

Annual Security and Fire Safety Report

BARNARD
COLLEGE
2018

This report is a part of the College's efforts to provide you with information on security procedures, services, and resources available on our campus, and especially to remind you of the need to cooperate in crime prevention. This document was prepared for publication on October 1, 2019. Additional detailed information is available in the Barnard Residence Hall Handbook and in the various College offices and departments related to the content within this report.

Barnard College Public Safety Department sends an e-mail to every enrolled student and current employee on an annual basis to notify them that the report is available to be viewed. The e-mail includes a note about the contents of this report and the web address where the Annual Security and Fire Safety Report can be found. Current reports are available online at <https://barnard.edu/publicsafety/annual-security-and-fire-safety-report>

You may request to have a physical copy mailed to you by calling **212-854-3362**. A printed copy of the report can also be obtained from the Barnard Public Safety office in Room 104, Barnard Hall.

A Message from the Department of Public Safety

Barnard College is committed to providing a safe and secure environment conducive to education. The safety and well-being of our community, students, faculty, staff, and guests, has always been of paramount importance at Barnard College. Located in Morningside Heights in Manhattan, we are a community within our neighboring communities: Columbia University and New York City. In ways, separate from them, yet very much a part of them, we have many mutual interests, including that of crime prevention.

To that end we present here the 2018 Annual Security and Fire Safety Report. The report is prepared by the Public Safety Department, which is responsible for ensuring the safety and security of the campus, in collaboration with colleagues from offices of the Dean of the College and General Counsel.

This report will provide you with information regarding safety and security and statistics for 2018 in compliance with The Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act and the Higher Education Opportunity Act. It includes details of policies and procedures of Barnard College and Barnard Public Safety related to reporting crime, campus crime prevention and crime awareness programs, victim's assistance and services, fire safety and emergency procedures.

Barnard College Public Safety Department proudly provides safety and security to our campus community. We encourage you to read this report and consider how the information provided can help you. For more information, to provide feedback or questions regarding this report, please visit <http://barnard.edu/publicsafety> or contact the Department of Public Safety at **212-854-3362**.

Sincerely,

Amy Zavadil, Ph.D.
Interim Executive Director,
Public Safety and Emergency Management

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SECTION ONE

JEANNE CLERY ACT

The Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (the "Clery Act"), as amended, requires colleges and universities to:

- Publish an Annual Security and Fire Safety report by the first of October that contains statistics for the last three years regarding specific crimes and fire safety incidents, and must include certain campus security policy statements.
- The College must disclose crime statistics for the campus including public property, which includes thoroughfares, streets, and sidewalks, that is within the campus, or immediately adjacent to and accessible from the campus. The statistics must be gathered from campus police or security, local law enforcement, and other College officials who have “significant responsibility for student and campus activities”.
- The College must provide a “timely warning” notification for crimes that have occurred and pose an ongoing “threat to students and employees”, in order to enable the community to protect themselves, and to aid in the prevention of similar crimes.
- Issue an emergency notification, immediately upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus.
- Maintain and provide a public Crime Log identifying “any crime that occurred on campus...or within the patrol jurisdiction of the campus police or the campus security department and is reported to the campus police or security department”.
- Maintain and provide a public Fire Log recording any fire that occurred in an on-campus student housing facility.

CLERY GEOGRAPHY

For purpose of this report, the College must disclose statistics for the campus and adjacent public property as defined above. For Barnard College, the reporting geography includes the following:

Addresses are located within the confines of the 26 Precinct, unless otherwise noted.

601 W 110 Street	606 W 120 Street	3009 Broadway	1233 Amsterdam Ave
600 W 116 Street	2955 Broadway	3015 Broadway	1235 Amsterdam Ave
605 W 116 Street	2957 Broadway	3019 Broadway	1237 Amsterdam Ave
607 W 116 Street	2961 Broadway	3023 Broadway	1239 Amsterdam Ave
616 W 116 Street	3001 Broadway	3025 Broadway	*217 Manhattan Ave
620 W 116 Street	3003 Broadway	2-12 Claremont Ave	*352 West 110 St
620 W 119 Street	3005 Broadway	26 Claremont Ave	
624 W 119 Street	3007 Broadway	42-76 Claremont Ave	

*Addresses located within the confines of the 24 Precinct.

TIMELY WARNINGS, EMERGENCY NOTIFICATIONS, AND OTHER ALERTS

Members of the community are encouraged to report all crimes and other safety and security concerns promptly to Barnard Public Safety. The College will send accurate and timely notices to the community when appropriate, and will include applicable reported incidents in the annual crime statistics.

Timely Warnings notify the campus community about Clery Act crimes, occurring anywhere in our Clery geography, that present a serious or continuing threat to students and employees. The College distributes Timely Warnings to the entire community through email and text messaging. The applicable crimes are defined in the Uniform Crime Reporting Program (UCR) / National Incident Based Reporting System (NIBRS) including reports of arson, criminal homicide, and robbery. The College issues Timely Warnings on a case-by-case basis, considering factors such as whether there is a continuing threat to the community, the possible risk of compromising law enforcement efforts, and the nature of the crime. Timely Warnings are sent and posted as soon as the pertinent information is available in order to provide appropriate information to the community. To protect the privacy of the victim(s), the Timely Warning will not include the victim(s) name(s), except in appropriate circumstances.

Emergency Notifications notify the campus community about confirmed threats to health and safety that occur on or imminently threatening our campus. Such threats may or may not be crimes. For example, the College may send an Emergency Notification about an event such as a gas leak or illness outbreak.

From time to time the College may issue information to the community through email and/or other print or web based communication about threats or risks to property, or other issues that do not warrant a Timely Warning or Emergency Notification but serve to address campus security and crime prevention. These issues may be referred to as “community alerts,” and could relate to non-Clery-related issues such as a rash of bicycle thefts. Such alerts are issued at the discretion of Barnard Public Safety.

EMERGENCY NOTIFICATION SYSTEM

In the event of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus; Barnard Public Safety will without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. Activation of the emergency text messaging system is designed to instantly and simultaneously contact students, faculty and staff via notifications through a text message to their cell phone (if registered with the College), and/or to their official Barnard College email account, and will prompt a posting to the general announcements on the homepage of Barnard's website www.barnard.edu. Subsequent messages and updates will be coordinated through Public Safety, the Communications Department and Residential Life Administrators upon activation of the Emergency Management Operations Team. Immediate notifications to a segment of the community may be considered if the emergency is limited to an affected segment.

As an affiliate of Columbia University, Barnard students may also be aware of notifications from Columbia University. In some instances, there may be similar messages from Barnard and Columbia to our respective communities. In other instances, given the wider range of locations of University property, CU notifications might be unique to their alert system.

***Important Note:* The emergency text notification system is tested each semester. Barnard cannot be held liable for students, faculty and staff who do not receive emergency messages or who do not register their cell phone number through Human Resources for faculty and staff, or the Registrar's Office for students. Changes in contact information including cell phone numbers, must be reported to the appropriate office in order to maintain the ability to receive emergency messages through this system.**

Frequently Asked Questions

When Will the Barnard Emergency Notification System Be Used?

The Emergency Notification System will be used when there is an imminent threat and quick action is urgently required by the campus community.

Examples include:

- Sheltering from a storm
- A dangerous situation such as a chemical spill, bomb threat or dangerous person

Text messages will be used only during emergency as a means of immediate notification and will provide subsequent updates as available throughout the emergency.

How Will I Know the Emergency Alert Message is Genuine?

The message sender will appear as follows:

- Barnard admin, BCPS or a 5-6 digit number (i.e. 572-84)
- The type of alert will follow (i.e. Test, Alert, Dangerous condition, etc.)
- Instructions as to what action to take will follow (i.e. Shelter in Place, evacuate, etc.)

Will My Contact Information be Shared with Anyone?

If you register your cell phone number with the College to receive emergency messages via text or voicemail, it will remain confidential and will not be sold, disclosed or traded to anyone or used for anything other than the Barnard Emergency Notification System.

Is there a Fee for the Emergency Alert System?

Barnard will not charge a fee for notification sent to your email account. Text messaging and phone charges from your provider may apply.

Can I register my family and friends for this system?

The emergency alert system is only for currently enrolled students, faculty, and staff of Barnard College.

Are there other ways the community will get information that is important but might not require urgent action?

The College utilizes the Barnard website and emergency information line (212-854-1002) for communication such as closures or schedule changes that impact the majority of the campus community. Email communication may be used for important messages to all or portions of the College campus community when a situation does not meet the threshold of a significant emergency. Community alerts, such as information about recent crime prevention reminders or notifications about unsolved crimes relevant to campus safety, are also shared on the Public Safety page of the Barnard website <https://barnard.edu/publicsafety/alerts>.

SNOW AND EMERGENCY SCHOOL CLOSINGS

The College will announce any closing on the Barnard website (www.barnard.edu), and you may also listen to AM radio station 1010 WINS for any possible closing announcement. In addition, you may call the **emergency information line, 212-854-1002**. A pre-recorded message will be placed on that line in the rare instance that a decision is made to close the College.

DAILY CRIME AND FIRE LOGS

Barnard Public Safety maintains a daily campus Crime Log and separate Fire log, both of which are available for viewing at the department's office Monday through Friday, during business hours in Barnard Hall room 104.

The Crime Log is used to record all crimes reported to Barnard Public Safety by; incident number, date of crime, time of occurrence, general location, and disposition (if known). All reports of crimes received by Public Safety that occurred within the required geographic locations and within the Public Safety patrol jurisdiction are entered into the Crime Log, except where such disclosures are prohibited by law or would jeopardize the confidentiality of the victim. Such information may also be withheld if there was clear and convincing evidence that the release of the information would cause the suspect to flee or result in the destruction of evidence, however once the adverse effect described above is no longer likely to occur the information required will be disclosed in the log. Entries or a change in the disposition of a complaint will be recorded within two business days of receipt. The crime log is accessible to public view for the most recent 60-day period during normal business hours. The institution will make available any portion of the log older than 60 days within two business days of a request for inspection.

The Fire Log is used to record all fires that occur in an on-campus student housing facility. This includes already extinguished fires as well as those discovered while still burning, regardless of whether or not it was an emergency situation requiring a response from the Fire Department (FDNY) or if it were a minor fire easily extinguished.

All fires will be recorded by incident number, date the fire was reported, date and time of occurrence, general location, and nature of the fire.

EMERGENCY MANAGEMENT

The Department of Public Safety coordinates emergency management and preparedness policies and procedures for the Campus. The department employs a Director for Emergency Management and Fire Safety who co-chairs the Emergency Management Committee comprised of campus representatives from all divisions of the College. This group meets regularly to develop and coordinate Preparation, Planning, Response, Business Continuity and Restoration for Barnard College in the event of an emergency or major disaster. Through the ongoing development and revision of the Emergency Operations Plan (EOP) the committee oversees the overall development, implementation and work practices that best suit college-wide emergency management needs. Emergency protocols and procedures are tested annually.

SECTION TWO

BARNARD PUBLIC SAFETY DEPARTMENT

The Department of Public Safety at Barnard College is located just opposite the Main Gate at 117th Street and Broadway, in Barnard Hall, Room 104. It is open 24 hours a day, seven days a week including holidays and can be contacted by calling **212-854-3362**, or ext. **43362** for non-emergencies. The emergency numbers for Public Safety are **212-854-6666** or dial **46666** from a campus phone or activate a blue light call box from our various campus locations. The Department has a professional full-time staff that consists of an Executive Director for Public Safety and Emergency Management, and four Directors - Director of Operations; Director of Administration and Technology; Director of Training and Community Engagement, and a Director for Emergency Management and Fire Safety, all supported by administrative personnel. Security coverage for the Campus is provided throughout the year by full time staff consisting of Field Supervisors and uniformed Public Safety Officers who patrol the campus, Access Attendants who monitor access and egress of campus Residence Halls and Dispatchers who ensure timely response to calls for assistance.

Public Safety Officers (sometimes referred to as security guards or guards) are College employees who are licensed by the State of New York and are trained, certified and registered pursuant to the New York State Security Guard Act of 1992.

Barnard College security personnel are not peace officers or police officers, their authority to arrest is the same as that of a private citizen, and their scope of enforcement is limited to the rules and regulations of the College within the campus grounds. As agents of the college they perform unarmed interior and exterior patrols 24 hours a day, 365 days a year. Security booths are staffed during the evening hours from 4:00 pm until 7:30 am during the academic year and as needed. In addition to perimeter security performed by Public Safety Officers, Access Attendants monitor access and egress for all Resident Halls 24 hours each day.

Barnard Public Safety is concerned with the welfare and safety of all members of the campus community and their guests. The department employs a community policing strategy that promotes active community involvement including students, faculty, staff and outside law enforcement. The activities of the Department of Public Safety are enhanced by its close relationship with the New York City Police Department with which we have a Memorandum of Understanding regarding the investigation of criminal incidents and communication of any off- campus arrests or incidents involving members of the Campus community and/or if there is a perceived threat to the welfare of other members. In addition, we collaborate with other

agencies including the New York City and New York State Fire Departments, State and Federal enforcement and first responder agencies, Columbia University public safety and affiliates. Together with these agencies, we share in the responsibility of maintaining law and order on the Campus and in the surrounding community.

Barnard College has an approved NYS Security Guard Training Academy, which is administered by the Directors of Public Safety. All Public Safety Officers are trained for recertification annually through the Academy or through a NYS DCJS certified school. In addition, all members of the department are trained annually in First Aid, Cardiopulmonary Resuscitation, use of Automated External Defibrillators, fire safety and emergency response procedures. Annual campus based training also includes information about nondiscrimination, sexual violence response, and campus resources and wellness initiatives. The department has institutional membership with the national organizations and department members participate in ongoing professional development.

Security for Campus Grounds & Buildings

Marked patrol units from the Department of Public Safety, as well as those from the NYPD and Columbia University patrol the Campus perimeter regularly. Although Public Safety Officers are not police officers, they do handle criminal acts and crime scenes until the police arrive. Suspects may be identified and detained for action by the arriving police personnel.

Uniformed Officers assigned to various areas on campus regularly patrol both academic and residential buildings. Members of the community are encouraged to approach our Officers or supervisors with questions or reports about crimes or emergencies.

The College also provides “**Blue Light**” emergency call boxes throughout the campus, in the tunnel that connects campus buildings, on the perimeter along Broadway and Claremont Avenue, as well as on West 120th Street between Broadway and Amsterdam Avenue, and on 110th Street outside the Cathedral Gardens Residence Hall. The boxes are simple to use: an alarm is activated by pushing a button and a message is automatically sent to the entire Public Safety staff over their radios in real time. In addition, the location of the box is automatically transmitted to security personnel allowing the officers to respond immediately to a call.

When the College is in session, entrances to residence halls are staffed 24 hours a day by Access Attendants, employees of the Department of Public Safety. Their job is to monitor access and egress for all residents and guests. Students must present to the guard a valid Barnard College IDs to gain entrance to residence halls, other guests must be signed in by a resident of the

building. In order to be admitted, a guest must leave proper identification and be escorted at all times by the resident student who signs them into the building.

Procedures for events in public rooms in the residence halls are regularly reviewed by Residential Life staff. Similarly, procedures and supervision schedules for events in non-residential buildings are established through the Events Management Department in consultation with Student Life, the Department of Public Safety, and other relevant departments, and are reviewed by the College's Events Management Committee.

Public Safety Services

Barnard Public Safety can assist members of the Campus community in many non-emergency situations. Students are encouraged to contact Public Safety for questions regarding navigating their travel throughout the city, safely securing valuable items, and assistance with interactions that may involve city agencies.

Members of the Barnard community can contact the Public Safety and request assistance.

PUBLIC SAFETY

Emergencies: 212-854-6666

Non-Emergencies: 212-854-3362

Email: publicsafety@barnard.edu

The Public Safety Department administers a comprehensive public safety platform, including crime prevention programs, fire prevention exercises, emergency response training, use of an emergency notification system, and coordination of EMS services with Columbia University EMS (CUEMS). Personal safety workshops and escort services are also available to Barnard students through Columbia University Public Safety and notification of such is made through student email. Barnard Public Safety also works closely with the FDNY and NYC Office of Emergency Management to ensure the safety of the Campus community. Our security and emergency management procedures are modeled after guidelines of the United States Department of Homeland Security.

The Department maintains and promotes respect for the individual rights and dignity of all persons and continually attempts to instill public confidence by maintaining a high degree of professionalism, dedication and expertise in the delivery of the services it provides.

SECTION THREE

REPORTING CRIMES AND EMERGENCIES

It is imperative that all crimes and suspicious activity be reported to Barnard Public Safety promptly. The department utilizes a community policing strategy that incorporates all members of the campus. Every member of the campus community serves as the “eyes and ears” of the College. Although the Public Safety Department encourages the community to call directly to the department for all emergencies, we recognize that in some circumstances individuals may prefer to first seek confidential assistance or report to other college services or offices for non-emergencies. A list of titles of available campus personnel and resources is provided under the resource section of this report.

How to Report a Crime or Other Emergency

For emergencies, **call** 212-854-6666 or **Dial 46666** from any campus phone or simply push the **RED** button on any “**Blue** Light” emergency phone to report a crime in progress and/or other emergency.

To report any crime or for any non-emergency situation, dial 212-854-3362 from outside lines for response. Both phone numbers reach the Barnard Public Safety dispatch, with priority given to the emergency line. It is always an option to respond directly to the Barnard Public Safety office located in room 104 Barnard Hall.

Off Campus emergencies should be reported to the NYPD by dialing **911**. Public Safety can provide assistance to community members reporting non-emergencies that occurred off campus (are being reported after the fact) to the appropriate NYPD precinct.

When reporting a crime or incident please provide as much information as possible, to include:

- Nature of the incident or behavior observed
- Details of what happened
- Specific location
- Identity and/or description of person(s) involved
- Date and time of incident

Be as specific as possible when reporting an incident, giving as much detailed information as possible, i.e. description of person(s) attire and features, vehicle(s) details, etc.

Public Safety patrol vehicles and foot patrols are radio dispatched to handle emergencies and safety and security duties anywhere on campus. In addition, there are numerous well-marked

emergency (**Blue Light**) telephones located throughout the campus to facilitate the reporting of crimes, fires and other emergency situations.

Policies Regarding Reporting Crime Confidentiality

Persons wanting to report a crime or incident can do so confidentially by contacting the Department of Public Safety at **212-854-3362** and requesting to speak to a supervisor. The reporting person's name will be kept confidential, but the incident may be included in the annual crime statistic report without divulging the person's name or any other information that would infringe on his/her confidentiality. However, an allegation of sex or gender-based misconduct involving students or other members of the College community requires any college official to share the reported information with the Title IX Coordinator. Confidential resources are available to students at Furman Counseling Center. Employees can utilize the Employee Assistance Program for confidential support.

Barnard's Response to Reported Incidents

Public Safety staff will complete written reports of any incident that occurs on campus or other mandated areas. Reports are kept on file in the Public Safety Office and relevant information is shared with the appropriate Campus departments.

Follow-up inquiry or investigations are conducted, and local law enforcement agency(s) is/are notified when appropriate.

Reporting Incidents to the New York City Police Department (NYPD)

Any person reporting a crime to Barnard Public Safety will be informed of their right to file a police report with the NYPD. Victims/complainants may contact the police directly by calling **911** for emergencies or **311** for non-emergencies anywhere in New York City. Victims/complainants wishing to file a police report may contact Public Safety for assistance throughout the process. Typically, if NYPD is requested directly to respond to an on campus emergency they will call Public Safety to respond with them, or they will inform Public Safety of the incident after they have responded. There is a written memorandum of understanding between the NYPD and the College for the investigation of criminal offenses that occur on campus property.

Advisory Committee on Campus Security

Barnard's Advisory Committee on Campus Security is composed of students, faculty and staff. The committee reviews current campus security procedures and makes recommendations for their improvement.

Emergency Medical Services

All Public Safety Officers are certified in first aid, CPR and use of the AED and all Public Safety personnel have had basic first aid training. In the event a student, faculty, staff and/or visitor requires medical attention while on campus, **immediately call Public Safety at 212-854-6666 or 4-6666 from a campus phone** and advise of location and nature of emergency. Public Safety will immediately respond, provide care and call for necessary emergency medical services.

Emergency Medical Services (EMS) are provided either through Columbia University EMS (CU EMS) or New York City EMS services. CU EMS is a student-operated, New York State-certified, Basic Life Support volunteer ambulance corps. They provide pre-hospital emergency medical care, free of charge, to Columbia University's Morningside Heights Campus, and the surrounding area, 24 hours a day, 7 days a week. CU EMS has been serving the Columbia Community since 1968. The corps currently has approximately 40 active members and responds to over 800 emergency calls per year. <http://cuems.columbia.edu/>

SECTION FOUR

MISSING STUDENT POLICY AND PROCEDURES

The term "missing student," for the purposes of this plan, shall refer to any Barnard College student, who resides in a facility owned or operated by Barnard College or Columbia University, who has not been seen by friends, or associates, for a reasonable length of time, whose whereabouts has been questioned and brought to the attention of a member of the Residential Life & Housing Staff, including resident assistants.

The College will initiate the following procedure once advised that a student is missing with no reasonable explanation for their absence. Ordinarily, the procedure will be initiated after at least a 24-hour period will have elapsed after a normal or scheduled event for which the student's presence has been expected. However, the College, at its discretion, may waive the 24-hour period if circumstances warrant.

When registering online at the start of each semester, each student will be asked to identify a Missing Person Contact, specifying the person whom the College shall notify if the student is determined missing through campus process. This contact information will be confidential and will be accessible only to authorized campus officials. In addition, the contact information shall not be otherwise disclosed, except to law enforcement personnel in furtherance of a missing person investigation.

In addition to the Missing Person Contact, parents of students who are under 18 years of age and not emancipated will also be contacted if such student is considered missing.

Missing Person Response Procedure

1. All reports of missing, or suspected missing resident students, are initially made to a member of the professional Residential Life & Housing staff (Director, Associate Directors, and Hall Directors), Public Safety will be contacted as part of response process by Residential Life staff. If a report is made directly to Public Safety, the appropriate Residential Life staff will be notified.
2. Following preliminary inquiry, the Residential Life staff member will immediately notify the Executive Director of Public Safety, or their designee, of the report. Together, the representatives from Residential Life & Housing and Public Safety shall investigate by, among other things: (i) making inquiries of roommates/suitemates, residents living on the same floor and any other known associates of the suspected missing resident; (ii) accessing and reviewing the student's academic schedule and ascertaining whether the

student is attending classes; and (iii) attempting to ascertain whether the student has used their ID as a meal card or to access other College buildings or services.

3. If these efforts meet with negative results, the College will promptly (but no later than 24 hours after the initial report) contact the missing student's Designated Contact. In addition, if the missing student is under 18 years of age and not emancipated, the student's custodial parent or guardian shall also be contacted at this time. The Designated Contact and/or parent/guardian will be apprised of the situation and asked whether they have any knowledge of the missing student's whereabouts.
4. If these efforts meet with negative results, the Executive Director of Public Safety, or their designee, will promptly (but no later than 24 hours after the initial report) contact the New York City Police Department who will initiate response based on their departmental policy and procedures. The New York City Police Department will be contacted regardless of whether the missing student has named a Designated Contact (*The New York City Police Department has a standard operating procedure in place to respond to missing persons.*)

POLICY ON WORKPLACE VIOLENCE, THREATENING BEHAVIOR AND WEAPONS

Barnard College is committed to maintaining the safety and security of all members of the Barnard community, including faculty, staff, students, alumnae, vendors, and visitors. The College will not tolerate any act of violence or behavior that is perceived to be violent or threatening from any employee or individual hired to provide services for the College. Any act of violence or threatening behavior toward another individual(s) will result in immediate disciplinary action that may include removal from the workplace and/or termination of employment.

An employee who is found to have committed violent or threatening behavior may also be required to participate in an assessment and professional counseling through the College's Employee Assistance Program as a condition of continued employment. Failure to cooperate with a required treatment plan may also result in further disciplinary action, up to and including termination. The College also reserves the right to initiate criminal/civil prosecution, depending on the severity of the actions.

Violent or threatening behavior includes the following:

1. Physical attacks – e.g., fighting, hitting, shoving, inappropriate touching, throwing objects

2. Intimidation – e.g., angry or hostile behavior intended to frighten or control; loud and inappropriate language or physical activity
3. Bullying, aggressive language or actions with the intent of humiliating, intimidating, or demeaning another individual
4. Threat – verbal or physical intent to perform a harmful act; includes verbal or written suicidal threats
5. Stalking — harassment by electronic, physical, verbal or written communication; physically following or inducing emotional or psychological harm to another individual
6. Property damage – intentional destruction of College property or property belonging to another
7. Weapons – possession of a weapon; intent to do harm to oneself or others with a weapon.

Weapons

Barnard College prohibits the unauthorized possession or use of weapons, explosives, and dangerous materials on its premises or in conducting its business, unless specifically authorized by the Executive Director of Public Safety. Employees should report violent or threatening behavior, suspicious activities or persons, and other prohibited conduct immediately to a manager or supervisor, and/or the department of Public Safety.

Reporting Incidents of Workplace Violence

All employees of the College are required to report any incidents of violence or threatening behavior without fear of retaliation from managers or co-workers. Employees are encouraged to be as specific and detailed as possible when making a report.

If in doubt, please contact the Office of Public Safety or the Office of Human Resources to make a confidential report. Employees should not attempt to intervene during an incident, nor place themselves in a possibly dangerous situation.

THREAT ASSESSMENT COMMITTEE

The Threat Assessment Committee is comprised of representatives from the Office of the Chief Operating Officer, Office of General Counsel, Office of Human Resources, Dean of the College, Office of the Provost, Campus Services & Department of Public Safety. The committee meets on a regular basis to review incidents, analyze behaviors and make recommendations regarding the safety of the workplace. Members of the committee will be responsible for communication of workplace violence protocol and policy, development and presentation of staff training, and determining appropriate responses to reports of threatening or violent behavior.

SECTION FIVE

CRIME PREVENTION AND CAMPUS SECURITY PROGRAM

The College annually posts online, in both print and other web publications, detailed descriptions of crime prevention techniques relating to personal safety and protection of property both on- and- off campus. From time to time, the Department of Public Safety and other College offices issue online advisories and tips. For example, each December, a special email notice goes out to all employees and students with information about how to guard against pickpocketing, theft, and burglaries at holiday time.

Barnard Public Safety, Residential Life, the Title IX Coordinator, Being Barnard and Student Primary Care Health Services conduct informational sessions, workshops and training programs on crime prevention, sexual violence prevention education, bystander skills, and drug and alcohol misuse and abuse. These begin at Orientation for entering students and continue during the school term for all students. All new employees are provided an online discrimination and harassment education module, including information about sexual violence prevention. Departments receive in person training and can request additional workshops or information from Public Safety, Human Resources, the Title IX Coordinator and other campus partners. All prevention and awareness education sessions, as well as the materials distributed by the College stress not only the role played by the College, but the fundamental responsibility of every member of the community for his or her own security and the security of others.

Photo ID Information

Every student and employee at Barnard is issued a photo ID card through Columbia University card services. It is recommended that students visit the CU ID Center webpage at <http://www.columbia.edu/cu/id/index.html> for all information regarding the various uses for their ID cards.

The ID card serves many functions, but most importantly it serves as official identification as a student or employee of Barnard College. For example, for students, if you live on Campus, your ID card also serves as the key to the main entry of your residence hall. If you are visiting a resident student, you will need your card to be granted access beyond the front desk. ID Cards are not transferable. This means that friends and relatives cannot use the card to make

purchases, take out books, or gain access to buildings. Allowing someone else to use your card is a violation of the code of conduct and the card may be confiscated immediately.

There is a \$20 non-refundable fee payable by debit or credit card (Visa or MasterCard) for replacement of lost/stolen University ID cards. To replace a lost or stolen University ID card, you must go to the ID Center in 204 Kent Hall on the Morningside campus of Columbia University, during regular business hours with a valid photo ID. Any swipe access that was provided on the lost card will be deactivated and transferred to the replacement card. In some cases, this may take up to 24 hours to process.

Shuttle Operations / Safety Escort

Students who present college IDs may ride on a Columbia University shuttle bus that makes stops between 108th and 125th Streets. The evening shuttle service operates seven days a week from 6:00pm until 4:00am the following morning and utilizes two shuttle buses traveling on different routes, in thirty minute loops across the Morningside and Manhattanville areas. Shuttle service is also provided to the CU Medical Center. For further information call **212-854-SAFE (7233)** for schedule information or visit <http://transportation.columbia.edu/>.

Barnard College provides shuttle transportation by a uniformed Public Safety Officer from 110th Street and 121st Street between Manhattan Avenue and Broadway from 9:00 p.m. and 4:00 a.m., seven days a week, with stops for drop off/pick up at Barnard properties and by Butler Hall. Information and schedule are available on the website at <https://barnard.edu/shuttle-services>, questions can be directed to Public Safety at ext. **4-3362**. In addition, for students moving between main campus and Barnard Residence halls outside of shuttle service hours, request for safety escort by Public Safety may be available between 5:00 p.m. and 7:00 a.m. between the Main Gate and off- campus residence halls, including College Residence and Cathedral Gardens on 110th Street, Plimpton Hall at Amsterdam Avenue and 121st Street, and 121st Street Residence hall at Broadway. The Barnard College Public Safety seeks to support student safety through this service, requests for escort can be made by contacting non-emergency dispatch at ext. **4-3362** or in person at 104 Barnard Hall.

Columbia University's Safety Escort Program on the Morningside Campus operates in the Columbia area from 7:00 p.m. to 3:00 a.m. every night when classes are in session. Trained students respond to requests for an escort between locations in the Morningside Columbia campus area. CU Safety Escort requests can be made by calling Columbia Public Safety at **212-854-SAFE**.

Facilities Services

The Facilities Services Department maintains the College's buildings and grounds with consideration for safety and security. Potential safety and security hazards, such as broken windows and locks discovered during security patrols are reported to Facilities for prompt repair. The Facilities Services Department is located in Barnard Hall, is open from 8:00 a.m. to 5:00 p.m. during weekdays, and may be reached by calling ext. **4-2041**. At night, on weekends and during holidays, building and grounds reports may be made to the Public Safety Dispatcher at ext. **4-3362** who will then contact appropriate facilities personnel.

Valuable Property

During the course of an academic year, Barnard Public Safety recovers many items of personal property. Public Safety takes in information regarding lost and found items. Often this property cannot be returned, as the rightful owner cannot be identified. Found property is held for at least 30 days; we cannot guarantee retrieval of items after this time. Barnard Public Safety recommends that members of the campus community record the serial numbers of all valuable equipment, computers, stereos, televisions, etc. and file this information away for safekeeping. Should a member elect to engrave his/her valuables, do not use a Social Security number. Instead use information that will have meaning to the member alone, including family birth dates, mother's maiden name, etc. An engraver is available at the Public Safety Office in room 104 Barnard Hall. In addition, Barnard Public Safety can assist in coordinating with NYPD's project identification program in which NYPD offers identity marking on technology devices and other valuables. Information used to identify the item including a serial number assigned is provided to the NYPD 26 Precinct to assist in the identification of recovered stolen property. Students are encouraged to participate in this program and register valuable property.

CAMPUS BUILDINGS

Academic and administrative buildings on campus are normally locked after 10:00 PM, unless they are being used for evening events scheduled through Events Management or for educational purposes scheduled by faculty members of the college. The Diana Center and Milstein Library Center remain open later (typically until midnight or 2am during the academic year) providing access to study space for students. Hours of access may be reduced during the summer months or campus breaks. Interior and exterior building patrols are performed throughout each day with emphasis on secured building access during the hours of darkness. The Campus computerized intrusion and fire alarms are monitored 24 hours a day by Public Safety.

Access to the main campus is restricted to the main gate located at 117th Street and Broadway and the 119th Street gate located on Claremont Ave. beginning at 11:00pm. Between the hours of 11pm and 6am, all persons entering the main campus must present to Public Safety staff a valid Barnard College or Columbia University ID card prior to entry or be identified as a guest escorted by a valid College or CU ID holder.

RESIDENTIAL FACILITIES AND POLICIES

Barnard College houses approximately 2,300 students in various accommodations. Services and programs intended to enhance the quality of life and to ensure the security and safety of the resident students are major priorities for the Residential Life & Housing and Department of Public Safety administrators. Each residence hall facility includes a security checkpoint, which is staffed 24 hours each day. <http://barnard.edu/reslife>.

POLICIES AND PROCEDURES FOR ACCESS TO RESIDENCE HALLS

The entrances to all Residence Halls are staffed by Access Attendants/Doorpersons/Guards assigned to Barnard Public Safety. Access and egress is monitored at this checkpoint and all students are required to display their current Barnard or Columbia ID card with residential sticker to gain entry. Visitors and guests must provide valid identification and be signed in by a resident with the Access Attendant prior to entry. A resident student host must meet his/her visitor/guest at the desk and escort their guest inside the premises. The policy regarding guest access to Residence Halls may be viewed on the Residential Life webpage <http://barnard.edu/reslife/policies/guests>.

Barnard Public Safety works closely with the Residential Life staff to ensure that safety and welfare policies are being satisfactorily implemented in and about residence halls and that fire regulations are being followed. Hallways and public areas are patrolled with attention focused on potential physical security issues. Violations of residential life and housing regulations that are reported or observed are noted and reported to the Residential Life staff for their follow up. Interpersonal conflicts and disturbances are forwarded by Public Safety to the Residential Life staff for follow-up action when necessary. Public Safety staff are available to conduct informational security and safety presentations upon request.

ALCOHOL AND DRUGS

Barnard College is committed to creating an environment for its students, faculty, and staff that strongly discourages the abuse or misuse of alcohol and other drugs. The College prohibits the

unlawful possession, use, or distribution of illicit drugs and the unlawful possession, use, or distribution of alcohol by any student who is not 21 years of age or older. All students alleged to be in violation of College policy will be subject to disciplinary action. The College Program for Prevention of Drug and Alcohol Misuse and Abuse policy statement can be found at <http://barnard.edu/policy/aod>.

Drugs

Students who are prescribed medications are the only individuals permitted to use them. Any paraphernalia designed or used to ingest illegal drugs, including (but not limited to) bong, roach clips, hookahs, or pipes are not permitted in the residence halls. If found, these items will be confiscated for disposal and not returned.

Alcohol

Students who are 21 years or older are allowed to purchase, possess, and consume alcoholic beverages in accordance with New York State laws and the guidelines set forth in the Barnard College Policies. Students under 21 years of age are not permitted to possess, consume, or serve alcoholic beverages at any time and any underage drinking is a violation of New York State law and is a violation of College policy. Public intoxication of any student, regardless of age, is a violation of College policy. Alcohol and open containers thereof are not permitted in public spaces and lounges in residence halls except as outlined in the College's alcohol policy. Common source beverage containers (e.g. kegs, beer balls, and punch bowls) and/or excessive amounts are not permitted in residence halls, nor are any empty alcohol containers. If found these items will be confiscated and not returned to the student.

<https://barnard.edu/student-code-conduct>.

Violation of alcohol and drug policy may result in disciplinary action, up to and including expulsion and/or criminal charges. The health, safety, and welfare of Barnard College students and our community are of primary concern. In addition to making healthy choices, students are encouraged not only to look out for their own health and safety but also for that of their peers. As such, all Barnard students are expected to enlist support from Barnard Public Safety/CU-EMS in the event of a medical emergency - specifically those involving extreme intoxication or other ill effects related to the use of alcohol and/or substances.

<https://barnard.edu/title-ix-equity/respond/RCAP>.

Barnard Health Services provides an Alcohol and Substance Awareness Program which serves the Barnard student community providing drug and alcohol education, prevention, and intervention efforts on campus. For more information visit their webpage

<https://barnard.edu/asap>.

SECTION SIX

CAMPUS SECURITY AUTHORITIES

The Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (the "Clery Act"), as amended, requires Public Safety as a "Campus Security Authority" to report the number of occurrences on the Barnard campus of specified offenses for the three prior years. These statistics are compiled by the Department of Public Safety in cooperation with the Office of the General Counsel, the Office of Residential Life and Housing, the Office of the Dean of Studies and Dean of the College, the Executive Director for Equity and local law enforcement agencies. Other members of the community considered as "Campus Security Authorities" for the purpose of reporting include *"An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings. An official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution."*

Campus "Pastoral Counselors" and Campus "Professional Counselors," when acting as such are not considered to be campus security authorities and are not required to report crimes for inclusion into the annual disclosure of crime statistics. As a matter of policy, they are encouraged, if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion into the annual crime statistics.

The rulemaking committee defines counselors as:

Pastoral Counselor:

An employee of an institution who is associated with a religious order or denomination, recognized by that religious order or denomination as someone who provides confidential counseling and who is functioning within the scope of that recognition as a pastoral counselor.

Professional Counselor:

An employee of an institution whose official responsibilities include providing psychological counseling to members of the institution's community and who is functioning within the scope of his or her professional licensure or certification.

At Barnard, all students are encouraged to promptly report instances of sexual assault, and to participate in the various education and awareness programs and activities concerning personal

safety, sexual assault prevention and rape crisis response and bystander intervention described in this report and in other campus publications.

In accordance with the provisions of the Jeanne Clery Act, the Barnard College annual security report includes statistics of reported crimes that occurred on campus; on campus in a residence hall; in certain off-campus buildings or property owned or controlled by the Barnard (noncampus property); and on public property within, or immediately adjacent to and accessible from, the campus. The report also includes institutional policies concerning campus security issues, such as those concerning alcohol and drug use, crime prevention, the reporting of crimes, sexual assault, and other relevant matters.

The following crime categories must be reported: Murder/Non-negligent and Negligent Manslaughter, Sex Offenses (including Rape, Statutory Rape, Fondling, and Incest), Dating Violence, Domestic Violence, Stalking, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson, Hate Crimes, and Arrests for Drugs, Alcohol and weapons. In addition, violation of drug, alcohol and weapons laws referred to the College for disciplinary action are also subject to this report. A complete list of crimes and definitions are provided in Appendix A

BIAS RELATED/HATE CRIMES

Barnard College is a community comprised of students, faculty, administration and staff from diverse backgrounds. Barnard College is committed to an inclusive community and sensitivity to members of its community to include respect for the cultures that nurture them. Barnard College therefore provides inclusion education and programming as well as established policies and procedures to protect the entire Barnard College community from the effects of "Bias Related Crimes."

What is a Bias Related Crime?

The New York Police Department Guidelines recognize that a "Bias Related Crime" or "Hate Crime" is any unlawful act that is motivated in whole or in part by a person's, a group's or a place's identification with a particular race, color, religion, ethnicity, gender, age, disability, ancestry, national origin or sexual orientation. Hate Crimes are defined in Article 485.05 (1a) of the New York State Penal Law.

Hate Crimes have been recognized as a genuine threat to our society and a growing problem on college campuses. According to the U.S. Department of Justice, Community Relations Service ("CRS") report of June 1, 2000, a combination of factors, including, but not limited to, the following: (i) the growing of diversity among college students; (ii) the reality of college, for some, as the "first occasion [for students] to have extensive contact with individuals who

differ from them in socially significant ways"; and (iii) the particular stress, anxiety and competitiveness associated with college, have contributed to the rise of Hate Crimes on campuses. Hate Crime statistics to be included in the Annual Security Report are those *Clery Act offenses*, reported to have occurred in the *Clery geographic category*, that are classified as hate crimes based upon actual or perceived race, religion, sexual orientation, gender, gender identity, disability, ethnicity, and national origin.

What If I Am the Victim of a Bias Related Crime?

In order to effectively handle incidents of Bias Related Crimes and prevent future occurrences of such crimes, victims or witnesses of a Hate Crime are encouraged to immediately report the incident to the Public Safety Department by calling **212-854-3362** or by going to the Public Safety Office at 104 Barnard Hall to share information and their observations to allow the matter to be thoroughly investigated.

There are numerous resources available to victims of Hate Crimes. College ombuds services (<https://barnard.edu/meet-ombuds>) and the Equity Office may also be a starting point (<https://barnard.edu/title-ix-equity>). Other services are available online and listed in the Barnard Student Handbook, as well as other College & University publications. Counseling and referral services are offered for students by the Rosemary Furman Counseling Center ext. **42092**, located on the first floor of Hewitt Hall. Employees can access support services or referrals through the Employee Assistance Program.

What are the Penalties for Committing a Bias Related Crime?

Penalties for the commission of a Hate Crime can range from fines to extended prison sentences based on the specifics of the crime. In addition, students or employees charged with committing a Hate Crime may be subject to a College disciplinary process with sanctions up to or including suspension, expulsion, or termination from the College. Other college policies may be applicable for matters of bias that are not crimes.

SECTION SEVEN

CRIME STATISTICS

[Crime statistics](#) for Barnard College for the last three years are filed annually with the United States Department of Education and are available for review. In addition, the Advisory Committee on Campus Security will provide upon request all campus crime statistics as reported to the United States Department of Education. Requests can be made by contacting the Barnard Public Safety Department at **212-854-3362**.

2018 Federal Clery Report

Offense	Year	On Campus: Residence Hall	On Campus: Other	Total On Campus	Non- Campus	Public Property
Arson	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0
Murder/ Non-negligent Manslaughter	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0
Negligent Manslaughter	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0

Offense	Year	On Campus: Residence Hall	On Campus: Other	Total On Campus	Non- Campus	Public Property
Rape	2018	2	0	2	2	0
	2017	0	0	0	2^	0
	2016	2	0	2	1^	0
Fondling	2018	1	0	1	0	0
	2017	1	1	2	0	0
	2016	0	0	0	0	0
Incest	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0
Statutory Rape	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0
Robbery	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	4

Offense	Year	On Campus: Residence Hall	On Campus: Other	Total On Campus	Non- Campus	Public Property
Aggravated Assault	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0
Burglary	2018	2	2	4	2	0
	2017	1	1	2	0	0
	2016	0	0	0	0	0
Motor Vehicle Theft	2018	0	0	0	0	1
	2017	0	0	0	0	0
	2016	0	0	0	0	1
Weapons Arrest	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0
Drug Arrest	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0
Alcohol Arrest	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0

Offense	Year	On Campus: Residence Hall	On Campus: Other	Total On Campus	Non- Campus	Public Property
Weapons Referral	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0
Drug Referral	2018	28	0	28	0	0
	2017	12	0	12	0	0
	2016	15	0	15	0	0
Alcohol Referral	2018	27	0	27	0	0
	2017	23	0	23	0	0
	2016	46	0	46	0	0

Offense	Year	On Campus: Residence Hall	On Campus: Other	Total On Campus	Non- Campus	Public Property
Stalking	2018	0	1	1	1	0
	2017	1	2	3	2^	2
	2016	0	0	0	1^	0
Dating Violence	2018	0	0	0	2	0
	2017	3	0	3	0	0
	2016	0	0	0	0	2
Domestic Violence	2018	0	0	0	0	0
	2017	3	0	3	0	0
	2016	0	0	0	0	0

Public Property, Described

Includes 116th Street from Broadway to Claremont Avenue, Claremont from 116th Street to 120th Street, 120th Street from Broadway to Claremont, sidewalks on 121st Street on Amsterdam near Plimpton Hall, sidewalks on Manhattan Avenue between 110th Street and 109th Street near Cathedral Garden and sidewalks on 110th Street between Broadway and Riverside Drive.

^The **Noncampus** section presented above includes information received during the preparation of this report about crimes that were reported in earlier years in off-campus buildings where one or more Barnard students resided during that calendar year. The crime information is per building rather than limited to the spaces specifically occupied by or accessible to the respective Barnard students in residence. The following incidents were added in our corrections: 1 Stalking and 1 Rape incident in 2016 and 2 Stalking and 2 Rape incidents in 2017.

Hate Crimes

Clery Act offenses that are classified as Hate Crimes as well as incidents of Larceny-Theft, Simple Assault, Intimidation and Destruction/Damage/Vandalism to Property that are classified as Hate Crimes based upon actual or perceived race, religion, sexual orientation, gender, gender identity, disability, ethnicity, and national origin are to be included in the Annual Security Report.

2018 - No reported hate crime incidents.

2017 - No reported hate crime incidents.

2016 - No reported hate crime incidents.

Unfounded crimes

A crime can be unfounded by a determination by sworn or commissioned law enforcement personnel that the report was false or baseless when made. Public Safety Officers and the District Attorneys may not deem a crime unfounded.

2018 - There were no unfounded crimes.

2017 - There were no unfounded crimes.

2016 - There were no unfounded crimes.

SECTION EIGHT

Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, as amended by the Violence Against Women Reauthorization Act of 2013.

Barnard College does not discriminate on the basis of sex in its employment practices or educational programs and sexual harassment and sexual violence are types of sex discrimination¹. Other acts can also be forms of sex-based discrimination and are also prohibited whether sexually based or not and include dating violence, domestic violence, and stalking. As a result, Barnard College issues this statement of policy to inform the community of our comprehensive efforts addressing sexual misconduct, educational programs, and procedures that address sexual assault, domestic violence, dating violence, and stalking, whether the incident occurs on or off campus and when it is reported to a College official. In this context, Barnard College prohibits the offenses of domestic violence, dating violence, sexual assault and stalking and reaffirms its commitment to maintain a campus environment emphasizing the dignity and worth of all members of the Barnard community.

For a complete copy of Barnard's policy and procedures governing sexual misconduct, visit <https://barnard.edu/title-ix-equity/inform/policy-against-discrimination-and-harassment>, and <https://barnard.edu/title-ix-equity/respond>.

DEFINITIONS

There are numerous terms used by Barnard College in our policy and procedures and a comprehensive list of definitions can be found in the policy and procedures linked above. It is important to note that criminal definitions within the jurisdiction may differ from our College policy definitions. Per the specifications of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, as amended by the Violence Against Women Reauthorization Act of 2013, the definitions provided here, and in Appendix A of this report, explain the Clery designated definitions as well as represent criminal definitions within the jurisdiction of New York.

Consent

Under New York State Penal Law, Article 130.05, lack of consent results from forcible compulsion; or an incapacity to consent due to mental disability, mental incapacity, physical helplessness, being less than 17 years old or if one is committed to the care and custody of the state. Rape Third Degree and Criminal Sexual Act Third Degree in addition to forcible

compulsion, circumstances under which, at the time of the act of intercourse, oral sexual conduct or anal sexual conduct, the victim clearly expressed that he or she did not consent to engage in such act, and a reasonable person in the actor's situation would have understood such person's words and acts as an expression of lack of consent to such act under all the circumstances.

Sexual Assault

The Violence Against Women Reauthorization Act of 2013 (VAWA) has defined Sexual Assault as: An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) Program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, A sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent."

Rape is defined as the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

Fondling is defined as the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his /her age or because of his/her temporary or permanent mental incapacity.

Incest is defined as non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape is defined as non-forcible sexual intercourse with a person who is under the statutory age of consent.

Under New York State Penal Law: Rape is always a felony. A person is guilty of rape when a person engages in sexual intercourse with another person without that person's consent. Rape may be committed in seven (7) ways:

1. Forcible compulsion
2. The victim is mentally disabled
3. The victim is mentally incapacitated
4. Person 21 years of age or older, engages in sexual intercourse with another person who is less than seventeen (17) years of age (16, 15, or 14).
5. Person, age 18 years of age or older, engages in sexual intercourse with another person who is less than 15 years old (14, 13, or 12).
6. The victim is physically helpless.

7. Engages in sexual intercourse with a person who is less than 11 years old or who is less than 13 years old and the actor is eighteen years old or more.

A Criminal Sexual Act is always a felony. A person is guilty of a criminal sexual act when they engage in oral sexual conduct or anal sexual conduct without that person(s) consent. A Criminal Sexual Act may be committed in the seven (7) ways as described above, under rape.

Sexual misconduct is always a misdemeanor. A person is guilty of sexual misconduct when: he or she engages in sexual intercourse with another person without such person's consent; or he or she engages in oral conduct or anal sexual conduct with another person without such person's consent; or he or she engages in sexual conduct with an animal or a dead human body.

Domestic Violence

The Violence Against Women Reauthorization Act of 2013 (VAWA) has defined Domestic Violence as;

(i) A Felony or misdemeanor crime of violence committed (A) By a current or former spouse or intimate partner of the victim; (B) By a person with whom the victim shares a child in common; (C) By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; (D) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or (E) By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

For purposes of complying with Clery reporting requirements, any incident meeting this definition is considered a crime for the purpose of Clery Act reporting.

Under New York State law Domestic Violence is; An act which would constitute a violation of the penal law, including, but not limited to acts constituting disorderly conduct, harassment, aggravated harassment, sexual misconduct, forcible touching, sexual abuse, stalking, criminal mischief, menacing, reckless endangerment, kidnapping, assault, attempted murder, criminal obstruction or breaching or blood circulation, or strangulation; and such acts have created a substantial risk of physical or emotional harm to a person or a person's child. Such acts are alleged to have been committed by a family member.

The victim can be anyone over the age of sixteen, any married person or any parent accompanied by his or her minor child or children in situations in which such person or such person's child is a victim of the act.

New York State has "mandatory arrest" laws, which means that under certain conditions, the police must make an arrest. For mandatory arrest to apply, you and your abuser must be considered "members of the same family or household."

https://opdv.ny.gov/professionals/criminal_justice/primaryphysaggres.html

Dating Violence

The Violence Against Women Reauthorization Act of 2013 (VAWA) has defined Dating Violence as: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. (i) The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. (ii) For the purposes of this definition (A) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. (B) Dating violence does not include acts covered under the definition of domestic violence.

For the purposes of complying with the Clery reporting requirements of this section, any incident meeting this definition is considered a crime for the purposes of Clery Reporting.

Under New York State Law Dating Violence is not specifically defined. However, persons who commit criminal acts associated with dating violence are subject to arrest. Such crimes include, but are not limited to Offenses against the person involving physical injury, sexual conduct, restraint and intimidation, as listed in Article 120, title H.

Stalking

The Violence Against Women Reauthorization Act of 2013 (VAWA) has defined Stalking as:

1. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to
 1. Fear for the person's safety or the safety of others; or
 2. Suffer substantial emotional distress.
2. For the purposes of this definition;
 1. Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.
 2. Reasonable persons may mean a reasonable person under similar circumstances and with similar identities to the victim.

3. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment of counseling.

For the purposes of complying with the Clery reporting requirements of this section, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Under New York State Penal Law, a person is guilty of stalking when he or she intentionally, and for no legitimate purpose, engages in a course of conduct directed at a specific person, and knows or reasonably should know that such conduct:

1. Is likely to cause reasonable fear of material harm to the physical health, safety or property of such person, a member of such person's immediate family or a third party with whom such person is acquainted; or
2. Causes material harm to the mental or emotional health of such person, where such conduct consists of following, telephoning or initiating communication or contact with such person, a member of such person's immediate family or a third party with whom such person is acquainted, and the actor was previously clearly informed to cease that conduct; or
 1. For the purposes of the definition of “following” shall include the unauthorized tracking of such person's movements or location through the use of a global positioning system or other device. There are varying aggravating factors that may raise the level for a charge of Stalking (P.L. 120.45-120.60). A complete definition is provided in Appendix A.
3. Is likely to cause such person to reasonably fear that his or her employment, business or career is threatened, where such conduct consists of appearing, telephoning or initiating communication or contact at such person's place of employment or business, and the actor was previously clearly informed to cease that conduct.

<https://victimsofcrime.org/our-programs/past-programs/stalking-resource-center/stalking-laws/criminal-stalking-laws-by-state/new-york>

EDUCATION AND PREVENTION PROGRAMS

The College engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault and stalking that:

- Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome; and
- Utilize an ecological approach to prevention, considering environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

Educational programming consists of primary prevention and awareness programs for all incoming students and new employees, as well as ongoing awareness and prevention campaigns for students and employees to

- (a) Identify domestic violence, dating violence, sexual assault and stalking as prohibited conduct;
- (b) Define these behaviors using definitions provided by College policy (informed by Department of Education guidance) as well as providing access to state law definitions regarding what behavior constitutes criminal acts of domestic violence, dating violence, sexual assault, and stalking;
- (c) Define what behavior and actions constitute consent to sexual activity as defined in College policy as well as consent law in the State of New York;
- (d) Provide a description of safe and positive options for bystander intervention. Bystander intervention means safe and pro-social options that may be carried out by an individual or individuals to prevent harm or intervene when there is risk of dating violence, domestic violence, sexual assault, stalking, or other adverse behavior. Bystander intervention includes recognizing situations of potential harm, understanding institutional and community expectations to identify this behavior as problematic, seeing personal responsibility and overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene – either directly or indirectly;

(e) Provide information on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims and to promote safety and help individuals and communities address conditions that facilitate violence.

(f) Provide an overview of rights and responsibilities including available options on and off campus for reporting to campus authorities and/or to law enforcement (as well as the right to decline to report to law enforcement); assistance (such as medical, mental health, and/or advocacy); and disciplinary procedures and related rights. (This information is also included in this Annual Security Report in compliance with the Clery Act).

(g) Provide the New York State Article 129(b) Students' Bill of Rights.

The College implements annual educational efforts consisting of presentations that include distribution of educational materials to new students; availability of online training modules and information for all students; participating in and presenting information and materials during new employee orientation; as well as ongoing prevention and awareness efforts.

The College offered **primary prevention and awareness programs for all incoming students** in January 2018 New Student Orientation and August 2018 New Student Orientation. Information was presented in person and with printed supplements during required sessions attended by all incoming students. During January and August 2018, all incoming students also received invitation to complete online education related to recognizing sexual assault and healthy relationships. Residential Life and Housing materials also include reference to the Policy Against Discrimination and Harassment and remind students of where to find information regarding policy and procedures, as well as available resources. The Being Barnard prevention educator gathers student feedback throughout the year to inform content and delivery of ongoing prevention efforts.

The College offered **primary prevention and awareness programs for all new employees** in 2018 through on-board meeting with Human Resources. A web-based module regarding sexual harassment is provided to all new employees and all staff on an annual basis.

The College offered **ongoing awareness and prevention programs for students** in 2018. In January 2018 and August 2018, 53 Resident Assistants (Residential Life student staff) received training on recognizing behaviors including sexual assault, dating/domestic violence, and stalking as well as information about bystander intervention and how to refer to confidential and non-confidential (reporting options). Rape Crisis/Anti-Violence Support peer educators and advocates hosted the Title IX Coordinator during their trainings. All officers in student organizations (approximately 280 students) were provided bystander intervention training, focused on how to help a friend, as part of required training for Governing Board of Barnard

(GBB) recognition and funding. Student groups can invite peer educators from Well Woman or the Rape Crisis/Anti-Violence Support center or staff from Title IX, Being Barnard, Furman Counseling or Primary Care Health Services to present to groups (e.g. Q, various performing arts groups hosted a discussion on consent and communication in 2018). Study Abroad pre-orientation for students, held twice a year, includes presentation of recognizing behaviors and available support. Summer programs of the Pre-College program and Opportunity Programs included the Title IX Coordinator in training of students and student staff. Programming and poster campaigns were available on campus all year long including specific attention to stalking awareness month (January 2018), sexual assault awareness month (April 2018) and relationship violence awareness month (October 2018).

The College offered **ongoing awareness and prevention programs for employees** in 2018. Department visits by the Title IX Coordinator included presentation to staff in the following areas Primary Care Health Services, Furman Counseling Services, Pre-College Program faculty, Student Life Staff, Student Services division wide meeting, Human Resources generalists, new faculty orientation and faculty department chairs meeting, and facilities staff. Public Safety receive training in July or August of each year, including learning about resources, policy, and trauma dynamics. Residential Life Staff receive training at least twice a year (January and August 2018).

PROCEDURES FOR REPORTING A COMPLAINT

The College has procedures in place that serve to be sensitive to those who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges; the availability of counseling, health, mental health, victim advocacy, and other services on and or off campus; and information about additional remedies to prevent contact between a reporting and responding party, such as housing, academic, transportation and working accommodations, if reasonably available.

These procedures are in place for reports of sex or gender-based discrimination or harassment (“gender-based misconduct”), sexual assault, domestic violence, dating violence or stalking (together referred to as “misconduct”), reporting of such misconduct is encouraged. Upon receiving a report, Barnard College (“the College”) will respond promptly, equitably, impartially and fairly. In addition, the College will take steps to prevent the recurrence of the alleged misconduct and to correct its effects. Individuals involved in misconduct covered by this procedure may request academic, residential, or work accommodations by contacting the Title IX Coordinator.

Consistent with its commitment to addressing, the College complies with Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in education

programs and activities. The College is committed to encouraging meaningful, candid dialogue on alleged discrimination or harassment, including sexual assault, domestic violence, dating violence, and stalking, in an educational context. A discussion on the Concept of Academic Freedom and Harassment can be found in the policy.

The grievance procedures below are specifically for the adjudication of complaints of gender-based misconduct, sexual assault, domestic violence, dating violence or stalking when such complaints involve Barnard College students, faculty, staff, administrators and/or third parties. The College takes seriously all complaints and takes prompt, effective action, including disciplinary action, upon a finding of a Policy violation. Every effort is made to resolve complaints within sixty (60) days. The College also takes steps to address the effects of discriminatory action on Complainants and the College community. Inquiries regarding Title IX can be referred to the Title IX Coordinator:

Alicia Lawrence
Interim Title IX Coordinator
Barnard College
(212) 854-5561

alawrenc@barnard.edu 110 Sulzberger Hall

Reports can be submitted online [here](#).

Additional information about reporting is available at <https://barnard.edu/title-ix-equity/respond>

Inquiries may also be directed to:

U.S. Department of Education, Office for Civil Rights
New York—Region II
(646) 428-3800
32 Old Slip, 26th Floor
New York, NY 10005
OCR.NewYork@ed.gov
<http://www.ed.gov/ocr>

Important Note about Confidentiality

Any College official (with the exception of the few designated confidential resources) informed of an allegation of misconduct covered by this policy involving students or other members of the College community is required to share that information with the Title IX Coordinator.

Confidentiality may be offered by certain designated College resources who are not required to report known incidents of sexual assault or other crimes to College officials, consistent with state and federal law, (including but not limited to 20 USC 1092(f) and 20 USC 1681(a)). At Barnard, students can seek confidential support and assistance from Furman Counseling Center (clinicians are confidential resources) and/or consult advocates, on campus, at the Sexual Violence Response Rape Crisis/Anti-Violence Support Center or off campus at St. Luke's Crime Victims Treatment Center. (Contact information for on and off campus confidential resources can be found at <https://barnard.edu/title-ix-equity/support>).

When a report of misconduct is investigated, the Complainant¹, the Respondent² and all identified witnesses who are interviewed in the investigation, will be notified of the College's expectation of maintaining privacy, and the available confidential support resources. The College does not place restrictions on the right of parties³ to disclose the outcome of matters resolved under these Procedures. The College will make all reasonable efforts to maintain the privacy of the parties involved in misconduct investigations. Even College representatives who cannot guarantee confidentiality will maintain privacy to the greatest extent possible. Breaches of privacy will be reviewed, may be considered a violation of the Policy and may result in additional disciplinary action.

Complainant Request for Anonymity

A Complainant may request anonymity because he/she does not want his/her identity known to the Respondent or witnesses (wishes to remain confidential). The Complainant has the opportunity to meet with the Title IX Coordinator to discuss available options for moving forward and available resources. The Complainant may request anonymity or express whether the Complainant consents to an investigation or wishes to participate in such investigation. The College will make all reasonable attempts to comply with such a request; however, the College's ability to investigate and respond may then be limited. The College will provide a Complainant seeking anonymity information about relevant confidential hotlines provided by New York State agencies and not-for-profit entities (information also at the end of this document).

In addition, the College is required by Title IX to weigh the Complainant's request for anonymity or lack of consent to investigation with the College's commitment to provide a reasonably safe and non-discriminatory environment. If the College cannot maintain a Complainant's request for anonymity or it is deemed necessary to proceed with investigation with the College as Complainant, she/he will be notified by the Title IX Coordinator. In situations where a member of the College community becomes aware of a pattern of behavior by a single Respondent, the College will take appropriate action in an effort to protect the College community.

Definitions and Examples

The misconduct covered by this procedure comprises a broad range of behaviors that may or may not be sexual in nature. Sexual harassment or harassment or discrimination based upon sex, gender, gender identity, or sexual orientation are also included forms of misconduct. Misconduct can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship (current or former). Misconduct can be committed by anyone, and it can occur between people of the same or different gender identity. (See the [Policy](#) Against Discrimination and Harassment on the Barnard website for full definitions)

Potential instances of Gender-Based Misconduct

- Pressure for a date or a romantic or intimate relationship
- Unwelcome sexual contact, kissing, hugging, or massaging
- Use of coercion, threat, intimidation, or force to engage in sexual activity
- Continuing sexual activity after consent has been withdrawn
- Belittling remarks about a person's body parts, gender, or sexual orientation based on gender-stereotyping
- Inappropriate sexual innuendos or humor, obscene gestures of a sexual or gender-based nature
- Videotaping and photographing activity of a sexual or personal nature without consent of those being recorded
- Offensive sexual graffiti, pictures, or posters
- Sexually explicit profanity
- Use of email, the Internet, or other forms of digital media to facilitate any of the above referenced behaviors

Potential Instances of Stalking

- Repeatedly emailing another though asked to stop
- Monitoring where a person is, appearing at such locations uninvited to seek contact with the individual

Potential Instances of Dating Violence or Domestic Violence

Engaging in physical violence (e.g. holding down, blocking egress) to control another person with whom there is or has been an intimate relationship

- Making or carrying out threats to do something to harm a partner or former partner
- Isolating a partner (e.g. interfering with socialization with friends), use of intimidation to control actions of a partner, using pressures (e.g. alcohol, humiliation, threatening remarks) to engage in sexual activity with a partner.

These Procedures shall not be considered to abridge academic freedom and inquiry, principles of free speech, or the mission of the College.

Reporting Process

Filing a Report

Any report of alleged misconduct by a student, member of the faculty, staff or administrators of Barnard College or a person who is not a member of the Barnard College community can be filed with the Title IX Coordinator or other designated contact noted within the Policy Against Discrimination and Harassment (such as Human Resources). All members of the community are encouraged to consult with the Title IX Coordinator if they are unsure about how or what information to report. The Title IX Coordinator is obligated to take action in response to any report of alleged misconduct, to ensure measures are taken to stop adverse behavior and prevent its recurrence, as appropriate. It is important to note, however, that not every report leads to a disciplinary process. Each report is reviewed individually. A report can be made or prepared via an online form located on the Barnard website at https://barnard-advocate.symlicity.com/public_report.

In all cases, before further action will be taken, the College will carefully consider the source and nature of the information received; the specificity of the information; the objectivity and credibility of the source of the report; whether it can identify individuals who were subjected to the alleged discrimination or harassment; and take into account whether those individuals want

to pursue the matter. If there is sufficient reason to believe that a violation of this policy may have occurred, an inquiry or investigation will commence.

In cases where the misconduct is reported anonymously (e.g. through the online report without including information of the reporting party) or by an observer/concerned individual to the Title IX Coordinator, the Complainant will be notified by the Title IX Coordinator that a report has been received. The Title IX Coordinator will meet with the Complainant to discuss her/his options and available resources at the College and in the community. The Complainant has a right to withdraw involvement or withdraw complaint, however, in some circumstances, the College nevertheless may need to investigate, such as where it is necessary to ensure the safety of the College community. In such instances where the complainant withdraws the complaint or from involvement in the process, the College may proceed with notice to the complainant.

Administrative Contacts for Making a Report

Anyone wishing to file a report of misconduct, seeking information, accommodation and/or resource information should contact the Title IX Coordinator (or a Deputy Coordinator). Reports of misconduct may include misconduct by a visitor to or vendor of campus, or when the identity of the alleged perpetrator is unclear. Anyone may consult with the Title IX Coordinator regarding reporting or may file a report electronically at https://barnard-advocate.symplcity.com/public_report.

Interim Title IX Coordinator:

Alicia Lawrence

(212) 854-5561

alawrenc@barnard.edu

110 Sulzberger Hall

The Title IX Coordinator is responsible for coordinating the College's response, disciplinary process, and for working with all involved parties. The Title IX Coordinator will assist in identifying options for complainants in situations when discipline of the Respondent is outside of the College's jurisdiction (including students of other institutions).

Alternatively, reports may be made to Human Resources (Catherine Geddis, cgeddis@barnard.edu).

Reporting and Students' Use of Alcohol and Other Drugs

The health and safety of every student at Barnard is of utmost importance. Barnard recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including, but not limited to domestic violence, dating

violence, stalking, or sexual assault occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. Barnard strongly encourages students to report domestic violence, dating violence, stalking or sexual assault to College officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking or sexual assault to College officials or law enforcement will not be subject to the College's Code of Conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault. The College alcohol policy can be found on the Barnard website at <https://barnard.edu/policy/aod>.

The use of alcohol and other drugs can have unintended consequences. Alcohol and other drugs can lower inhibitions and create an atmosphere of confusion over whether consent is freely and affirmatively given. The perspective of a reasonable person will be the basis for determining whether one should have known about the impact of alcohol and other drugs on another person's ability to give consent. Providing alcohol or other substances to another person without their knowledge or for the purpose of incapacitation to coerce sexual activity is a violation of the Policy. Consent is required regardless of whether the person initiating the act is under the influence of alcohol and/or drugs. The personal use of alcohol and other drugs never makes someone at fault for being sexually assaulted.

Rights of Reporting Individual/Complainant

Upon receipt of a report of an incident of misconduct, the Title IX Coordinator will ensure the reporting individual has been advised of their rights (1) to make a report to local law enforcement and /or state police or choose not to report; (2) to report the incident to campus authorities; (3) to be protected from retaliation by the College for reporting an incident; and (4) to receive assistance and resources from the College. The reporting individual can choose to meet with the Title IX Coordinator to discuss these rights.

Individuals reporting acts of misconduct may also choose to file a report with the New York City Police Department (or appropriate agency with jurisdiction). The College system and police/legal system work independently from one another. Individuals can file reports with the College, or with NYPD, or with both systems simultaneously. Individuals also have the right to decline reporting. Because the standards for finding a violation of criminal law are different from the standards in this policy, criminal investigations or reports are not determinative of whether or not misconduct, under this policy, has occurred.

Advisor of Choice

Complainant and Respondent each have the right to be accompanied to any related meeting or proceeding by an advisor of their choice. An advisor may be an individual who attends as a supportive presence. An advisor may take notes and quietly confer with the party being advised, but may not speak on behalf of the party or in any way disrupt any meeting or proceeding. Witnesses or others involved in the investigation or adjudication process are not permitted to bring another person to any meeting or hearing.

Although the parties are not required to bring their advisor to all meetings, using the same advisor throughout the process, unless there are extenuating circumstances, allows the process to move forward in an efficient fashion. In the event that a party wants to make a change to their advisor, they must provide notice to the Title IX Coordinator.

If a Barnard student Complainant or Respondent, in a matter where both parties are students, desires to have an attorney serve as her advisor, they may retain counsel independently or the College will arrange for an attorney-advisor at no cost to the student, if the student so requests. Once an attorney-advisor is arranged by the College, the student may not request a different attorney-advisor from the College, but may make another advisor selection if she chooses. If the College is requested to arrange for an attorney-advisor for either the Barnard student Complainant or Respondent, it will notify the other party.

Timeframe

The College encourages prompt reporting, but does not limit the timeframe for filing a report of misconduct. Reports can be submitted at any time following an incident, although the College's ability to take any action may be adversely affected/limited by the length of time between the alleged incident and the report. The current relationship to the alleged perpetrator may also limit the available range of disciplinary action (e.g., if an individual is no longer employed by the College or enrolled as a student). Once a report is received, projected timelines are provided in the steps of the procedure outlined below.

Jurisdiction

The College is able to initiate the adjudication process for alleged incidents of misconduct:

- that occurred or may have a continuing effect on campus,
- that occurred in the context of official College programs or activities (regardless of location),
- where both the Complainant and Respondent are students, member of the faculty, staff or administrators of Barnard College, or

- there the Respondent is a student, member of the faculty, staff or administrator of Barnard College.

If the Respondent is affiliated with the College, but not a College student, faculty or staff member, procedures of the affiliated institution (Columbia University or Teacher's College) may apply to the investigation and disciplinary process.

If the offender is unknown or is not a member of the College community, the Title IX Coordinator (or designee) will assist individuals in identifying appropriate on and off campus resources and/or provide access to local law enforcement authorities if the individual would like to file a criminal or civil report. In addition, the College may take other actions such as providing interim measures or accommodations to protect the individual and the campus community, regardless of whether an adjudication takes place.

Retaliation

Any action by a member of the Barnard College community to penalize, intimidate, harass, take adverse action against a person because of filing a report of discrimination or harassment, participating in an investigation or otherwise asserting rights protected by law is prohibited. Retaliation may be found even when the underlying report does not constitute discrimination or harassment in violation of policy.

Contact the Title IX Coordinator or Human Resources to report concern of retaliatory action for reporting discrimination or harassment, participating in an investigation, or for acting as an advocate. The College takes such reports seriously, investigates reports of retaliation, and takes strong disciplinary action against individuals found to have engaged in retaliation, as appropriate. All members of the College community are expected to cooperate with investigations of violation of this policy.

Interim Measures

Based upon the nature of a report, and particularly where the presence of the Respondent may be a continuing threat to the health or safety of the community, the College may impose restrictions, or interim measures, during the investigative process, up to or including suspension or other access restrictions. Requests for specific measures to be considered can be discussed with the Title IX Coordinator.

When the Respondent is a student, the College may issue a "no contact directive" consistent with College policies and procedures, whereby continued intentional contact with the reporting individual would be a violation of the College policy subject to additional conduct charges. If the Respondent and the Complainant observe each other in a given campus space, it shall be the

responsibility of the Respondent to leave the area immediately and without directly contacting the Complainant. The College may work with both parties to establish an appropriate schedule for the Respondent to access applicable College buildings and property at a time when such buildings and property are not being accessed by the Complainant. No contact directives may also be imposed when the Respondent is a staff or faculty member of the College.

During an investigation and until resolution of the matter, other reasonable and available interim measures and accommodations may be provided, including bans from campus, and/or appropriate changes in academic, housing, transportation or employment or other applicable arrangements in order to help ensure safety, prevent retaliation and avoid an ongoing hostile environment. Failure to adhere to the parameters of any interim measures is a violation of policy and may lead to additional disciplinary action.

Both the Respondent and the Complainant shall, upon request to the Title IX Coordinator, be afforded a prompt review of interim measures that may affect both parties, including the ability to provide information and/or evidence, reasonable under the circumstances, of the need for reviewing terms of a no contact order or parameters of other interim measure, including interim suspension, as well as including proposed potential modification.

Accommodations

All members of the community affected by experience of misconduct covered under these procedures, whether or not the matter is to be adjudicated by the College, may request accommodations to support safety, well-being, and access to education or employment. The Title IX Coordinator will work with the individual, in light of available information at the time of the request, to identify reasonable accommodation. Accommodations may include, but are not limited to housing reassignment, adjustments to academic or campus work schedules, providing access to tutoring or academic support, or allowing a student to withdraw from or retake a course without penalty.

Informal Resolution Options

Informal resolution options are not available in cases involving allegations of sexual assault (e.g. rape), even on a voluntary basis.

Independent Informal Resolution

In cases involving some forms of alleged misconduct, an individual may choose to engage with the alleged offender directly through a face to face discussion, a personal telephone conversation, e-mail correspondence, or other written correspondence to advise the misconduct is unwelcome behavior. In some cases, this approach may resolve the situation; in others, it may be ineffective

or place the reporting individual in an uncomfortable, insecure, or compromised position. Under no circumstances should an individual feel pressured to address the alleged offender directly or otherwise handle the matter alone, and a decision not to confront an individual believed to be engaging in discriminatory or harassing behavior will not be viewed negatively. If efforts to address a matter directly prove unsuccessful or impractical, an individual may choose to meet with the Title IX Coordinator to pursue other methods of resolution as described in these procedures.

Facilitated Informal Resolution

In cases involving some forms of alleged misconduct, the Title IX Coordinator (or designee) will determine whether there is an appropriate facilitated informal resolution mechanism that may be considered based on information provided about the incident. This may include shuttle diplomacy, facilitated conversation, and/or training and education for individuals or groups.

If it is determined that a facilitated informal resolution may be appropriate, the Title IX Coordinator will speak with the parties about this option. Facilitated informal resolution will be pursued only with the consent of both parties; either party may terminate the facilitated informal resolution process at any time and the Complainant may choose to pursue or resume the formal resolution process instead. If the facilitated informal process results in a resolution, both parties will receive outcome notification that the process has concluded and the case will be closed. The outcome notification for informal resolution will include whether or not the Respondent is being found responsible for a violation of policy, if and how the incident will be documented in the Respondent's education or employment record. If the parties are unable to reach a resolution in a timely manner, or if either party requests to terminate the facilitated informal resolution process, the investigation and disciplinary process will proceed. It is anticipated that facilitated informal resolution efforts will occur promptly and generally will be completed within forty-five (45) calendar days, unless both parties agree to an extension of time and such extension is approved by the Title IX coordinator.

Inquiry and Investigation

Inquiry

Promptly following the receipt of a report, information will be reviewed by the Title IX Coordinator to determine if there may be reason to believe that a policy may have been violated. An initial inquiry will be undertaken by the Title IX Coordinator, if necessary, to determine whether a formal investigation must commence. If further information is necessary, it may involve prompt discussions with the Complainant and others, as appropriate. The Complainant may be accompanied by an advisor of choice to all meetings. The Complainant may be offered

reasonable accommodations and will be offered resources, as appropriate, regardless of whether or not there is reason to proceed with an investigation. If the findings of the initial inquiry indicate there is not sufficient reason to believe a violation may have occurred, the Complainant will receive prompt notice of this outcome and rationale, and will be afforded the opportunity to appeal the decision not to commence a formal investigation. Inquiry is a prompt process that should not take longer than five to ten (5-10) calendar days from the receipt of the complaint. If a formal investigation is to commence, the Respondent will be notified that a report has been filed. In cases of investigation of an employee as Respondent, the employee's supervisor may be notified of the investigation at the same time the Respondent receives notification.

Vendors or other agencies in contract with the College will be promptly notified if any of their employees are alleged to have violated policy, and such employees may be banned from any or all college properties and may also be subject to action deemed appropriate by their respective employer. Restrictions regarding access to College property or events may also be imposed.

The Respondent and Complainant, with their respective advisor of choice, will be given the opportunity to meet separately with the Title IX Coordinator (or designee) to review the Policy and procedure, as well as related rights (see complete list of rights at the end of these procedures).

Formal Investigation

Reports of alleged misconduct will be equitably investigated in a fair, impartial, thorough and prompt fashion, providing a meaningful opportunity for participants to be heard. Investigation will be conducted by individuals without a conflict of interest or bias for or against either party. The formal investigation process may vary depending upon the nature and complexity of the case and the time of year (and thus availability of parties). Typically, the investigation process may take 30-40 days from receipt of the complaint. Any delays in the process are to be communicated to both the complainant and respondent.

A trained Title IX Investigator (who may be a College employee or external investigator), will interview the Complainant, Respondent, and available witnesses, as appropriate. The Complainant and Respondent may each have an advisor of choice present at all meetings and interviews. The Investigator will also gather any pertinent evidentiary materials (this may include, but is not limited to, emails, written documents, or photographs).

During the investigation process, both the Complainant and the Respondent will have an equal opportunity to provide the investigator with relevant evidence and/or specific witness information. It is possible that more than one meeting may be necessary for Complainant and Respondent to have opportunity to respond to information obtained.

The Investigator will prepare an investigative report that will include a summary of relevant information of each interview, provide a summary of factual information, and include any relevant documentation collected. It should be noted, some information disclosed during investigation may not be relevant or appropriate to include in the investigative report. Specifically, the parties' sexual history with anyone other than each other (to the extent relevant to the complaint) or disclosure of medical or mental health conditions, diagnoses, and/or treatment generally will not be included.

The Complainant and Respondent will each have opportunity to review the investigative report, in the presence of a College official, and deliver a response to the investigative report. An impact statement may be provided, in writing, to be provided for review by a trained Adjudicator. The investigative report is then delivered to the Adjudicator for review and adjudication.

In some instances, during or at the conclusion of the investigation, the parties may voluntarily agree to end the formal process and utilize one of the informal resolution processes described above. Where informal resolution is appropriate for the circumstances (and such circumstances do not involve allegations of sexual violence), the Title IX Coordinator will make a decision about whether the matter may be resolved through an informal process.

At any point the College may institute community-based efforts such as educational initiatives and/or trainings, as appropriate for prevention.

Independent Investigation

The College, at the discretion of the General Counsel, may conduct an investigation independent of, or in addition to, the procedures provided herein at any time. The investigation may involve complaints or allegations concerning misconduct against the College, or any of their employees or students.

Adjudication Process

Administrative Resolution

Upon review of the investigative report, the Respondent will be given the opportunity to respond to the alleged violation of policy in the following ways: 1) No response; 2) Not Responsible; or 3) Responsible.

If the Respondent accepts responsibility, the appropriate "Adjudicator"⁴ will be notified, and both parties will receive notification that the matter has been forwarded for sanctioning. See Determination of Sanctions below.

If the Respondent declines responsibility, or chooses not to respond, both parties will be notified and the case will be forwarded to the appropriate Adjudicator for review and adjudication.

Review of Investigative Findings

The Adjudicator is charged with fairly, promptly and impartially determining, based on a preponderance of the evidence, whether it is more likely than not that policy has been violated upon a review of the investigative materials. Adjudication will be conducted by officials of the College without a conflict of interest or bias for or against either party. A party with concern about a conflict of interest or bias should contact the Title IX Coordinator.

The Adjudicator will promptly review the investigative report and materials upon receipt. If the Adjudicator requires clarification on any of the materials, the Investigator and/or Title IX Coordinator will assist the Adjudicator in obtaining such clarification. If necessary, the Adjudicator may consult, as needed, with the Title IX Coordinator to request further information from the Respondent, Complainant and/or any of the witnesses to clarify information in the investigative materials. If such follow up is necessary, the Complainant and the Respondent will each have the opportunity to review and respond to the updated investigative report.

Adjudicator Findings

The Adjudicator will decide, upon a complete review of the investigative report and materials and based on a preponderance of the evidence, whether there has been a violation of the misconduct policies. Preponderance of evidence means that the Adjudicator is convinced based on the information provided that a violation of policy was more likely than not to have occurred.

If the Adjudicator determines that a violation has occurred, the Respondent is found “Responsible” and the Adjudicator will then determine the appropriate sanctions. This determination will be made within ten (10) calendar days of receipt of the investigative report. If found “Not Responsible”, both Respondent and Complainant will be notified in writing of the outcome, rationale for the not responsible finding, and any related action (including communication of continued measure such as a no contact directive), as well as instructions about the right to appeal the outcome and/or sanction(s) to the Appeals Panel.

Determination of Sanctions

If the Respondent has accepted responsibility or the Adjudicator has made a finding of responsibility, based on review of the investigative report and related materials, the Adjudicator (or designee) will determine the appropriate sanctions.

Consideration may be given to the nature of and the circumstances surrounding the violation, prior disciplinary violations, precedent cases, College safety concerns and any other information deemed relevant by the Adjudicator. Past findings of domestic violence, dating violence, stalking or sexual assault may be admissible for consideration during sanctioning. The Adjudicator will render a written decision detailing the factual findings supporting the determination and the rationale for the sanction(s) imposed, if applicable.

The sanctioning determination is to be made by the Adjudicator within five (5) calendar days of receiving the investigative report with indication of the Respondent accepting responsibility or Adjudicator determination of responsibility. Both respondent and complainant will be notified in writing of the outcome, rationale for finding and sanctions, and/or remedies, as well as instructions about the right to appeal the outcome and/or sanction(s) to the Appeals Panel.

Sanctions in Title IX and VAWA Violations

Faculty, staff or administrators who are found in violation of the policy prohibiting gender-based misconduct, sexual assault, domestic violence, dating violence, and stalking are subject to disciplinary action. The College may impose one or more of the following sanctions on faculty, staff or administrators determined to have violated the Policy:

- Reprimand/warning
- Restrictions on contact with Complainant
- Change to the Respondent's work schedule
- Reassignment of work duties or location
- Disciplinary probation
- Reassignment of or removal from living accommodations
- Restricted access to College facilities or activities
- Removal from leadership/supervisory positions
- Dismissal or restriction from College employment

The College may impose one or more of the following sanctions on a student determined to have violated the Policy:

- Reprimand/warning
- Restrictions on contact with Complainant
- Change to the Respondent's academic schedule
- Disciplinary probation
- Revocation of honors or awards
- Restricted access to College facilities or activities (including student activities and campus organizations and buildings)

- Removal from leadership/supervisory positions
- Dismissal or restriction from College employment
- Removal from student housing
- Admission revocation
- Suspension for one or more semesters
- Expulsion
- Withholding of degree
- Revocation of degree
- Revocation of alumni privileges (if the Respondent graduates prior to the conclusion of the disciplinary process)

In any case, educational programming or alcohol/substance assessment may be required.

As described in the Code of Conduct, a student found responsible for a certain policy violations⁷ who is suspended or expelled or who withdraws before conclusion of an investigation of sexual assault, dating violence, domestic violence or stalking will have such noted on their transcript.

Guests and other persons who are alleged to have engaged in sex or gender-based misconduct are subject to corrective action, which may include removal from campus, ban from campus, and/or termination of contractual arrangements. Vendors or other agencies in contract with the College will be promptly notified if any of their employees are alleged to have violated policy, and such employees may be banned from any or all college properties and may also be subject to action deemed appropriate by their respective employer. Restrictions regarding access to College property or events may also be imposed.

Regardless of how a matter proceeds in this process, remedies may be made by the College, such as reviewing protocol, providing or enhancing training to staff and/or students. Protective measures may also be taken, such as issuing no-contact directives or access restrictions or implementing reasonable accommodations. Accommodation requests are reviewed on a case by case basis, and may include, but are not limited to, measures such as moving a student's housing assignment, adjusting a campus work schedule, assisting with academic support, seeking extensions for assignments, or allowing a student to withdraw and/or retake a course without penalty.

Appeals Process

The Respondent and Complainant may request an appeal of the decision and sanctions rendered by the Adjudicator on one of the following three grounds:

1. The party believes a procedural error occurred, which the party feels may change or affect the outcome of the decision;

2. The party has substantive new evidence that was not available to the investigator at the time of the hearing and that may change the outcome of the decision;
3. The party feels that the severity of the sanction is substantially disproportionate given the details of the case.

Disagreement with the finding or sanctions is not, by itself, grounds for appeals.

The request for an appeal, including the grounds upon which the request is based, should be submitted in writing to the Appeals Panel (as identified in the outcome letter) within five (5) business days following the date on the outcome letter. The other party will be notified if an appeal request is submitted and be provided the opportunity to submit a written statement to the Appeals Panel within five (5) business days of notification.

However, in situations where the Respondent is eligible to bring grievances before the Committee on Grievance in accordance with the Code of Academic Freedom and Tenure, the Respondent has the option to appeal the severity of a sanction if the sanction was suspension or dismissal. In such instances, as above, the Complainant will also have the ability to submit a written statement to the Committee within five (5) business days of such notification.

Appeals will be conducted in an impartial manner by trained College officials without conflict of interest or bias for or against either party. A party with a concern about a conflict of interest or bias should contact the Title IX Coordinator. The Appeals Panel can determine whether a change in the Adjudicator's decision is warranted. If a change in this decision is necessary, the Appeals Panel will review the appeal and Adjudicator's rationale and make a final decision. The appeals decision is final.

Appeals will not be reviewed or considered beyond the Appeals Panel. Appeals decisions will be rendered within ten (10) business days after the receipt of the formal request for appeal. Both parties will be notified in writing of the final outcome.

Appeals Panel⁵

A panel of three administrators will serve as the Appeals Panel. Typically, the Appeals Panel will be comprised of the Appeals Officer of the Respondent's area and two additional Appeals Officers (described below)⁶.

Appeals Officers:

If the Respondent is a student: Natalie Friedman, Dean of Studies, designee: Jennifer Fondiller;
If the Respondent is a faculty member: Linda Bell, Provost, designee: Leslie Cawley; and

If the Respondent is a staff member: Robert Goldberg, Chief Operating Officer, designee Eileen Di Benedetto.

Notification to the Parties

Both the Complainant and Respondent will be concurrently notified of results, in writing, at the following times:

1. Commencement of the Investigation Process
 - The parties will receive notice of the date, time, location and description of the alleged violation and possible sanctions related to such allegation.
2. Commencement and Conclusion of Facilitated Informal Resolution (if applicable)
 - Notice of the approval of request for independent or facilitated resolution (or termination) of such informal resolution.
3. Conclusion of the Investigation
 - After the conclusion of the Investigation, each party, accompanied by his or her advisor of choice, will be notified and provided the opportunity to review the investigative materials, in the presence of a College official.
4. Administrative Resolution
 - Notice of whether the Respondent accepts or declines responsibility for being “in violation.”
 - Notice that the matter has been forwarded to the Adjudicator (or designee) for a finding and/or sanction, as applicable.
 - Notice of the sanctions determined by the Adjudicator (or designee) when the Respondent accepts responsibility.
5. Adjudication and/or Sanctioning Outcome
 - Notice of the Adjudicator’s finding of “responsible” or “not responsible”.
 - Notice of the sanctions determined by the Adjudicator (or designee) upon a finding that the Respondent is “responsible”.
 - Notice to both parties of the right to appeal the outcome and/or sanctioning by the Adjudicator (or designee).
6. Appeals Process
 - Notice that an appeal has been filed by either party at any point in the outcome phase.
7. Conclusion of Appeals Period
 - Notice of the Appeals Panel determination or final resolution of the process, if applicable.

Procedure Timeline

The goal of the College is to provide a prompt resolution, upon receipt of a report, seeking to resolve matters within sixty (60) calendar days whenever possible. Best efforts will be made by the College to adhere to the time frames provided in this procedure. If time frames cannot be met, the appropriate officer (typically the Title IX Coordinator or designee) will notify the Complainant and Respondent in writing of the reason for the delay and will provide an estimated timeline by which that step of the process will be completed. The Title IX Coordinator has the discretion to reasonably extend the deadlines if an investigation is deemed complex.

Generally, the timeline will be as follows:

- Inquiry completed within 5-10 calendar days after the initial report
- Investigation completed within 30-40 calendar days after the initial report (inclusive of inquiry)
- Determination of the Adjudicator issued within 10 calendar days after receipt of investigative report
- Notice of sanctions issued within 5 calendar days after the determination of Adjudicator
- Appeals due from either party within 5 business days following the date on the outcome letter
- Appeals decisions rendered within 10 business days after receipt of the formal request of appeal

Each of these steps is explained in greater detail within these procedures.

Resources for Anyone Who Experiences Gender-Based Misconduct, Sexual Assault, Domestic Violence, Dating Violence, or Stalking

The College's primary concern is with the health, safety, and well-being of the members of the Barnard College community. If you or someone you know may have experienced any form of misconduct, we urge you to seek immediate assistance. Student assistance can be obtained 24 hours a day, 7 days a week from:

Student Campus Confidential Resources

- Columbia University Rape Crisis/Anti-Violence Support Center, **(212) 854-HELP (4357)**
- Barnard Furman Counseling Services, **(212) 844-2092** and Primary Care Health Services, **(212) 854-2091**
- After Hours Clinician-on-Call, **(855) 622-1903**

Staff Confidential Resources

- Staff can access the Employee Assistance Program (Humana can be reached at **800-448-4358** or at www.hriworld.com)

All Community Members

- All members of the community can seek assistance through the following contacts:
- Barnard College Public Safety, **(212) 854-3362**
- Columbia University Public Safety, **(212) 854-2796**
- Title IX Coordinator, **(212) 854-0037**
- St. Luke's Hospital Crime Victims Treatment Center, **(212) 523-4728**,
<http://www.cvtcnyc.org/> (Confidential Off Campus Resource)
- Safe Horizon, **(212) 523-4728** (Confidential Off Campus Resource)
- New York Police Department, 911 (Manhattan Special Victims **(212) 335-9373**)
- NYC Family Justice Center, **(212) 602-2800**
<http://www1.nyc.gov/site/ocdv/programs/family-justice-centers.page>
- Manhattan District Attorney's Office, Sex Crimes Division **(212) 335-9373**
<http://manhattanda.org/sexual-assault-and-criminal-justice-system>
- Confidential Hotlines
 - New York City Alliance Against Sexual Assault, M-F 9a-6p **(212) 514-7233**
 - Safe Horizon Sexual Assault Hotline, 24 hours, **(866) 689 - HELP (4357)**
 - Rape Abuse & Incest National Network (RAINN), 24 hours **(800) 656 - HOPE (4673)**

A note about protective orders: In Manhattan, the Family Justice Center or the District Attorney's office assist with the civil process of seeking an Order of Protection. NYPD and/or the DA's office may seek an Order of Protection related to criminal cases. Advocate Reports, Public Safety or the Title IX Coordinator can provide assistance in accessing these resources. The College will assist in appropriate planning, as it may relate to access to campus or related protections, for any individual who obtains an Order of Protection, and shares it with Public Safety.

Additional information about gender-based misconduct, sexual assault, domestic violence, dating violence, and stalking can be found on the Barnard website at

<http://www.barnard.edu/doc/titleix>.

Relevant Government Resources

The below government agency may provide additional resources for anyone wishing to file a complaint of gender-based misconduct:

- U.S. Department of Justice, Office on Violence Against Women, <https://www.justice.gov/ovw>
- U.S. Department of Education, Office for Civil Rights, New York—Region II
via email OCR.NewYork@ed.gov or online at <http://www2.ed.gov/about/offices/list/ocr/index.html>

Complainant and Respondent Rights

The following rights are available to both parties in this process:

- To be treated with respect, dignity, and sensitivity throughout the process.
- To seek support services at the College or referrals for support services off campus.
- To privacy and protection under the Family Education Rights and Privacy Act (FERPA), as applicable. The College will make all reasonable efforts to ensure preservation of privacy, restricting information to those with a legitimate need to know.
- To be informed of the College’s Policies and Procedures related to Gender-Based Misconduct, Sexual Assault, Domestic Violence, Dating Violence, and Stalking.
- To a prompt and thorough investigation of the allegations, investigated and adjudicated in an impartial, timely and thorough manner by trained individuals.
- To receive similar and timely access to information, and periodic updates on the progress of the process.
- To review all applicable documents prior to the review by the Adjudicator.
- To challenge the individuals responsible for administering these procedures, if a conflict of interest is present.
- To participate or decline to participate in the disciplinary procedure. However, the Adjudicator will determine an outcome with the information available to him/her.
- To discuss alternatives to procedures, where alternatives may be reasonable and acceptable to involved parties.
- To refrain from making self-incriminating statements. However, the Adjudicator will determine a resolution with the information available to him/her.
- To be afforded an appeal process regarding outcome and/or sanctioning (as applicable).
- To be notified, in writing, of the case resolution – including the outcome of any appeal.
- To report the incident to law enforcement if she/he wishes to do so, and receive assistance with this if requested.
- To understand that information collected in this process may be subpoenaed in criminal or civil proceedings.

These rights apply regardless of race, color, national origin, religion, creed, age, disability, sex, gender identity or expression, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction.

New York State Students' Bill of Rights

All students reporting dating violence, domestic violence, sexual assault and/or stalking have the right to:

- (1) Make a report to local law enforcement and/or state police;
- (2) Have disclosures of domestic violence, dating violence, stalking and sexual assault treated seriously;
- (3) Make a decision about whether or not to disclose a crime or violation and participate in the conduct process and/or criminal justice process free from pressure by the College;
- (4) Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
- (5) Be treated with dignity and to receive from the College courteous, fair, and respectful health care and counseling services, where available;
- (6) Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;
- (7) Describe the incident to as few College representatives as practicable and not be required to unnecessarily repeat a description of the incident;
- (8) Be protected from retaliation by the College, any student, the respondent and/or their friends, family and acquaintances within the jurisdiction of the College;
- (9) Access to at least one level of appeal of a determination;
- (10) Be accompanied by an advisor of choice who may assist and advise a reporting individual or respondent throughout the conduct process including during all meetings and hearings related to such process; and
- (11) Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or conduct process of the College.

Federal Reporting of Crime Statistics

In compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) the College must record and report certain information about campus safety, including the number of incidents of certain crimes on or near campus, some of which constitute misconduct investigated under these procedures. The Title IX Coordinator works in collaboration with Public Safety to insure such incidents are captured for statistical reporting

purposes while protecting the identity of the victim of such crimes. These notifications may include the classification and location of the reported crime but do not identify the students involved. The Clery Act also requires the College to issue a “timely warning” when it receives a report of certain crimes that pose a serious or continuing threat to the community. The College may disclose aggregate information regarding incidents investigated and related outcomes. Such reports will not contain identifying information.

Procedures revised and effect August 2015; July 2016

¹ A Complainant is the individual who files a report or the person who a report is filed on behalf of by another party. In some instances, the College may be the Complainant. In these procedures the Complainant may also be called the reporting individual.

² A Respondent is the person against whom a report has been filed.

³ The Complainant and/or Respondent may sometimes be referred to as party or parties. Others, such as advisors and witnesses are not considered parties.

⁴ An “Adjudicator” is the College Official designated, and trained, for fair and impartial decision making based upon the position of the Respondent.

⁵ The Appeals Panel receives appropriate training in handling misconduct cases in a fair and impartial manner, as do Adjudicators.

⁶ In a situation when the Respondent is a Barnard student and the Complainant is a Columbia University student, the Appeals Panel shall consist of the Dean of the College, the Dean of the Complainant’s school and a third Appeals Officer.

⁷ As required by New York Law 129b

Step Up! Be an Active Bystander

The Columbia-Barnard Bystander Intervention committee offers Step Up! pro-social bystander training. Contact the Barnard Executive Director for Equity/Title IX Coordinator or Columbia Sexual Violence Response Director to request training or visit <http://barnard.edu/beingbarnard> to request training or workshops.

Pro-social bystanders are individuals who intervene in emergencies, criminal events or situations that could lead to violence, in ways that positively impact the outcome. The five decision making steps are to

1. Notice the event;
2. Interpret it as a problem;
3. Assume personal responsibility;
4. Know how to help; and
5. Step Up and help (take action).

A friend or bystander can interpret a matter as a problem by recognizing behaviors that are violations (described earlier in this report) or that may be making another feel uncomfortable or belittled. Help can be direct or indirect – and should never involve infringing upon one’s own sense of safety. Indirect help can always be sought by reporting to Public Safety or an administrator/staff member when adverse behavior has been observed. Direct help does not always mean addressing a matter directly, but can be in the form of a distraction – changing the subject in an uncomfortable situation or asking someone for assistance to remove them from a potentially harmful situation. A simple acronym to remember is S.E.E. for Safe Responding; Early Intervention; and Effective Helping.

Risk Reduction

The following guidelines are taken from the Rape, Abuse, & Incest National Network website (<https://www.rainn.org/>)

While you can never completely protect yourself from sexual assault, there are some things you can do to help reduce your risk of being assaulted in social situations.

1. **When you go to a social gathering, go with a group of friends.** Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
2. **Trust your instincts.** If you feel unsafe in any situation, go with your gut. If you see something suspicious, seek assistance immediately (campus public safety can be reached at 212-854-6666, local authorities can be reached calling 911 in most areas of the U.S.).
3. **Don't leave your drink unattended** while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone or lost sight of it, get a new one.
4. **Don't accept drinks from people you don't know or trust.** If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from large, common source open containers.
5. **Watch out for your friends, and vice versa.** If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.

6. If you suspect you or a friend has been drugged, seek assistance immediately (local authorities can be reached by calling 911 in most areas of the U.S. to seek transport to the nearest hospital). Be explicit about your suspicions when talking with doctors so they can give you the correct tests (you will need a urine test and possibly others).

Safety Planning information can be found on the RAINN website (<https://www.rainn.org/>), the Barnard Title IX webpage (<https://barnard.edu/title-ix-equity/support>), or Columbia Sexual Violence Response webpage (<http://health.columbia.edu/sexual-violence-response>).

Sex Offender Registry and Access to Related Information

In accordance to the "Campus Sex Crimes Prevention Act" of 2000, which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Jeanne Clery Act and the Family Educational Rights and Privacy Act of 1974, below is a link to the New York State Sex Offender Registry. This act requires institutions of higher education to issue a statement advising the campus community where law enforcement information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice of each institution of higher education in that State at which the person is employed, carries a vocation, or is a student. In the State of New York, convicted sex offenders must register with the Sex Offenders Registry maintained by the New York State Division of Criminal Justice Services.

The Sex Offender Registry is available via Internet pursuant to the Sex Offender Registration Act (Correction Law Article 6-C Section 168 et seq.). Registry information provided under this section shall be used for the purposes of administration of criminal justice, screening of current or prospective employees, volunteers or otherwise for the protection of the public in general and children in particular. It is unlawful to use the information for purposes of intimidating or harassing of another.

The New York State Division of Criminal Justice Services is responsible for maintaining this registry. Access the sex offender registry at <https://www.criminaljustice.ny.gov/nsor/>.

SECTION NINE

FIRE SAFETY REPORT 2018

Residence Hall Fire Statistics:

In accordance with the Higher Education Opportunities Act of 2008, Barnard College is providing mandatory fire safety information annually. All reports of fires and fire alarms are maintained by Barnard Public Safety. Data collected includes, but is not limited to, the building name; alarm location; time and date; the number and cause of each fire; any and all injuries; any fatalities; and the dollar values for property damaged by the fire.

The following statistics are collected and reported by the Department of Public Safety and are published in the Annual Security and Fire Safety Report and on the Public Safety Website:

<https://barnard.edu/publicsafety/annual-security-and-fire-safety-report>.

- The number of fires and the cause of each fire
- The number of deaths related to the fire
- The number of injuries related to the fire that resulted in treatment at a medical facility
- The value of property damage related to the fire

Calendar Year 2018					
Location	Fires	Cause	Fire-related Injuries	Deaths related to Fire	Value of Property Damage
Elliott Hall	0	N/A	N/A	N/A	N/A
Cathedral Gardens	0	N/A	N/A	N/A	N/A
600 West 116 Street	0	N/A	N/A	N/A	N/A
616 West 116 Street	0	N/A	N/A	N/A	N/A
620 West 116 Street	0	N/A	N/A	N/A	N/A
Brooks Hall	0	N/A	N/A	N/A	N/A
Hewitt Hall	1	mechanical failure	N/A	N/A	\$0
Plimpton Hall	1	unintentional, cooking	N/A	N/A	\$0
Reid Hall	0	N/A	N/A	N/A	N/A

Sulzberger Hall	0	N/A	N/A	N/A	N/A
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Calendar Year 2017

Location	Fires	Cause	Fire-related Injuries	Deaths related to Fire	Value of Property Damage
Elliott Hall	0	N/A	N/A	N/A	N/A
Cathedral Gardens	0	N/A	N/A	N/A	N/A
600 West 116 Street	0	N/A	N/A	N/A	N/A
616 West 116 Street	0	N/A	N/A	N/A	N/A
620 West 116 Street	0	N/A	N/A	N/A	N/A
Brooks Hall	0	N/A	N/A	N/A	N/A
Hewitt Hall	0	N/A	N/A	N/A	N/A
Plimpton Hall	0	N/A	N/A	N/A	N/A
Reid Hall	3	Unintentional (all 3)	0	0	\$0-99 for all 3 incidents
Sulzberger Hall	0	N/A	N/A	N/A	N/A

Calendar Year 2016

Location	Fire	Cause	Fire-related Injury	Deaths Related to Fire	Value of Property Damage
Elliott Hall	1	Electrical	0	0	\$500
Cathedral Gardens	0	N/A	N/A	N/A	N/A
600 West 116 Street	1	Unintentional cooking fire	0	0	\$0
616 West 116 Street	1	Mechanical failure	0	0	\$0
620 West 116 Street	0	N/A	N/A	N/A	N/A
Brooks Hall	0	N/A	N/A	N/A	N/A
Hewitt Hall	0	N/A	N/A	N/A	N/A

Plimpton Hall	1	Unintentional cooking fire	0	0	\$0
Reid Hall	0	N/A	N/A	N/A	N/A
Sulzberger Hall	0	N/A	N/A	N/A	N/A

1. Fire: Any instance of open flame burning or other burning in a place not intended to contain the burning or in an uncontrolled manner.

2. Cause of Fire: The factor or factors that give rise to a fire. The causal factor may be, but is not limited to, the result of an intentional or unintentional action, mechanical failure, or act of nature.

3. Fire-related Injury: Any instance in which a person is injured as a result of a fire, including an injury sustained from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of the fire. The term person may include students, faculty, staff, visitors, firefighters, or any other individuals.

4. Fire-related Death: Any instance in which a person is killed as a result of a fire, including death resulting from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of a fire, or who dies within one year of injuries sustained as a result of the fire.

5. Value of Property Damage: The estimated value of the loss of the structure and contents, in terms of the cost of replacement in like kind and quantity, including; contents damaged by fire, related damages caused by smoke, water, and overhaul. Property damage does not include indirect loss, such as business interruption.

Fire Log

Barnard College Fire Log is maintained at the Department of Public Safety and is available for inspections at the Office of Public Safety, Monday - Friday, 9 a.m. to 5 p.m.

Description of Student Housing Fire Detection and Suppression Systems Fire Evacuation Drills per building 2018

Building	Building Fire Alarm	Room Detection	Connected To IFA	Central Office	Sprinkler	Standpipe	Fire Drills Conducted
Plimpton Hall	YES	YES	YES	YES	Partially	1 Riser	4
Elliott Hall	YES	YES	YES	YES	Fully	1 Riser	5
Sulzberger Hall	YES	YES	YES	YES	Partially	1 Riser	5
Brooks Hall	YES	YES	YES	YES	None	1 Riser	5
Hewitt Hall	YES	YES	YES	YES	Partially	2 Risers	5
Reid Hall	YES	YES	YES	YES	Partially	1 Riser	5
600 W. 116 th St.	YES	YES	YES	YES	Partially	1 Riser	4
616 W. 116 th St.	YES	YES	YES	YES	Partially	1 Riser	4
620 W. 116 th St.	YES	YES	YES	YES	Partially	1 Riser	4
Cathedral Gardens	YES	YES	YES	YES	Fully	1 Riser	4

1. Fire Safety System: Any mechanism or system related to the detection of a fire, including; Sprinkler or other fire extinguishing systems, Fire detection devices, Stand-alone smoke alarms, Devices that alert one to the presence of a fire, such as horns, bells, or strobe lights, smoke-control and reduction mechanisms, and Fire Doors and walls that reduce the spread of fire.

2. Partially Sprinklered areas include public corridors, below grade space, laundry and computer rooms.

3. Barnard College conducts a minimum of three drills per calendar year by the Fire Safety Officer in conjunction with Public Safety Officers for all college owned Residence Halls, Academic and Administrative buildings. At least one drill is conducted for occupied Residence Halls if used during summer session.

Building Fire Alarms

Each student residence is equipped with an interior fire alarm system with detection throughout the building, including smoke detectors in sleeping quarters, vestibules and hallways, and CO2 detectors in student rooms.

Interior Fire Alarm (IFA) Systems

All residential buildings are equipped with interior fire alarm systems that are designed to warn building occupants of a fire in the building. Interior fire alarm systems generally consist of a panel located in a lobby or basement, with a manual pull station located near the main entrance and by each stairwell door. Interior fire alarm systems are usually manually activated and do not automatically transmit a signal to the Fire Department, so a telephone call must be made to 911 or the Fire Department Dispatcher. Do not assume that the Fire Department has been notified because you hear a fire alarm or smoke detector sounding in the building. Barnard College Residence Halls signal the Fire Department via Central Station.

Fire Sprinkler Systems

A fire sprinkler system is a system of pipes and sprinkler heads that when triggered by the heat of a fire automatically discharges water that extinguishes the fire. The sprinkler system will continue to discharge water until it is turned off. When a sprinkler system activates, an alarm is sounded.

FIRE SAFETY POLICIES AND PROCEDURES

In accordance with the Rules of the City of New York RCNY 43-01 and Local Law 10, all Barnard students are given a “Residence Hall Fire Safety Information” booklet containing fire safety and evacuation procedures with specific information for each Residence Hall during building check in at the beginning of each fall semester.

Information included in this booklet includes the Fire Safety Plan, description of building construction, means of egress, description of fire suppression systems, basic fire prevention & preparedness measures, evacuation instructions, use of fire extinguishers and Residence Hall fire safety policies. (<http://barnard.edu/reslife/fire-safety>)

Residence Hall Policies regarding portable electrical appliances, smoking and open flames

There are no open flames allowed on campus including candles, barn fires, fire pits or barbecues unless such barbecue utilizes charcoal and is supervised by certified food services employee, Campus Fire Safety Officer or other authorized supervision as determined by the Executive Director of Public Safety and Emergency Management.

Cooking is only allowed in authorized kitchens. The use of microwaves or any other type of cooking device in individual rooms is strictly prohibited.

Prohibited Electrical Appliances and Items

- Air conditioners (both window and portable units)
- Halogen lamps
- Hot plate, open coil heater, toaster, or toaster oven
- Deep fryer
- Rice cooker
- Microwaves in bedrooms (only may be used in suite kitchens)
- Space heater
- Extension cords (only UL rated surge protectors are allowed)

A complete list of Residence Hall rules and policies concerning portable electrical appliances, smoking, and open flames in resident housing are published in the student handbook under “Fire Safety Procedures” and are found in the housing contract. (<https://barnard.edu/reslife/fire-safety>)

Smoking Policy

Barnard is a smoke free College. Smoking, including use of e-cigarettes (or vaping), is prohibited in all college-owned student residences and all academic and administrative buildings. Outdoor smoking is not permitted within the confines of the campus. (<https://my.barnard.edu/BC%20Policies/Smoking%20Policy.pdf>)

Barnard is committed to providing educational programs to assist every member of our community in making healthy lifestyle choices. Students, faculty, and administrators who are interested in smoking cessation programs may obtain information from Human Resources. In addition, residents of New York State can access services available through the New York State Quitline at **1-866-697-8487** or www.nysmokefree.com.

PROCEDURES FOR EVACUATIONS, FIRE SAFETY EDUCATION AND TRAINING

Fire safety procedures can be found under “Fire Safety Information” in the Student Handbook (<http://barnard.edu/reslife/fire-safety>) as well as the Emergency and Safety Procedures Guide (https://barnard.edu/reslife/fire-safety#emergencies_and_evacuation_instructions) which outlines evacuations, fire/explosion and gas leaks producers.

- Fire safety training is conducted annually by a Campus fire safety officer with all housing staff, RA’s, Public Safety Officers, and Access Attendants.
- During fire drills, a Campus fire safety officer issues fire safety tips to students.
- Public Safety supervisors address safety issues and fire safety tips during floor meetings in Campus residence halls in conjunction with RA’s (Resident Assistants).[7]
- The Department of Public Safety conducts a Fire Safety Day annually to promote fire safety awareness and prevention throughout the campus community.

To Report a Fire

To report a fire emergency call Barnard Public Safety at **212-854-6666**, if off campus dial **911** or activate a blue light call box.

If you discover a fire in a campus building **IMMEDIATELY** pull the nearest fire alarm as you exit the building and follow Evacuation of Building Procedures.

STUDENT HOUSING EVACUATION

Emergency Fire Safety & Evacuation Instructions

In the event of a fire, follow the directions of Fire Department and Public Safety personnel. If no first responders are on the scene and there is an emergency situation, you may be required to decide on an initial course of action to protect yourself and the other members of your room or suite.

This Fire Safety Plan is intended to assist you in selecting the safest course of action in such an emergency. No Fire Safety Plan can account for all possible factors and changing conditions, so you may have to decide what the safest course of action under the circumstances is.

General Emergency Fire Safety Instructions

1. Stay calm. Do not panic. Notify Public Safety as soon as possible (212-854-6666).
Emergency personnel will be on the scene of a fire within minutes of receiving an alarm.

2. Know the location of the nearest fire alarm pull boxes.
3. Flames, heat and smoke rise, generally a fire on a floor below your room or suite presents a greater threat to your safety than a fire on a floor above you.
4. Do not overestimate your ability to put out a fire. Most fires cannot be easily or safely extinguished. Do not attempt to put the fire out once it begins to quickly spread. If you attempt to put out a fire, make sure you have a clear path of retreat from the room.
5. Exit the building using stairs only and NEVER use the elevator because it could stop between floors or take you to where the fire is. **Close doors as you exit to confine the fire.**
6. Heat, smoke and gases emitted by burning materials can quickly choke you. If you are in heavy smoke, get down on the floor and crawl. Take short breaths through your nose.
7. If your clothes catch fire, don't run – **STOP, DROP and ROLL**. Stop where you are, drop to the ground, cover your face with your hands to protect your face and lungs and roll over as many times as necessary to smother the flames.

Evacuation Instructions for All Building Types

1. Feel your room or suite door and doorknob for heat. If they are not hot, open the door slightly and check the hallway for smoke, heat or fire.
2. Exit your room, suite and building if you can safely do so, via the exit closest to you.
3. Close but do NOT lock the door to your room and suite and leave the area. If the fire is in an adjacent area, close the door to that location as well.
4. If they are conveniently located, grab your keys and shoes on the way out.
5. As you head for the closest exit, yell for others to evacuate and bang on the doors as you walk past them. You do not want to remain in the space to wait for others, but do your best to notify them on your way out.
NEVER use the elevator to evacuate. The elevator and elevator shaft may catch on fire, or the elevator may take you to the location of the fire.
6. If the hallway or stairwell is not safe because of smoke, heat or fire and you have access to a fire escape; use it to exit the building. Proceed cautiously on the fire escape.
7. If you cannot use the stairs or fire escape, call Public Safety and inform them of your location including building, floor, room or suite number and the number of people with you. Close the door to the room you are in and place a wet towel under the door to prevent smoke from getting into the room.
If conditions in the room or suite seem life-threatening, open a window and wave a towel or sheet to attract the attention of emergency personnel.
8. Meet the members of your room or suite at a predetermined location outside the building. Notify responding firefighters (or appropriate College staff) if anyone is unaccounted for.

Plans for Future Improvements in Fire Safety

Barnard College meets all New York City fire safety requirements and implements system upgrades with all building renovations. As current residences are renovated, additional fire suppressions and detection devices are installed including expansion of sprinkler systems. In addition, Barnard undertakes a review of all fire safety systems.[9] Capital improvement projections include a tie in of all on campus buildings and all campus owned Residence Halls to a monitoring system at Public Safety while maintaining current notification operations.

APPENDIX A: Definitions of Reportable Crimes and Terms

Aggravated Assault: An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by a means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used that could and probably would result in serious personal injury if the crime were successfully completed.)

Arson: Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

Burglary: The unlawful entry of a structure to commit a felony or theft. For reporting purposes this definition includes unlawful entry with intent to commit a larceny or felony, breaking and entering with intent to commit a larceny, housebreaking, safecracking, and all attempts to commit any of the aforementioned acts.

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of the relationship is determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Domestic Violence: Felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the applicable domestic or family violence laws, or by any other person against an adult or youth victim who is protected from that person's acts under the applicable domestic or family violence laws.

Drug Abuse Violations: Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous nonnarcotic drugs (barbiturates, Benzedrine).

FBI Uniform Crime Reporting Program:

The FBI's UCR program serves as the basis for the definitions of crimes that are reportable under the Clery Act.

Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

Hate Crimes: Any crime that manifests evidence that the victim was intentionally selected because of the victim's actual or perceived race; religion; gender; sexual orientation; national origin; ethnicity; religion, gender identity, or disability. This includes murder and non-negligent manslaughter, negligent manslaughter, rape, statutory rape, incest, fondling, robbery, aggravated assault, burglary, motor vehicle theft, arson, and also larceny-theft, simple assault, intimidation, and destruction/damage/vandalism.

Hierarchy Rule: The requirement in the FBI's UCR program that, for purposes of reporting crimes in that system, when more than one criminal offense is committed during a single incident, only the most serious offense is to be included in the institution's Clery Act statistics. An exception to the rule would apply only in cases where a sexual assault and a murder occur in the same incident.

Incest: Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Liquor Law Violations: The violation of laws or ordinances prohibiting the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned activities. (Drunkenness and driving under the influence are not included in this definition.)

Motor Vehicle Theft: The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned, including joyriding.)

Murder and Non-Negligent Manslaughter: The willful (non-negligent) killing of one human being by another. Negligent Manslaughter: The killing of another person through gross negligence.

Programs to Prevent Dating Violence, Domestic Violence, Sexual Assault, and Stalking: A comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, and stalking that are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community

needs, and informed by research or assessed for value, effectiveness, or outcome which consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels. These programs to prevent dating violence, domestic violence, sexual assault, and stalking also include both primary prevention and awareness programs directed at incoming students and new employees and ongoing prevention and awareness campaigns directed at students and employees.

Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

Robbery: The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Sex Offenses: Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress.

Statutory Rape: Non-forcible sexual intercourse with a person who is under the statutory age of consent.

Weapon Law Violations: The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned acts.

Additional Clery Act Hate Crime Definitions

In addition to any of the crimes above, the following acts are now reportable as Hate Crimes under the Clery Act, when the evidence suggests the victim was intentionally selected because of the victim's actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability.

Larceny-Theft: The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.

Simple Assault: An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

Intimidation: To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

Destruction/Damage/Vandalism of Property (Except “Arson”): To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

New York State Penal Law

Definitions Relating to Crimes of Dating Violence, Domestic Violence, Sexual Assault, and Stalking

Consent: Lack of consent results from: forcible compulsion; or incapacity to consent; or where the offense charged is sexual abuse or forcible touching, any circumstances, in addition to forcible compulsion or incapacity to consent, in which the victim does not expressly or impliedly acquiesce in the actor’s conduct. Where the offense charged is rape in the third degree, a criminal sexual act in the third degree, or forcible compulsion in circumstances under which, at the time of the act of intercourse, oral sexual conduct or anal sexual conduct, the victim clearly expressed that he or she did not consent to engage in such act, and a reasonable person in the actor’s situation would have understood such person’s words and acts as an expression of lack of consent to such act under all the circumstances. A person is incapable of consent when he or she is: less than 17 years old; or mentally disabled; or mentally incapacitated; or physically helpless; or committed to the care and custody of the state department of correctional services, a hospital, the office of children and family services and is in residential care, or the other person is a resident or inpatient of a residential facility operated by the office of mental health, the office for people with developmental disabilities, or the office of alcoholism and substance abuse services, and the actor is an employee, not married to such person, who knows or reasonably should know that such person is committed to the care and custody of such department or hospital.

Dating Violence: New York State does not specifically define “dating violence.”

Domestic Violence: An act which would constitute a violation of the penal law, including, but not limited to acts constituting disorderly conduct, harassment, aggravated harassment, sexual misconduct, forcible touching, sexual abuse, stalking, criminal mischief, menacing, reckless endangerment, kidnapping, assault, attempted murder, criminal obstruction or breaching or blood circulation, or strangulation; and such acts

have created a substantial risk of physical or emotional harm to a person or a person's child. Such acts are alleged to have been committed by a family member.

The victim can be anyone over the age of sixteen, any married person or any parent accompanied by his or her minor child or children in situations in which such person or such person's child is a victim of the act.

Family or Household Member: Person's related by consanguinity or affinity; Persons legally married to one another; Person formerly married to one another regardless of whether they still reside in the same household; Persons who have a child in common regardless of whether such persons are married or have lived together at any time; Unrelated persons who are continually or at regular intervals living in the same household or who have in the past continually or at regular intervals lived in the same household; Persons who are not related by consanguinity or affinity and who are or have been in an intimate relationship regardless of whether such persons have lived together at any time. Factors that may be considered in determining whether a relationship is an "intimate relationship" include, but are not limited to: the nature or type of relationship regardless of whether the relationship is sexual in nature; the frequency of interaction between the persons; and the duration of the relationship. Neither a casual acquaintance nor ordinary fraternization between two individuals in business or social contexts shall be deemed to constitute an "intimate relationship"; Any other category of individuals deemed to be a victim of domestic violence as defined by the office of children and family services in regulation. Intimate relationship status shall be applied to teens, lesbian/gay/bisexual/transgender, and elderly individuals, current and formerly married and/or dating heterosexual individuals who were, or are in an intimate relationship.

Parent: means natural or adoptive parent or any individual lawfully charged with a minor child's care or custody.

Sexual Assault: New York State does not specifically define sexual assault. However, according to the Federal Regulations, sexual assault includes offenses that meet the definitions of rape, fondling, incest, or statutory rape as used in the FBI's UCR program. Sections 130 and 255 of the New York State Penal Law address these crimes.

Sex Offenses; Lack of Consent: Whether or not specifically stated, it is an element of every offense defined in this article that the sexual act was committed without consent of the victim.

Sexual Misconduct: Section 130.20 NYS Penal Law. When a person (1) engages in sexual intercourse with another person without such person's consent; or (2) engages in

oral sexual conduct or anal sexual conduct without such person's consent; or (3) engages in sexual conduct with an animal or a dead human body.

Rape in the Third Degree: Section 130.25 NYS Penal Law. When a person (1) engages in sexual intercourse with another person who is incapable of consent by reason of some factor other than being less than 17 years old; (2) Being 21 years old or more, engages in sexual intercourse with another person less than 17 years old; or (3) engages in sexual intercourse with another person without such person's consent where such lack of consent is by reason of some factor other than incapacity to consent.

Rape in the Second Degree: Section 130.30 NYS Penal Law. When a person (1) being 18 years old or more, engages in sexual intercourse with another person less than 15 years old; or (2) engages in sexual intercourse with another person who is incapable of consent by reason of being mentally disabled or mentally incapacitated. It is an affirmative defense to the crime of rape in the second degree the defendant was less than four years older than the victim at the time of the act.

Rape in the First Degree: Section 130.35 NYS Penal Law. When a person engages in sexual intercourse with another person (1) by forcible compulsion; or (2) Who is incapable of consent by reason of being physically helpless; or (3) who is less than 11 years old; or (4) who is less than 13 years old and the actor is 18 years old or more.

Criminal Sexual Act in the Third Degree: Section 130.40 NYS Penal Law. When a person engages in oral or anal sexual conduct (1) with a person who is incapable of consent by reason of some factor other than being less than 17 years old; (2) being 21 years old or more, with a person less than 17 years old; (3) with another person without such persons consent where such lack of consent is by reason of some factor other than incapacity to consent.

Criminal Sexual Act in the Second Degree: Section 130.45 NYS Penal Law. When a person engages in oral or anal sexual conduct with another person (1) and is 18 years or more and the other person is less than 15 years old; or (2) who is incapable of consent by reason of being mentally disabled or mentally incapacitated. It is an affirmative defense that the defendant was less than four years older than the victim at the time of the act.

Criminal Sexual Act in the First Degree: Section 130.50 NYS Penal Law. When a person engages in oral or anal sexual conduct with another person (1) by forcible compulsion; (2) who is incapable of consent by reason of being physically helpless; (3)

who is less than 11 years old; or (4) who is less than 13 years old and the actor is 18 years old or more.

Forcible Touching: Section 130.52 NYS Penal Law. When a person intentionally, and for no legitimate purpose, (1) forcibly touches the sexual or other intimate parts of another person for the purpose of degrading or abusing such person; or for the purpose of gratifying the actor's sexual desire. Or (2) subjects another person to sexual contact for the purpose of gratifying the actor's sexual desire and with intent to degrade or abuse such other person while such other person is a passenger on a bus, train, or subway car operated by any transit agency, authority or company, public or private, whose operation is authorized by NYS or any of its political subdivisions.

Persistent Sexual Abuse: Section 130.53 NYS Penal Law. When a person commits a crime of forcible touching, or second or third degree sexual abuse within the previous ten year period, excluding any time during which such person was incarcerated for any reason, has been convicted two or more times, in separate criminal transactions for which a sentence was imposed on separate occasions of forcible touching, sexual abuse third degree, sexual abuse second degree or any offense defined in this article, of which the commission or attempted commissions thereof is a felony.

Sexual Abuse in the Third Degree: Section 130.55 NYS Penal Law. When a person subjects another person to sexual contact without the latter's consent. For any prosecution under this section, it is an affirmative defense that (1) such other person's lack of consent was due solely to incapacity to consent by reason of being less than 17 years old; and (2) such other person was more than 14 years old and (3) the defendant was less than five years older than such other person.

Sexual Abuse in the Second Degree: Section 130.60 NYS Penal Law. When a person subjects another person to sexual contact and when such other person is (1) incapable of consent by reason of some factor other than being less than 17 years old; or (2) less than 14 years old.

Sexual Abuse in the First Degree: Section 130.65 NYS Penal Law. When a person subjects another person to sexual contact (1) by forcible compulsion; (2) when the other person is incapable of consent by reason of being physically helpless; or (3) when the other person is less than 11 years old; or (4) when the other person is less than 13 years old.

Aggravated Sexual Abuse: For the purposes of this section, conduct performed for a valid medical purpose does not violate the provisions of this section.

Aggravated Sexual Abuse in the Fourth Degree: Section 130.65a NYS Penal Law. When a person inserts a (1) foreign object in the vagina, urethra, penis or rectum of another person and the other person is incapable of consent by reason of some factor other than being less than 17 years old; or (2) finger in the vagina, urethra, penis, rectum or anus of another person causing physical injury to such person and such person is incapable of consent by reason of some factor other than being less than 17 years old.

Aggravated Sexual Abuse in the Third Degree: Section 130.66 NYS Penal Law. When a person inserts a foreign object in the vagina, urethra, penis, rectum or anus of another person (1) (a) by forcible compulsion; (b) when the other person is incapable of consent by reason of being physically helpless; or (c) when the other person is less than 11 years old; or (2) causing physical injury to such person and such person is incapable of consent by reason of being mentally disabled or mentally incapacitated.

Aggravated Sexual Abuse in the Second Degree: Section 130.67 NYS Penal Law. When a person inserts a finger in the vagina, urethra, penis, rectum or anus of another person causing physical injury to such person by (1) forcible compulsion; or (2) when the other person is incapable of consent by reason of being physically helpless; or (3) when the other person is less than 11 years old.

Aggravated Sexual Abuse in the First Degree: Section 130.70 NYS Penal Law. When a person subjects another person to sexual contact: (1) By forcible compulsion; or (2) when the other person is incapable of consent by reason of being physically helpless; or (3) when the other person is less than eleven years old; or (4) when the other person is less than thirteen years old and the actor is twenty-one years old.

Course of Sexual Conduct Against a Child in the Second Degree: Section 130.80 NYS Penal Law. When over a period of time, not less than three months, a person: (1) Engages in two or more acts of sexual conduct with a child less than 11 years old; or (2) being 18 years old or more engages in two or more acts of sexual conduct with a child less than 13 years old. A person may not be subsequently prosecuted for any other sexual offense involving the same victim unless the other charges offense occurred outside of the time period charged under this section.

Course of Sexual Conduct Against a Child in the First Degree: Section 130.75 NYS Penal Law. When a person over a period of time, not less than three months in duration, a

person: (1) Engages in two or more acts of sexual conduct, or aggravated sexual contact with a child less than 11 years old; or (2) being 18 years old or more engages in two or more acts of sexual conduct which includes at least one act of sexual intercourse, oral sexual conduct, anal sexual conduct, or aggravated sexual contact with a child less than 13 years old.

Facilitating a Sex Offense with a Controlled Substance: Section 130.90 NYS Penal Law. A person is guilty of facilitating a sex offense with a controlled substance when he or she: (1) knowingly and unlawfully possesses a controlled substance or any preparation, compound, mixture or substance that requires a prescription to obtain and administers such substance or preparation, compound, mixture or substance that requires a prescription to obtain to another person without such person's consent and with intent to commit against such person conduct constituting a felony defined in this article; and (2) commits or attempts to commit such conduct constituting a felony defined in this article.

Incest in the Third Degree: Section 255.25 NYS Penal Law. A person is guilty of incest in the third degree when he or she marries or engages in sexual intercourse, oral sexual conduct or anal sexual conduct with a person whom he or she knows to be related to him or her, whether through marriage or not, as an ancestor, descendant, brother or sister of either the whole or the half blood, uncle, aunt, nephew or niece.

Incest in the Second Degree: Section 255.26 NYS Penal Law. A person is guilty of incest in the second degree when he or she commits the crime of rape in the second degree, or criminal sexual act in the second degree, against a person whom he or she knows to be related to him or her, whether through marriage or not, as an ancestor, descendant, brother or sister of either the whole or the half blood, uncle, aunt, nephew or niece.

Incest in the First Degree: Section 255.27 NYS Penal Law. A person is guilty of incest in the first degree when he or she commits the crime of rape in the first degree, or criminal sexual act in the first degree, against a person whom he or she knows to be related to him or her, whether through marriage or not, as an ancestor, descendant, brother or sister of either the whole or half blood, uncle, aunt, nephew or niece.

Stalking in the Fourth Degree: Section 120.45 NYS Penal Law. When a person intentionally, and for not legitimate purpose, engages in a course of conduct directed at a specific person, and knows or reasonably should know that such conduct (1) is likely to cause reasonable fear of material harm to the physical health, safety or property of such person, a member of such person's immediate family or a third party with whom such

person is acquainted; or (2) causes material harm to the mental or emotional health of such person, where such conduct consists of following, telephoning or initiating communication or contact with such person, a member of such person's immediate family or a third party with whom such person is acquainted, and the actor was 12 previously clearly informed to cease that conduct; or (3) is likely to cause such person to reasonably fear that his or her employment, business or career is threatened, where such conduct consists of appearing, telephoning or initiating communication or contact at such person's place of employment or business, and the actor was previously clearly informed to cease that conduct.

Stalking in the Third Degree: Section 120.50 NYS Penal Law. When a person (1) Commits the crime of stalking in the fourth degree against any person in three or more separate transactions, for which the actor has not been previously convicted; or (2) commits the crime of stalking in the fourth degree against any person, and has previously been convicted, within the preceding ten years of a specified predicate crime and the victim of such specified predicate crime is the victim, or an immediate family member of the victim, of the present offense; or (3) with an intent to harass, annoy or alarm a specific person, intentionally engages in a course of conduct directed at such person which is likely to cause such person to reasonably fear physical injury or serious physical injury, the commission of a sex offense against, or the kidnapping, unlawful imprisonment or death of such person or a member of such person's immediate family; or (4) commits the crime or stalking in the fourth degree and has previously been convicted within the preceding ten years of stalking in the fourth degree.

Stalking in the Second Degree: Section 120.55 NYS Penal Law. When a person: (1) Commits the crime of stalking in the third degree and in the course of and furtherance of the commission of such offense: (a) displays, or possesses and threatens the use of, a firearm, pistol, revolver, rifle, sword, billy, blackjack, bludgeon, plastic knuckles, metal knuckles, chuka stick, sandbag, sandclub, slingshot, slungshot, shirken, "Kung Fu Star," dagger, dangerous knife, dirk, razor, stiletto, imitation pistol, dangerous instrument, deadly instrument or deadly weapons; or (b) displays what appears to be a pistol, revolver, rifle, shotgun, machine gun or other firearm; or (2) commits the crime of stalking in the third against any person, and has previously been convicted, within the preceding five years, of a specified predicate crime, and the victim of such specified predicate crime is the victim, or an immediate family member of the victim, of the present offense; or (3) commits the crime of stalking in the fourth degree and has previously been convicted of stalking in the third degree; or (4) being 21 years of age or older, repeatedly follows a person under the age of fourteen or engages in a course of conduct or repeatedly commits acts over a period of time intentionally placing or attempting to place such

person who is under the age of fourteen in reasonable fear of physical injury, serious physical injury or death; or (5) commits the crime of stalking in the third degree, against ten or more persons, in ten or more separate transactions, for which the actor has not been previously convicted.

Stalking in the First Degree: Section 120.60 NYS Penal Law. When a person commits the crime of stalking in the third degree or stalking in the second degree and, in the course and furtherance thereof, he or she intentionally or recklessly causes physical injury to the victim of such crime, or (2) commits a class A Misdemeanor defined in the P.L. Article 130, or a class E Felony defined in P.L. Sections 130.25, 130.40, 130.85 or a class D Felony defined in P.L. Section 130.30 or 130.45.

APPENDIX B: Crime Awareness and Safety Information

Tools To Navigate The City

- Be Alert and aware of your surroundings. Keep your head up, avoid being distracted on the cell phone or other electronic device - remain aware of what is going on around you.
- Always tell someone where you are going & when you are expected back.
- Travel in groups, remember there is safety in numbers. Walk or jog during daylight hours, use protective gear and join with others after dark, using well lit paths, and avoid isolated areas such as parks (that often close at dusk).
- When out with a group, stay with the group, don't leave anyone behind.
- When using the Subway don't ride in the last car. Look for the White & Black Zebra Board on the platform & travel with the Conductor or in the First Car with the Train Operator.
- Before entering your residence hall or apartment building, have your ID or keys ready. Don't hold doors for anyone whom you don't know.
- When going out, prepare for your return travels (load your metrocard or have resources and a plan). If you find yourself stranded call Public Safety **212-854-3362** to explore options that may be available.
- Remember the Barnard and Columbia Shuttle options available in the area of campus. Schedules and information are on the web at <https://barnard.edu/shuttle-services> and <https://publicsafety.columbia.edu/content/shuttle-bus-service>
- If you observe suspicious activity or feel threatened, go into a well lit public area or a store, supermarket or restaurant, when off Campus call **911**.
- Become familiar with Columbia's Red Lion-Safe Haven program and their locations. <http://publicsafety.columbia.edu/content/safe-havens>.

General Safety Tips

- All suspicious activity should be reported to Barnard Public Safety at 212-854-6666 for current observations or 212-854-3362 for non-emergencies (reporting concerns some time after the fact).
- Timely and accurate reporting of information makes it easier to gather critical evidence and increase the odds of recovering stolen property, addressing concerning behavior, and/or successfully apprehending and prosecuting criminals.
- Keep your room doors locked and do not prop residence hall doors open.
- Report all maintenance problems (broken doors, window locks, etc.) to Residential Life or via the Facilities request form immediately.

- Identify your valuables - record serial numbers of TVs, computers, electronics, etc.; have them engraved to aid in recovery and list your valuable property with Barnard Public Safety. More information is available regarding NYC Operation ID on the web:
http://www.nyc.gov/html/nypd/downloads/pdf/crime_prevention/iPhone3.pdf
- Always secure your valuables and never leave items such as pocketbooks, wallets, keys, laptops, tablets, cell phones, etc. unattended even for brief periods of time. If stepping away from your belongings while on campus, ask a peer to keep an eye on your things, and don't be away long.
- Use designated crosswalks and pedestrian crossings to safely cross roadways.
- Be aware of campus and local crime trends. Pay attention to alerts shared with the community. You are your best protection - educate yourself.
- Shades and curtains should be drawn to prevent potential criminals from looking into your room or office.
- Carry only necessary cash and credit cards, kept in an inner secure location of your back or on your person. Do carry enough money for subway/bus fare or ride home.
- **TRUST YOUR INSTINCTS...** if something does not look right to you or makes you feel uneasy, get away fast! Seek out a public, well lit area or open business where other people are around. Immediately report such concerns to the Department of Public Safety.

Burglary/Thefts of Unattended Property

To help prevent burglary, please adhere to the following tips:

- Lock your door-even when going out for a short period.
- Always secure and/or conceal valuable items when leaving your room.
- Never leave valuable property (i.e.) laptops, tablets, cell phones, etc. unattended, in the library, café or any area open to the public or not monitored. Ask a peer to keep an eye on your things if you need to step away briefly, take your belongings with you if not a brief step away.
- **DO NOT PROP OPEN DOORS.** Do not share your room key, make a plan with your roommates/suitemates to insure doors are locked when no one is in the space.
- Be aware of happenings and persons in your building.
- Report any suspicious persons and/or activity to Public Safety IMMEDIATELY at 212-854-6666.
- Remember you are responsible for your guests on campus. Escort your guest(s) to and from the main entrance of the residence halls.

- Record serial number of any valuable items when available, keep this information in a safe central location. For items without serial numbers, take a photo and record a written description in your records.
- During prolonged breaks such as winter and spring recesses ensure that all valuable items are properly secured and take with you any non-securable items.

Holiday Safety Tips

- Do not display purchases such as holiday gifts where they can be seen from windows, doorways or openly viewable areas.
- Be cautious of strangers soliciting for charitable donations. Ask for identification, how the donated funds will be used, etc.
- Don't leave boxes from TVs, VCRs, Computers, etc. outside your apartment or at the curb for trash pickup. Break down boxes when leaving them for recycling pickup to conceal packaging.
- Travel and park in well lit areas. Be aware of your surroundings.

If you have any non-emergency questions related to this Safety Advisory, please feel free to call Public Safety at **212-854-3362**.

Cyber Bullying Awareness

What Is Cyber Bullying?

Cyber bullying is when electronic devices, such as cell phones or web based platforms (e.g. email, social media), are used to send or post messages or images that are meant to hurt, demean, or embarrass another person. This can be done through e- mail, instant messaging, text messages, web pages, chat rooms, or interactive gaming sites.

Cyber Bullying includes:

- Sending mean, threatening or harassing messages to another person through texts, e-mail, web pages, or instant messaging.
- Spreading lies and rumors about others through the web based or text messages.
- Posting pictures without the consent of the individual(s) in the image or altering photos of others.
- Tricking someone into revealing their personal information and sending it to others.
- Creating websites, polls, or blogs about an individual or group that are meant to embarrass, demean or hurt other persons.
- Recording conversations or videos without the individual's consent and sharing or posting it online.

Tips for Protecting Yourself:

- Be alert to all of the different forms of online harassment and cyberbullying.
- Be aware of your privacy settings and consider when and how you share any personal information online about yourself which includes your phone number, address, or personal identification numbers. Keep all of your usernames and passwords private.
- If you experience outreach from someone unknown to you or who is asking for information inappropriately, do your best to safely block all communication with the sender. Inform Public Safety, Resident Life staff members, BCIT, family, friends, supervisors, and/or co-workers about such concerning situation.
- Keep a record of all e-mails, text messages and instant messages that you have received (e.g. timestamped screen shots). Do not reply to inappropriate messages, often if you do not reply, the messages will stop. Consider whether it makes sense to change your username or e-mail address or update passwords and privacy settings to reduce the likelihood of recurrence.
- Contact your internet service provider or BCIT services and report what has happened and explore how best to prevent recurrence.
- If you or someone you know receives messages that are threatening you should contact Public Safety or the police.
- Call Public Safety at **212-854-6666** for emergencies or **212-854-3362** for non-emergencies.

Bomb Threat Procedures

Should a member of the Barnard community receive an email or telephone threat, it is imperative to follow the procedure below and notify the Department of Public Safety **IMMEDIATELY**.

Bomb Threat Procedure

In the event a bomb threat is received by telephone, the call taker will attempt to ascertain as much information as possible from the caller and contact Public Safety immediately at **212-854-6666**.

If a bomb threat is received by e-mail, the receiver will first print a copy of the e-mail, call Public Safety and then forward the e-mail threat to the Directors of Public Safety at publicsafety@barnard.edu. Under no circumstance should the receiver delete the e-mail threat. Upon receipt of information regarding a bomb threat the Department of Public Safety will take all action steps as outlined in the Emergency Management Procedure Manual and department procedures to ensure the safety and security of the affected area and campus community.

Local law enforcement authorities will be notified by the Department of Public Safety of all credible threats against the Campus. The Executive Director of Public Safety or their designee will issue an "ALL-CLEAR" message after consulting with law enforcement and applicable campus officials, and only when all officials are in agreement that there is not an active threat to the Campus and the area is safe for students, faculty, staff and/or visitors.