; or the acquisition, analysis, or interpretation of data or the work, AND/OR;
- drafted the work or revised it critically for important intellectual content, AND;
- conducted a final review and approval of the version to be published, at least as it pertains to their role in the project.

The university should expect people in supervisory positions to make their authorship standards transparent and explicit to their research team. The university and OCR should also provide resources for units to facilitate discussions around authorship determination. For people in supervisory positions, a persistent refusal to set authorship guidelines that are clear, fair and consistent with standards for the particular discipline should be viewed as potentially abusive conduct, as defined in section 3.

5.12 Community-Building as Recognized Service Work

Just as an individual's evaluation as a mentor should factor into their evaluation for promotion and evaluation (see section 5.8), so too should contributions to positive department and University culture. Frequently, these activities are carried out by individuals

with less stable ties to the University, that is: junior faculty, research officers, graduate student workers, and undergraduates. Such a commitment to fostering a positive culture and community locally often goes unrecognized. The University should consider adopting policies that recognize service work towards community-building as the integral part of a flourishing academic environment that it is. In practice, this could look like a number of things, for example: monetary compensation (including, but not limited to, encouragement in local grant requests for proposals to include reasonable organizer stipends in proposed budgets), or recognition as one of the many elements of progress towards a degree (e.g., via inclusion as a thesis chapter, inclusion in dissertation defenses, etc.).

Appendix A: Members of the Working Group

Co-Convenors

Dennis A. Mitchell, *Executive Vice President for University Life, Senior Vice Provost for Faculty Advancement; Professor of Dental Medicine*
Gordana Vunjak-Novakovic, *University Professor and Mikati Foundation Professor of Biomedical Engineering, Medicine and Dental Medicine*

Faculty

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Appendix B: Charge to the Working Group

COLUMBIA UNIVERSITY
IN THE CITY OF NEW YORK

OFFICE OF THE PROVOST

August 10, 2021

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Dear Dennis and Gordana,

Thank you for agreeing to convene a University-wide Anti-Bullying Working Group.

Your leadership of this group will help us work to provide an environment for learning, research, living, and working that is free from discrimination and harassment and that does not tolerate abusive or intimidating behavior.

As you know, this working group, which you have agreed to bring together in the coming weeks, is charged with making recommendations to the University on how to address complaints about workplace misconduct that does not constitute a violation of the University's current policies on sexual and gender-based harassment or other forms of prohibited discrimination, but which nonetheless may be abusive and/or intimidating. Your report on the recommendations will help us determine next steps in our work to foster a nurturing and vibrant community founded upon the fundamental dignity and worth of all of its members.

I look forward to receiving your report on these issues as soon as it is feasible.

Best regards,

/s/

Mary C. Boyce
Provost
Professor of Mechanical Engineering

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