

Annual Security and Fire Safety Report

BARNARD
COLLEGE
2019

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 by December 31, 2020. Additional detailed information regarding campus safety and security is available in the Barnard Residence Hall Handbook, on the Barnard website, and in the various College offices and departments related to the content within this report.

Barnard College 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/cares/security-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 upon request from Barnard Community Safety office in Room 104, Barnard Hall.

A Message from Barnard College Community Safety

Barnard College is committed to providing a safe and secure environment conducive to education. The department has primary responsibility for security, crime prevention, and fire safety on campus and offers community awareness information to encourage partnership in cultivating community safety. The department is committed to supporting a safe, inclusive, and healthy learning environment for students, faculty, and staff who live, work, and study on campus, as well as those visiting our campus community. Located in Morningside Heights in Manhattan, we are a community within our neighboring communities: Columbia University and New York City.

To that end we present here the 2019 Annual Security and Fire Safety Report. The report is prepared by Community Safety staff, who are responsible for ensuring the safety and security of the campus, in collaboration with colleagues from offices of the Dean of the College and Office of General Counsel.

This report will provide you with information regarding safety and security and statistics for calendar year 2019 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 Community Accountability, Response, and Emergency Services (CARES) related to reporting crime, campus crime prevention and crime awareness programs, victim's assistance and services, fire safety and emergency procedures.

Barnard College Community Safety provides supportive 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 <https://barnard.edu/cares> or contact the CARES Department via email at CARESTeam@barnard.edu, by phone at **212-854-3362**.

Sincerely,



Amy Zavadil, Ph.D.

Associate Vice President for CARES

Community Accountability, Response, and Emergency Services

Table of Contents

SECTION ONE	5
JEANNE CLERY ACT	5
CLERY GEOGRAPHY	6
TIMELY WARNINGS, EMERGENCY NOTIFICATIONS, AND OTHER ALERTS	7
EMERGENCY NOTIFICATION SYSTEM	8
Frequently Asked Questions	9
SNOW AND EMERGENCY SCHOOL CLOSINGS	10
DAILY CRIME AND FIRE LOGS	10
EMERGENCY MANAGEMENT	11
SECTION TWO	12
BARNARD COMMUNITY SAFETY UNIT	12
Security for Campus Grounds & Buildings	13
Campus Safety Services	14
SECTION THREE	15
REPORTING CRIMES AND EMERGENCIES	15
How to Report a Crime or Other Emergency	15
Policies Regarding Reporting Crime Confidentiality	16
Barnard's Response to Reported Incidents	16
Reporting Incidents to the New York City Police Department (NYPD)	16
Advisory Committee on Campus Security	17
Emergency Medical Services	17
SECTION FOUR	18
MISSING STUDENT POLICY AND PROCEDURES	18
Missing Person Response Procedure	18
POLICY ON WORKPLACE VIOLENCE, THREATENING BEHAVIOR AND WEAPONS	19
Weapons	20
Reporting Incidents of Workplace Violence	20
THREAT ASSESSMENT COMMITTEE	20
SECTION FIVE	21
CRIME PREVENTION AND CAMPUS SECURITY PROGRAM	21
Photo ID Information	21
Evening Shuttle Operations / Safety Escort	22
Facilities Services	22
Valuable Property	23

CAMPUS BUILDINGS	23
RESIDENTIAL FACILITIES AND POLICIES	24
POLICIES AND PROCEDURES FOR SAFE ACCESS TO RESIDENCE HALLS	24
ALCOHOL AND DRUGS	25
Drugs	25
Alcohol	25
SECTION SIX	27
CAMPUS SECURITY AUTHORITIES	27
Pastoral Counselor	27
Professional Counselor	27
BIAS RELATED / HATE CRIMES	28
What is a Bias Related Crime?	28
What If I Am the Victim of a Bias Related Crime?	29
What are the Penalties for Committing a Bias Related Crime?	29
SECTION SEVEN	30
CRIME STATISTICS	30
SECTION EIGHT	36
Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, as amended by the Violence Against Women Reauthorization Act of 2013.	36
DEFINITIONS	36
Consent	36
Sexual Assault	37
Domestic Violence	38
Dating Violence	39
Stalking	39
EDUCATION AND PREVENTION PROGRAMS	41
PROCEDURES FOR REPORTING A COMPLAINT	43
Important Note about Confidentiality	45
Definitions and Examples	46
Reporting Process	46
Informal Resolution Options	52
Inquiry and Investigation	53
Adjudication Process	55
Appeals	57
Notification to the Parties	59
Procedure Timeline	59
Complainant and Respondent Rights	60
Federal Reporting of Crime Statistics	61

Grievance Policy for Addressing Formal Complaints of Sexual Harassment Under the Title IX Regulations	62
Title IX Grievance Policy Definitions	65
Non-investigatory Measures	69
Title IX Grievance Process	70
Title IX Informal Resolution Policy	81
Rules of Decorum	88
Resources on and off campus	91
Step Up! Be an Active Bystander	92
Risk Reduction	93
Sex Offender Registry and Access to Related Information	94
SECTION NINE	95
FIRE SAFETY REPORT 2019	95
Residence Hall Fire Statistics	95
Fire Log	98
FIRE SAFETY POLICIES AND PROCEDURES	99
Residence Hall Policies regarding portable electrical appliances, smoking and open flames	100
Prohibited Electrical Appliances and Items	100
Smoking Policy	100
PROCEDURES FOR EVACUATIONS, FIRE SAFETY EDUCATION AND TRAINING	101
To Report a Fire	101
STUDENT HOUSING EVACUATION	101
Emergency Fire Safety & Evacuation Instructions	101
General Emergency Fire Safety Instructions	102
Evacuation Instructions for All Building Types	102
Plans for Future Improvements in Fire Safety	103
APPENDIX A: Definitions of Reportable Crimes and Terms	104
New York State Penal Law	107
APPENDIX B: Crime Awareness and Safety Information	115
Tools To Navigate The City	115
General Safety Tips	115
Burglary/Thefts of Unattended Property	116
Holiday Safety Tips	117
Cyber Bullying Awareness	117
Bomb Threat Procedures	118

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 (ASFR) 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. *In July 2020, the U.S. Department of Education extended the October 1 publication deadline to December 31, 2020 for the 2019 ASFR.
- 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”.
- 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 the 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	537 West 121 Street ¹
624 W 119 Street	3007 Broadway	42-76 Claremont Ave	

*Addresses located within the confines of the 24 Precinct.

¹ 537 W. 121st Street residence hall added to Barnard Clery Geography August 23, 2019

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 Community 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 thefts of packages from building lobbies. Such alerts are issued at the discretion of Barnard Clery compliance team and may also be found on the CARES webpage.

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 Community 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 current 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 Community Safety and CARES, 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 Community Safety page of the Barnard website <https://barnard.edu/cares/crime-alerts>.

SNOW AND EMERGENCY SCHOOL CLOSINGS

The College will announce any closing on the Barnard website (alert.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 Community Safety maintains a daily campus Crime Log and CARES maintains a separate Fire log, both of which are available for viewing at the Community Safety unit's office Monday through Friday, during business hours in Barnard Hall room 104.

The Crime Log is used to record crimes reported to Barnard Community Safety by incident number, date of crime, time of occurrence, general location, and disposition (if known). All reports of crimes received by Community Safety that occurred within the required geographic locations and within the Community 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 such 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 CARES Department coordinates emergency management and preparedness policies and procedures for the Campus. The Emergency Management Committee is 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 review 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 reviewed and exercised annually.

SECTION TWO

BARNARD COMMUNITY SAFETY UNIT

The Community Safety unit at Barnard College is located just opposite the Main Gate at 117th Street and Broadway, in Barnard Hall, Room 104. The office is open 24 hours a day, seven days a week including holidays and can be contacted by calling the emergency number for Community Safety are **212-854-6666** or dial **4-6666** from a campus phone or activate a blue light call box from our various campus locations. The CARES line is available at **212-854-3362**, or ext. **4-3362** for non-emergencies. Community Safety is part of the CARES Department (Community Accountability, Response, and Emergency Services), along with CARES initial response team, fire safety, and nondiscrimination & Title IX staff. Security coverage for the Campus is provided throughout the year by full time staff consisting of Shift Supervisors and uniformed Community 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 emergency assistance.

Community 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 campus property. As agents of the college they perform unarmed interior and exterior patrols 24 hours a day, 365 days a year. Security booths are positioned at several locations on campus perimeter. In addition to perimeter security, interior and exterior building checks are performed by CARES Department staff, Access Attendants monitor access and egress for all open Residence Halls 24 hours each day.

Barnard CARES Department supports the welfare and safety of all members of the campus community and their guests. The department employs a wellness and preparedness strategy that promotes active community engagement with students, faculty, staff, community and outside law enforcement. The Community Safety staff maintain a relationship with the New York City Police Department with which we have a Memorandum of Understanding and communication regarding the investigation of criminal incidents and communication of any off- campus arrests or incidents involving members of the Campus community, where appropriate, 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 supporting safety 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 Community Safety. All Community 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 and cardiopulmonary resuscitation (CPR); use of Automated External Defibrillators (AED); fire safety and emergency response procedures. Annual campus based training also includes information about nondiscrimination, sexual violence response, effective communication and de-escalation, and campus resources and wellness initiatives. The department has institutional membership with national organizations and department supervisory staff participate in ongoing professional development.

Security for Campus Grounds & Buildings

Marked patrol units from the Department, as well as those from the NYPD and Columbia University, patrol the Campus perimeter regularly. Although Community Safety Officers are not police officers, they may handle response to 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 College buildings and campus grounds. Members of the community are encouraged to approach our Officers or supervisors with questions or reports about concerns, 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. These boxes are simple to use: an alarm is activated by pushing a button and a message is automatically sent to the entire Community Safety staff over their radios in real time. In addition, the location of the box is automatically transmitted to security personnel allowing an officer to respond in person, and verbal response is made immediately to a call box.

When the College is in session, entrances to residence halls are staffed 24 hours a day by Access Attendants, employees of the CARES Department. Their job is to monitor access and egress for all residents and guests. Students must present a valid Barnard College ID to gain entrance to residence halls, with the recent addition of card reader technology. Following established guest policy, any guests must be signed in by a resident of the building, when guests are permitted. 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 and Events Management 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 CARES Department, and other relevant departments, and event needs are reviewed by the College's Events Management Committee.

Campus Safety Services

Barnard Community Accountability, Response, and Emergency Services (CARES) provides community assistance for non-emergency support by CARE first response team and emergency response with Community Safety primary oversight. Students, faculty and staff are encouraged to contact the CARES line for questions regarding navigating their travel throughout the city, safely securing valuable items, and assistance with interactions in the campus community.

Members of the Barnard community can contact CARES and Community Safety for assistance.

COMMUNITY SAFETY

Emergencies: 212-854-6666

Email: communitysafety@barnard.edu

CARES LINE FIRST RESPONSE

Non-Emergencies: 212-854-3362

Email: CARESTeam@barnard.edu

The CARES Department administers a comprehensive safety platform, including crime prevention programs, fire prevention exercises, emergency preparedness and response training, use of an emergency notification system, and coordination of EMS services with Columbia University EMS (CUEMS). On demand evening ride share services, through a Columbia partnership with VIA, are available to current Barnard students. A student staffed escort service on Columbia's campus is also available to Barnard students through Columbia University Public Safety. Barnard Community Safety also works closely with the FDNY and NYC Office of Emergency Management to ensure the safety of the Campus community.

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 range of services provided.

SECTION THREE

REPORTING CRIMES AND EMERGENCIES

It is imperative that all crimes and suspicious activity be reported to Barnard Community 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 Community Safety Department encourages the community to call directly to the department for all emergencies, the CARES line first response was created to provide an option for seeking information about available assistance for those matters that are not related to an immediate threat of harm, to criminal activity or where the caller is unsure about available options and is seeking support. We also 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 confidential 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 4-6666** from any campus landline phone or simply push the **RED** button on any “**Blue** Light” emergency phone to report a crime in progress and/or other emergency need.

To report an incident after the fact or for any non-emergency situation, dial 212-854-3362 from outside lines (or 4-3362 from a campus landline) to reach the CARES line first response team. It is always an option to respond directly to the Barnard Community Safety office located in room 104 Barnard Hall to request in person assistance. Information can be shared via online report at https://barnard-advocate.symplicity.com/public_report

Off Campus emergencies should be reported to the New York City (or local agency) emergency services by dialing **911**. Community Safety can provide assistance to community members reporting crimes that occurred off campus (being reported after the fact) to the appropriate NYPD precinct. Other city services can be accessed by phone using 311 or on the web at <https://portal.311.nyc.gov/>.

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.

Community Safety vehicle and foot patrols are radio dispatched to handle emergencies 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 Anonymously

Persons wanting to report a crime or incident after occurrence can do so anonymously by submitting an [online report](#) or by contacting the CARES Line at **212-854-3362** and requesting to provide information anonymously. When the reporting person's name is shared during reporting, it 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 in reporting. 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, also a member of the CARES Department. 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

CARES and Community Safety staff will complete written reports of any crime or suspicious incident that occurs on campus or other mandated areas. Reports are kept on file in a centralized electronic system and relevant information is shared with the appropriate Campus departments, to ensure appropriate follow up or resolution.

Follow-up inquiries or investigations may be conducted by campus staff, and local law enforcement agency(s) is/are notified, when appropriate, with notification to the reporting party of such actions.

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

Any person reporting a crime to Barnard Community Safety or CARES 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 Community Safety for assistance throughout the process. Typically, if NYPD is requested directly to respond to an on campus emergency they will contact Community Safety to respond with them, or they will inform Community 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 Community Safety Officers receive training in first aid, CPR and use of the AED and CARES Department personnel complete basic first aid training. In the event a student, faculty, staff and/or visitor requires immediate medical attention while on campus, **immediately call Community Safety at 212-854-6666 or 4-6666 from a campus phone** and advise of location and nature of emergency. Community Safety will immediately coordinate initial response 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 Emergency Medical Technician volunteer basic life support 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 (limited schedule during academic breaks). 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 NOTIFICATION 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, or CARES staff.

The College will initiate the following procedure once advised that a student is missing with no reasonable explanation identified for their absence. Ordinarily, the procedure will be initiated after at least a 24-hour period has elapsed after a normal or scheduled event for which the student's presence had 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. Reports of missing, or suspected missing campus resident students, are often initially made to a member of the professional Residential Life & Housing staff (Director, Associate Directors, and Hall Directors), and CARES will be contacted as part of the response process by Residential Life staff. If a report is made directly to Community Safety or CARES line first response, the appropriate Residential Life staff will be notified.
2. Following an attempt to reach the student who has been reported missing, and preliminary information gathering or inquiry, the Residential Life staff member will immediately notify the Director of Operations, or their designee, of the report. Together, the representatives from Residential Life & Housing and CARES shall investigate by, among other things: (i) making further inquiries of roommates/suitemates, residents living on the same floor and any other known associates of the suspected missing resident, including inquiry regarding electronic communication; (ii) accessing and

reviewing the student's academic schedule and ascertaining whether the student is attending classes; (iii) attempting to ascertain whether or when last 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 Missing Person 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 Missing Person 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 Community Safety Director of Operations, 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 Missing Person 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 a Director in Community 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 Community Safety Department.

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 Community Safety Office 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 CARES Department, Office of General Counsel, Office of Human Resources, Dean of the College, Office of the Provost, and Campus Services. The committee meets 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 tips and techniques relating to personal safety and protection of property both on- and off campus. From time to time, the CARES Department and other College offices issue online advisories and preparedness information. For example, each December, a special email notice goes out to all employees and students with information about how to guard against cybercrimes, pickpocketing, theft, and burglaries at holiday time.

Barnard CARES units, Residential Life, the Title IX Coordinator, Being Barnard and Student Primary Care Health Services offices 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 CARES, 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 each of our contributions to community safety.

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, if current guest policy allows, 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 that will be referred to the appropriate office for follow up, 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 access transfer may take up to 24 hours to process. If a lost ID is located, it should be turned in as it will no longer work for electronic access.

Evening Shuttle Operations / Safety Escort

Barnard participates in the Columbia University VIA partnership that affords students free on demand VIA ride share service in the identified University area during the evening and overnight hours (6:30pm-4am, extended earlier in late fall and winter). Information and schedule are available on the website at <https://barnard.edu/shuttle-services>. Current details regarding accessing the VIA app and enrolling for this partnership can be found on the web at <https://transportation.columbia.edu/content/via-evening-shuttle>. Students who present Barnard ID may ride on a Columbia University shuttle bus that makes stops between 108th and 125th Streets. Columbia Transportation 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/>.

Columbia University's Safety Escort Program on the Morningside Campus operates from Columbia's Morningside campus 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. Visit the Columbia Public Safety website to confirm hours of operation.

Facilities Services

The Facilities Services Department maintains the College's buildings and grounds and works in collaboration with the CARES Department in support of safety and security. Potential safety and security hazards, such as windows and locks that are not securing properly, that are discovered during security patrols or reported to Community Safety are reported to Facilities for prompt repair. The Facilities Services Department, 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 immediate concerns, such as water leaks or low battery alerts from a smoke alarm, may be made to the CARES line at ext. **4-3362** to arrange follow up by appropriate facilities personnel. Students, faculty and staff are encouraged to submit an online work order form located on my.barnard.edu for any repair requests to receive confirmation of completion of work, and be able to respond if there are questions about the nature of repair.

Valuable Property

During the course of an academic year, Barnard CARES and Community Safety recover many items of personal property, either found unattended or turned in by members of the community. Information is taken 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. There is an online form located on the CARES [webpage](#) to submit information if you have lost track of an item. Barnard Community 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 personal meaning, including family birth dates, mother's maiden name, etc. Barnard Community Safety can assist in coordinating with NYPD's project identification program in which NYPD offers identity marking on technology devices and other valuables. In which case, 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 a standard academic year) providing access to study space for students. Hours of access may be reduced as needed, including 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 safety personnel.

Access to the main campus is typically restricted to the main gate located at 117th Street and Broadway, with some having electronic card reader access to enter campus at the Milstein

entrance at 40 Claremont or the Milbank entrance at 120th Street. Historically, between the hours of 11pm and 6am, all persons entering the main campus must utilize a valid Barnard College or Columbia University ID card where card reader technology is in use or present their ID to a Community Safety staff member prior to entry. Visitors or guests must present an official identification card with photo and be escorted by a valid College or CU ID holder. Access adjustments or restrictions may be taken and are communicated on the Barnard website.

RESIDENTIAL FACILITIES AND POLICIES

Barnard College can house approximately 2,200 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, CARES Department and other campus administrators. Each residence hall facility includes a check in desk at each building entry, 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 assigned by Barnard Community 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, utilizing the card reader at the desk, to gain entry. Staff in CARES and Residential Life work collaborative to develop and communicate protocol related to residence hall access. Following applicable guest policy at the time, if permitted, visitors and guests must provide valid identification and be accompanied by a resident of the specific hall, signed in by 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 CARES staff 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 periodically patrolled with attention focused on potential physical hazards or security issues. Violations of residential life and housing regulations that are reported to or observed by desk staff are noted and reported to the Residential Life staff for appropriate follow up. Interpersonal conflicts and disturbances may be forwarded by CARES staff to the Residential Life staff for follow-up action when necessary. CARES staff are available to conduct informational security and/or fire safety prevention and preparedness 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 CARES, Community Safety and 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>. Similarly, employees may seek the assistance of the Human Resources Department in locating appropriate services. The City of New York provides alcohol and substance harm reduction and treatment resources on the nyc.gov webpage.

SECTION SIX

CAMPUS SECURITY AUTHORITIES

The Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (the "Clery Act"), as amended, requires CARES staff, 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 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, campus partners 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 (ASR) 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 that is comprised of students, faculty, administration and staff from diverse backgrounds. Barnard College is committed to an inclusive community and sensitivity to safety for all 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. The National Center for Education Statistics in a publication from July 2020² documented "In 2017, of the criminal incidents on the campuses of postsecondary institutions that were reported to police and security agencies, 958 incidents were classified as

² Full report found on the web at https://nces.ed.gov/programs/crimeindicators/ind_22.asp

hate crimes. The three most common types of hate crimes reported by institutions were destruction, damage, and vandalism (437 incidents; hereafter referred to as “vandalism” in this indicator), intimidation (385 incidents), and simple assault (83 incidents).” The report notes that the highest reported hate crimes involve bias motivated based upon race, religion, and sexual orientation. The Criminal Justice Information Services of the Federal Department of Justice compiles Hate Crime Statistics nationally³, and indicates that approximately one quarter of incidents occur in or near residences/homes. 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 CARES Line or Community Safety Department by calling **212-854-3362** or by going to the Community Safety Office at 104 Barnard Hall to share information and their observations to allow the matter to be thoroughly investigated. Reports can also be made using the [online report](#) form. Community members may submit an online report anonymously, but please be advised that anonymous reports may limit our ability to investigate a concern.

There are numerous resources available to victims of Hate Crimes. College ombuds services (<https://barnard.edu/meet-ombuds>) and the Nondiscrimination Office may also be a starting point (<https://barnard.edu/nondiscrimination-and-title-ix>). 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. **4-2092**, 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.

³ Full 2018 reported date on the web at <https://ucr.fbi.gov/hate-crime/2018/topic-pages/location-type>

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 CARES Department at **212-854-3362**.

2019 Federal Clery Report

Offense	Year	On Campus: Residence Hall	On Campus: Other	Total On Campus	Non- Campus	Public Property
Arson	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Murder/ Non-negligent Manslaughter	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Negligent Manslaughter	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0

Offense	Year	On Campus: Residence Hall	On Campus: Other	Total On Campus	Non- Campus	Public Property
Rape	2019	1	0	1	0	1
	2018	2	0	2	2	0
	2017	0	0	0	2^	0
Fondling	2019	0	0	0	0	3
	2018	1	0	1	0	0
	2017	1	1	2	0	0
Incest	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Statutory Rape	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Robbery	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0

Offense	Year	On Campus: Residence Hall	On Campus: Other	Total On Campus	Non- Campus	Public Property
Aggravated Assault	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Burglary	2019	1	2	3	0	0
	2018	2	2	4	2	0
	2017	1	1	2	0	0
Motor Vehicle Theft	2019	0	0	0	0	0
	2018	0	0	0	0	1
	2017	0	0	0	0	0
Weapons Arrest	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Drug Arrest	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Alcohol Arrest	2019	0	0	0	0	1
	2018	0	0	0	0	0
	2017	0	0	0	0	0

Offense	Year	On Campus: Residence Hall	On Campus: Other	Total On Campus	Non- Campus	Public Property
Weapons Referral	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Drug Referral	2019	7	3	10	0	0
	2018	28	0	28	0	0
	2017	12	0	12	0	0
Alcohol Referral	2019	71	0	71	0	0
	2018	27	0	27	0	0
	2017	23	0	23	0	0

Offense	Year	On Campus: Residence Hall	On Campus: Other	Total On Campus	Non- Campus	Public Property
Stalking	2019	1	2	3	0	0
	2018	0	1	1	1	0
	2017	1	2	3	2^	2
Dating Violence	2019	0	0	0	0	0
	2018	0	0	0	2	0
	2017	3	0	3	0	0
Domestic Violence	2019	1	1	2	0	1
	2018	0	0	0	0	0
	2017	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.

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.

2019 - No reported hate crime incidents.

2018 - No reported hate crime incidents.

2017 - 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. Campus Safety Officers and the District Attorneys may not deem a crime unfounded.

2019 - There were no unfounded crimes.

2018 - There were no unfounded crimes.

2017 - There were no unfounded crimes.

Significant Incidents in 2019

In December 2019 there were two significant incidents that do not meet criteria for inclusion within the statistics above but significantly impacted the community and are thus worth noting. On December 11, 2019, just over two blocks away from Barnard's campus on the western edge of Morningside Park, a Barnard student was robbed and killed. Ultimately the New York City Police Department made three arrests. Following this incident, Barnard College, Columbia University, and multiple City agencies met regularly resulting in the City adding or enhancing lighting in both Morningside and Riverside parks. The Parks Commission also subsequently increased patrol staff and hours in Morningside Park.

On December 25, 2019, a hateful, racist robo-call targeted hundreds of Barnard College phones. With the assistance of CUIT, most messages were removed from voicemail boxes prior to being accessed by many staff and faculty. The robo-call was reported to NYPD 26th Precinct and shared with the NYPD Intelligence Bureau who handles hate 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 2019 New Student Orientation and August 2019 New Student Orientation. Information was presented in person and with printed supplements during required sessions attended by all incoming students. For Fall 2019 New Student Orientation, all incoming students attended required sessions on bystander intervention and community care as well as healthy relationships and active consent. During January and August 2019, 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 informal student feedback and programmatic assessment data 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 2019 through on-board meetings 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 2019. In January 2019 and August 2019, 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 300 students) were provided training focused on bystander intervention and rape culture, 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, social media outreach, 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 2019. Department visits by the Title IX Coordinator, new faculty orientation and faculty department chairs meeting, and department training such as Safety staff receive annual training, including learning about resources, policy, and trauma dynamics. Residential Life Staff receive training at least twice a year (January and August 2019).

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:

Madeline Camacho
Interim Title IX Coordinator
Barnard College
(212) 853-0772
mcamacho@barnard.edu

eff. 1/4/2020 **Elizabeth Scott-Francis**
Title IX Coordinator
Barnard College
(212) 853-0772

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 or off campus at Crime Victims Treatment Center. (Contact information for on and off campus confidential resources can be found [here](#)).

When a report of misconduct is investigated, the Complainant, the Respondent 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 parties 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 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 innuendoes 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 relationships
- 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. Information can be shared via an online report form located on the Barnard website at https://barnardadvocate.symplicity.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://barnardadvocate.symplicity.com/public_report.

**Title IX Coordinator:
Elizabeth Scott-Francis
Elliott Hall, 1st Floor
(212) 853-0037**

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 (Kathleen Veteri, kveteri@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 web 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
- Where 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, or 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

Both the Respondent and the Complainant each have the right to reasonable accommodations to support safety, well-being, and access to education or employment. Additionally, 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. 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

Independent Informal Resolution

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

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

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

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 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 Adjudicator⁴ will be notified, and both parties will receive notification and that the matter has been forwarded for sanctioning. See Determination of Sanctions below.

If the Respondent declines responsibility, or chooses not to respond, the Complainant 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.

Range of Sanctions

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, up to and including discharge. Students are subject to disciplinary action, up to and including suspension or expulsion. In any case, educational programming or alcohol/substance assessment may be required. Sanctions may include reassignment of work duties or location; reassignment of class meetings; reassignment of or removal from living accommodations; restrictions on contact with Complainant; access restrictions to College property and/or events, disciplinary probation, suspension or expulsion. More than one sanction may be imposed. 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 her 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 employers. 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 assignment, or allowing a student to withdraw and/or retake a course without penalty.

Adjudicators

The role of the Adjudicator (or designee) is determined by the role of the Respondent.

Adjudicator (or designee):

- Student Respondent: Madeline Camacho, Interim Title IX Coordinator; designee: Emy Cardoza, Associate Dean of Student Life
- Faculty Respondent: Saskia Hamilton, Vice Provost for Academic Programs; designee: Leslie Cawley, Associate Provost, Budget & Planning
- Staff Respondent: Kathleen Veteri, Associate General Counsel & Interim Executive Director of Human Resources; designee Terry Ann Waldron, Robin Beltzer, Alexcia Gayle or Benjamin Riendeau

Appeals

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 appeals 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: Nikki Youngblood Giles, Vice Dean of the College; designee: Jennifer Fondiller.

If the Respondent is a faculty member: Linda Bell, Provost; designee: Leslie Cawley.

If the Respondent is a staff member: Eileen Di Benedetto, CFO and Vice President for Finance; designee to be determined.

Notification to the Parties

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

- 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.
- 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.
- 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.
- Administrative Resolution
- Notice that the Respondent accepts responsibility for being “in violation” (if applicable).
- Notice of the sanctions determined by the Adjudicator (or designee) after the Respondent accepts responsibility.
- 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).
- Appeals Process
- Notice that an appeal has been filed by either party at any point in the outcome phase.
- 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.

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 GenderBased 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.

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 Community 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

Grievance Policy for Addressing Formal Complaints of Sexual Harassment Under the Title IX Regulations

Put most simply, the 2020 Title IX regulations mandate a more formal process, including a live hearing and the right to cross-examination, to address a narrowly-defined set of cases. Barnard's Policy Against Discrimination and Harassment and Grievance Procedures for Gender-Based Misconduct, Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking remain in full force and effect. Complaints that include allegations of both Gender-Based Misconduct and misconduct under the new Title IX procedure will be investigated and adjudicated under the Title IX procedure.

The regulations permit institutions to impose a higher standard of evidence for investigations and determinations. However, Barnard has chosen to maintain the "preponderance of the evidence" standard is applies under its Gender-Based Misconduct, Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking.

1. Introduction

What is the purpose of the Title IX Grievance Policy? Title IX of the Educational Amendments of 1972 prohibits any person in the United States from being discriminated against on the basis of sex in seeking access to any educational program or activity receiving federal financial assistance. The U.S. Department of Education, which enforces Title IX, has long defined the meaning of Title IX's prohibition on sex discrimination broadly to include various forms of sexual harassment and sexual violence that interfere with a student's ability to equally access our educational programs and opportunities.

On May 19, 2020, the U.S. Department of Education issued a Final Rule under Title IX of the Education Amendments of 1972 that:

- Defines the meaning of "sexual harassment" (including forms of sex-based violence),
- Addresses how schools must respond to reports of misconduct falling within that definition of sexual harassment, and
- Mandates a grievance process that schools must follow to comply with the law in these specific covered cases before issuing a disciplinary sanction against a person accused of sexual harassment.

See, 85 Fed. Reg. 30026 (May 19, 2020). The full text of the Final Rule and its extensive Preamble are available here: <http://bit.ly/TitleIXReg>

The Title IX Grievance Policy will become effective on August 14, 2020, and will only apply to sexual harassment alleged to have occurred on or after August 14, 2020. Based on the Final

Rule, Barnard College (“Barnard” or the “College”) will implement the following Title IX Grievance Policy, effective August 14, 2020. Incidents of sexual harassment alleged to have occurred before August 14, 2020, will be investigated and adjudicated according to the process in place at the time the incident allegedly occurred.

How does the Title IX Grievance Policy impact other campus disciplinary policies?

In recent years, “Title IX” cases have become a short-hand for any campus disciplinary process involving sex discrimination, including those arising from sexual harassment and sexual assault. But under the Final Rule, Barnard must narrow both the geographic scope of its authority to act under Title IX and the types of “sexual harassment” that it must subject to its Title IX investigation and adjudication process. Only incidents falling within the Final Rule’s definition of sexual harassment will be investigated and, if appropriate, brought to a live hearing through the Title IX Grievance Policy defined below.

Barnard remains committed to addressing any violations of its policies, even those not meeting the narrow standards defined under the Title IX Final Rule.

Specifically, our campus has:

A Code of Conduct that defines certain behavior as a violation of campus policy, and a separate Grievance Procedures for Gender-Based Misconduct, Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking that addresses the types of sex-based offenses constituting a violation of campus policy, and the procedures for investigating and adjudicating those sex-based offenses.

To the extent that alleged misconduct falls outside the Title IX Grievance Policy, or misconduct falling outside the Title IX Grievance Policy is discovered in the course of investigating covered Title IX misconduct, Barnard retains authority to investigate and adjudicate the allegations under the policies and procedures defined within the Grievance Procedures for Gender-Based Misconduct, Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking through a separate grievance proceeding, linked [here](#).

The elements established in the Title IX Grievance Policy under the Final Rule have no effect and are not transferable to any other policy of the College for any violation of the Code of Conduct, employment policies, or any civil rights violation except as narrowly defined in this Policy. This Policy does not set a precedent for other policies or processes of the College and may not be cited for or against any right or aspect of any other policy or process.

How does the Title IX Grievance Policy impact the handling of complaints?

Our existing Title IX office and reporting structure remains in place. What has changed is the way our Title IX office will handle different types of reports arising from sexual misconduct, as detailed in full throughout Section 2.

2. The Title IX Grievance Policy

Table of Contents

1. Introduction.....	1
2. The Title IX Grievance Policy	3
a. Table of Contents.....	3
b. General Rules of Application.....	3
c. Definitions.....	4
d. Making a Report Regarding Covered Sexual Harassment to Barnard.....	8
e. Non-Investigatory Measures Available Under the Title IX Grievance Policy.....	9
f. The Title IX Grievance Process.....	10
g. Notice of Allegations.....	13
h. Advisor of Choice and Participation of Advisor of Choice.....	14
i. Investigation.....	16
j. Investigative Report.....	18
k. Hearing.....	18
l. Determination Regarding Responsibility.....	22
m. Appeals.....	25
n. Retaliation.....	26
3. Appendices to Barnard’s Grievance Policy for Addressing Formal Complaints of Sexual Harassment Under the Title IX Regulations.....	27

General Rules of Application

Effective Date

This Title IX Grievance Policy will become effective on August 14, 2020, and will only apply to formal complaints of sexual harassment brought on or after August 14, 2020.

Revocation by Operation of Law

Should any portion of the Title IX Final Rule, 85 Fed. Reg. 30026 (May 19, 2020), be stayed or held invalid by a court of law, or should the Title IX Final Rule be withdrawn or modified not to require the elements of this policy, this policy, or the invalidated elements of this policy, will be

deemed revoked as of the publication date of the opinion or order and for all reports after that date, as well as any elements of the process that occur after that date if a case is not complete by that date of opinion or order publication. Should the Title IX Grievance Policy be revoked in this manner, any conduct covered under the Title IX Grievance Policy shall be investigated and adjudicated under the existing Grievance Procedures for Gender-Based Misconduct, Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking.

Non-Discrimination in Application

The requirements and protections of this policy apply equally regardless of sex, sexual orientation, gender identity, gender expression, or other protected classes covered by federal or state law. All requirements and protections are equitably provided to individuals regardless of such status or status as a Complainant, Respondent, or Witness. Individuals who wish to file a complaint about Barnard's policy or process may contact the Department of Education's Office for Civil Rights using contact information available at <https://ocrcas.ed.gov/contact-ocr>.

Definitions

Covered Sexual Harassment

For the purposes of this Title IX Grievance Policy, "covered sexual harassment" includes any conduct on the basis of sex that satisfies one or more of the following:

1. An employee conditioning educational benefits on participation in unwelcome sexual conduct (i.e., quid pro quo);
2. Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to Barnard's education program or activity;
3. Sexual assault (as defined in the Clery Act), which includes any sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent;
4. Dating violence (as defined in the Violence Against Women Act (VAWA) amendments to the Clery Act), which includes any violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship; (ii) The type of relationship; and (iii) The frequency of interaction between the persons involved in the relationship.
5. Domestic violence (as defined in the VAWA amendments to the Clery Act), which includes any 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 as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under New York's domestic or family violence laws or by any other person against an adult or 6. youth victim who is protected from that person's acts under the domestic or family violence laws of New York.

7. Stalking (as defined in the VAWA amendments to the Clery Act), meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to-- (A) fear for their safety or the safety of others; or (B) suffer substantial emotional distress.

Note that conduct that does not meet one or more of these criteria may still be prohibited under the Policy Against Discrimination and Harassment ([linked here](#)) and Grievance Procedures for Gender-Based Misconduct, Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking.

Consent

For the purposes of this Title IX Grievance Policy, "consent" involves explicit communication. Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression. See Barnard's Policy Against Discrimination and Harassment.

A sexual encounter is considered consensual when individuals each willingly and knowingly engage in sexual activity. Consent cannot be obtained through the use of coercion. Coercion is the use of pressure, manipulation, substances, force and disregarding objections of another party to engage in sexual activity. Consent must be clearly and unambiguously communicated.

Consent to any one sexual act or prior sexual activity does not necessarily constitute consent to any other sexual act. Consent may be given initially but withdrawn at any time. When consent is withdrawn or can no longer be given, sexual activity must stop.

One who is incapacitated (whether by alcohol or drug use, disability, unconsciousness, or is otherwise helpless) cannot consent to sexual activity. In this procedure, determining whether an individual was incapacitated may depend on the perspective of an objective and reasonable interpretation of events to consider whether a sober individual in the Respondent's position could know or should have known that the Complainant was incapacitated. The person initiating each specific sexual act is responsible for obtaining affirmative consent, regardless of whether or not the initiator is under the influence of alcohol and/or other drugs.

Education Program or Activity

For the purposes of this Title IX Grievance Policy, Barnard's "education program or activity" includes:

- Any on-campus premises.
- Any off-campus premises that Barnard has substantial control over. This includes buildings or property owned or controlled by a recognized student organization.
- Activity occurring within computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operations of Barnard's programs and activities over which Barnard has substantial control

Formal Complaint

For the purposes of this Title IX Grievance Policy, "formal complaint" means a document – including an electronic submission - filed by a complainant with a signature or other indication that the complainant is the person filing the formal complaint, or signed by the Title IX Coordinator, alleging sexual harassment against a respondent about conduct within Barnard's education program or activity and requesting initiation of the procedures consistent with the Title IX Grievance Policy to investigate the allegation of sexual harassment.

Complainant

For the purposes of this Title IX Grievance Policy, Complainant means any individual who has reported being or is alleged to be the victim of conduct that could constitute covered sexual harassment as defined under this policy.

Relevant evidence and questions

"Relevant" evidence and questions refer to any questions and evidence that tends to make an allegation of sexual harassment more or less likely to be true. "Relevant" evidence and questions do not include the following types of evidence and questions, which are deemed "irrelevant" at all stages of the Title IX Grievance Process:

- Evidence and questions about the complainant's sexual predisposition or prior sexual behavior unless:
 - o They are offered to prove that someone other than the respondent committed the conduct alleged by the Complainant, or
 - o They concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent. 34 C.F.R. § 106.45(6)(i).

- Evidence and questions that constitute, or seek disclosure of, information protected under a legally-recognized privilege. Legally-recognized privileges include, e.g., attorney client privilege.
- Any party's medical, psychological, and similar records unless the party has given voluntary, written consent. 85 Fed. Reg. 30026, 30294 (May 19, 2020)

Respondent

For the purposes of this Title IX Grievance policy, Respondent means any individual who has been reported to be the perpetrator of conduct that could constitute covered sexual harassment as defined under this policy.

Privacy vs. Confidentiality

Consistent with Barnard's Grievance Procedures for Gender-Based Misconduct, Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking, references made to confidentiality refer to the ability of identified confidential resources to not report crimes and violations to law enforcement or college officials without permission, except for extreme circumstances, such as a health and/or safety emergency or child abuse. References made to privacy mean Barnard offices and employees who cannot guarantee confidentiality but will maintain privacy to the greatest extent possible, and information disclosed will be relayed only as necessary to investigate and/or seek a resolution and to notify the Title IX Coordinator or designee, who is responsible for tracking patterns and spotting systemic issues. Barnard will limit the disclosure as much as practicable, even if the Title IX Coordinator determines that the request for confidentiality cannot be honored.

Disability Accommodations

This Policy does not alter any of Barnard's obligations under federal disability laws including the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973. Parties may request reasonable accommodations for disclosed disabilities to the Title IX Coordinator at any point before or during the Title IX Grievance Process that do not fundamentally alter the process. The Title IX Coordinator will not affirmatively provide disability accommodations that have not been specifically requested by the Parties, even where the Parties may be receiving accommodations in other Barnard programs and activities.

Making a Report Regarding Covered Sexual Harassment to Barnard

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail,

using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

Contact Information for the Title IX Coordinator:

Name: Elizabeth Scott-Francis
Title: Title IX Coordinator Office
Telephone Number: (212) 853-0772

Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address listed for the Interim Title IX Coordinator.

Confidential Reporting

The following Officials will provide privacy, but not confidentiality, upon receiving a report of conduct prohibited under this policy:

- Title IX Coordinator or designee.
- Other Required Reporters include faculty and most staff (including Teaching Assistants and students employed by the College and acting in an official capacity, such as Resident Advisers), who are required by the College to provide relevant information about gender-based misconduct complaints to the Nondiscrimination & Title IX office. Staff within this office, in consultation with the appropriate Title IX Coordinator(s), are responsible for connecting students with supportive resources and working to ensure community safety.

The following Officials may provide confidentiality:

- Confidential Resources on campus include: Furman Counseling Center (clinicians are confidential resources), Being Barnard, Columbia University Chaplain, Ombuds Office, Primary Care Health Service, and advocates, on campus, at the Sexual Violence [Response](#) or off campus at Crime Victims Treatment [Center](#). Contact information for on and off campus confidential resources can be found [here](#).

Non-Investigatory Measures Available Under the Title IX Grievance Policy

Supportive Measures

Complainants (as defined above), who report allegations that could constitute covered sexual harassment under this policy, have the right to receive supportive measures from Barnard regardless of whether they desire to file a complaint, which may include:

- Counseling
- Extensions of deadlines or other course-related adjustments
- Modifications of work or class schedules

- Restrictions on contact between the parties (no contact orders)
- Changes in work or housing locations

See 85 Fed. Reg. 30401.

Supportive measures are non-disciplinary and non-punitive.

Emergency Removal

Barnard retains the authority to remove a respondent from Barnard's program or activity on an emergency basis, where Barnard (1) undertakes an individualized safety and risk analysis and (2) determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of covered sexual harassment justifies a removal.

If Barnard determines such removal is necessary, the respondent will be provided notice and an opportunity to challenge the decision immediately following the removal. If, after undertaking an individualized safety and risk analysis, Barnard determines that there is an immediate threat to the physical health or safety of any student or other individual arising from the allegations of misconduct, either of the following actions may be taken:

- Temporarily suspending a Respondent from specified activities and/or positions of leadership; and
- Temporarily suspending a Respondent from Barnard. Barnard will provide notice about these supportive and interim measures only to those who need to know in order to make them effective. Failure to comply with interim measures or other directives is a violation of Barnard's Policy and may lead to additional disciplinary action.

Administrative Leave

Barnard retains the authority to place a non-student employee respondent on administrative leave during the Title IX Grievance Process, consistent with College policy.

The Title IX Grievance Process

Filing a Formal Complaint

The College makes every reasonable effort to ensure that complaints are resolved as expediently and efficiently as possible. Many complaints may require extensive review, and time frames will vary depending on the complexity of the investigation and the severity and extent of the alleged misconduct. Additionally, any reference to "days" in this Policy and these Procedures refers to business days.

The Title IX Office strives to complete investigation and adjudication within 120 days after the notice of an investigation under the Gender-Based Misconduct process or notice of a Title IX Formal Complaint.

Time frames may be extended for good cause as necessary to ensure the integrity and completeness of this process. The reasons for extension of the time frame also include, but are not limited to: compliance with a request by law enforcement; a limited accommodation of the availability of Parties, their advisors, and witnesses; students on leave; exam periods, school breaks or vacations; and accounting for complexities of a specific investigation, including the number of witnesses and volume of information provided by the Parties.

To file a Formal Complaint, a complainant must provide the Title IX Coordinator a written, signed complaint describing the facts alleged. Complainants are only able to file a Formal Complaint under this Policy if they are currently participating in, or attempting to participate in, the education programs or activities of Barnard, including as an employee. For complainants who do not meet this criteria, the College will utilize existing policy in Grievance Procedures for Gender-Based Misconduct, Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking.

If a complainant does not wish to make a Formal Complaint, the Title IX Coordinator may determine a Formal Complaint is necessary. Barnard will inform the complainant of this decision in writing, and the complainant need not participate in the process further but will receive all notices issued under this Policy and Process.

Nothing in the Title IX Grievance Policy or Grievance Procedures for Gender-Based Misconduct, Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking prevents a complainant from seeking the assistance of state or local law enforcement alongside the appropriate on-campus process.

Informal Resolution

A complainant who files a Formal Complaint may elect, at any time, to address the matter through Barnard's Informal Resolution Process. All Parties to a Formal Complaint must agree to enter the Informal Resolution Process through an informed written consent. Information about this Process is available [here](#).

Multi-Party Situations

Barnard may consolidate Formal Complaints alleging covered sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by

one party against the other party, where the allegations of covered sexual harassment arise out of the same facts or circumstances.

Determining Jurisdiction

The Title IX Coordinator will determine if the instant Title IX Grievance Process should apply to a Formal Complaint. The Process will apply when all of the following elements are met, in the reasonable determination of the Title IX Coordinator:

1. The conduct is alleged to have occurred on or after August 14, 2020;
2. The conduct is alleged to have occurred in the United States;
3. The conduct is alleged to have occurred in Barnard's education program or activity; and
4. The alleged conduct, if true, would constitute covered sexual harassment as defined in this policy.

If all of the elements are met, Barnard will investigate the allegations according to the Title IX Grievance Process.

Allegations Potentially Falling Under Two Policies

Complaints that include allegations of both Gender-Based Misconduct and misconduct under the Title IX procedure will be investigated and adjudicated under the Title IX procedure.

Mandatory Dismissal

If any one of these elements are not met, the Title IX Coordinator will notify the parties that the Formal Complaint is being dismissed for the purposes of the Title IX Grievance Policy. Each party may appeal this dismissal using the procedure outlined in "Appeals," below.

Discretionary Dismissal

The Title IX Coordinator may dismiss a Formal Complaint brought under the Title IX Grievance Policy, or any specific allegations raised within that Formal Complaint, at any time during the investigation or hearing, if:

- A complainant notifies the Title IX Coordinator in writing that they would like to withdraw the Formal Complaint or any allegations raised in the Formal Complaint;
- The respondent is no longer enrolled or employed by Barnard; or,
- If specific circumstances prevent Barnard from gathering evidence sufficient to reach a determination regarding the Formal Complaint or allegations within the Formal Complaint.

Any party may appeal a dismissal determination using the process set forth in "Appeals," below.

Notice of Dismissal

Upon reaching a decision that the Formal Complaint will be dismissed, Barnard will promptly send written notice of the dismissal of the Formal Complaint or any specific allegation within the Formal Complaint, and the reason for the dismissal, simultaneously to the parties through their Barnard email accounts. It is the responsibility of parties to maintain and regularly check their email accounts.

Notice of Removal

Upon dismissal for the purposes of Title IX, Barnard retains discretion to utilize the Code of Conduct and/or Grievance Procedures for Gender-Based Misconduct, Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking to determine if a violation of the Code of Conduct and/or Grievance Procedures for Gender-Based Misconduct, Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking has occurred. If so, Barnard will promptly send written notice of the dismissal of the Formal Complaint under the Title IX Grievance Process and removal of the allegations to the conduct process.

Notice of Allegations

The Title IX Coordinator will draft and provide the Notice of Allegations to any party to the allegations of sexual harassment. Such notice will occur as soon as practicable after Barnard receives a Formal Complaint of the allegations, if there are no extenuating circumstances.

The parties will be notified by their Barnard email accounts if they are a student or employee, and by other reasonable means if they are neither.

Barnard will provide sufficient time for the parties to review the Notice of Allegations and prepare a response before any initial interview.

The Title IX Coordinator may determine that the Formal Complaint must be dismissed on the mandatory grounds identified above, and will issue a Notice of Dismissal. If such a determination is made, any party to the allegations of sexual harassment identified in the Formal Complaint will receive the Notice of Dismissal in conjunction with, or in separate correspondence after, the Notice of Allegations.

Contents of Notice

The Notice of Allegations will include the following:

- Notice of Barnard's Title IX Grievance Process including any informal resolution process and a hyperlink to a copy of the process.
- Notice of the allegations potentially constituting covered sexual harassment, and sufficient

details known at the time the Notice is issued, such as the identities of the parties involved in the incident, if known, including the complainant; the conduct allegedly constituting covered sexual harassment; and the date and location of the alleged incident, if known.

A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.

- A statement that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney, as required under 34 C.F.R. § 106.45(b)(5)(iv);
- A statement that before the conclusion of the investigation, the parties may inspect and review evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which Barnard does not intend to rely in reaching a determination regarding responsibility, and evidence that both tends to prove or disprove the allegations, whether obtained from a party or other source, as required under 34 C.F.R. § 106.45(b)(5)(vi);
- All Parties and witnesses are obligated to be honest and act in good faith. Any person who knowingly makes a false statement in connection with the investigation may be subject to separate disciplinary action. Reports or denials of gender-based misconduct made in good faith are not considered knowingly false solely because the outcome of an investigation and adjudication is contrary to those reports or denials.

Ongoing Notice

If, in the course of an investigation, Barnard decides to investigate allegations about the complainant or respondent that are not included in the Notice of Allegations and are otherwise covered "sexual harassment" falling within the Title IX Grievance Policy, Barnard will notify the parties whose identities are known of the additional allegations by their Barnard email accounts or other reasonable means.

The parties will be provided sufficient time to review the additional allegations to prepare a response before any initial interview regarding those additional charges.

Advisor of Choice and Participation of Advisor of Choice

Barnard will provide the parties equal access to advisors and support persons; any restrictions on advisor participation will be applied equally. Barnard has a long-standing practice of requiring students to participate in the process directly and not through an advocate or representative. Students participating as Complainant or Respondent in this process may be accompanied by an Advisor of Choice to any meeting or hearing to which they are required or are eligible to attend. The Advisor of Choice is not an advocate. Except where explicitly stated by this Policy, as consistent with the Final Rule, Advisors of Choice shall not participate directly in the process as per standard policy and practice of Barnard.

Barnard will not intentionally schedule meetings or hearings on dates where the Advisors of Choice for all parties are not available, provided that the Advisors act reasonably in providing available dates and work collegially to find dates and times that meet all schedules.

Barnard's obligations to investigate and adjudicate in a prompt timeframe under Title IX and other college policies apply to matters governed under this Policy, and Barnard cannot agree to extensive delays solely to accommodate the schedule of an Advisor of Choice. The determination of what is reasonable shall be made by the Title IX Coordinator or designee. Barnard will not be obligated to delay a meeting or hearing under this process more than five (5) days¹ due to the unavailability of an Advisor of Choice, and may offer the party the opportunity to obtain a different Advisor of Choice or utilize one provided by Barnard.

Notice of Meetings and Interviews: Barnard will provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings with a party, with sufficient time for the party to prepare to participate.

Delays: Each party may request a one-time delay in the Grievance Process of up to five (5) days for good cause (granted or denied in the sole judgment of the Interim Title IX Coordinator, or designee) provided that the requestor provides reasonable notice and the delay does not overly inconvenience other parties.

For example, a request to take a five day pause made an hour before a hearing for which multiple parties and their advisors have traveled to and prepared for shall generally not be granted, while a request for a five day pause in the middle of investigation interviews to allow a party to obtain certain documentary evidence shall generally be granted. The Title IX Coordinator, or designee shall have sole judgment to grant further pauses in the Process.

Investigation

General Rules of Investigations: The Title IX Coordinator and/or an investigator designated by the Title IX Coordinator will perform an investigation under a reasonably prompt timeframe of the conduct alleged to constitute covered sexual harassment after issuing the Notice of Allegations. Barnard, and not the parties, has the burden of proof and the burden of gathering evidence, i.e. the responsibility of showing a violation of this Policy has occurred. This burden does not rest with either party, and either party may decide not to share their account of what occurred or may decide not to participate in an investigation or hearing. This does not shift the burden of proof away from Barnard and does not indicate responsibility. Barnard cannot access, consider, or disclose medical records without a waiver from the party (or parent, if applicable) to whom the records belong or of whom the records include information. Barnard will provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and

other inculpatory and exculpatory evidence, (i.e. evidence that tends to prove and disprove the allegations) as described below.

Inspection and Review of Evidence: Prior to the completion of the investigation, the parties will have an equal opportunity to inspect and review the evidence obtained through the investigation. The purpose of the inspection and review process is to allow each party the equal opportunity to meaningfully respond to the evidence prior to conclusion of the investigation.

Evidence that will be available for inspection and review by the parties will be any evidence that is directly related to the allegations raised in the Formal Complaint. It will include any:

1. Evidence that is relevant, even if that evidence does not end up being relied upon by Barnard in making a determination regarding responsibility;
2. Inculpatory or exculpatory evidence (i.e. evidence that tends to prove or disprove the allegations) that is directly related to the allegations, whether obtained from a party or other source.

All parties must submit any evidence they would like the investigator to consider prior to when the parties' time to inspect and review evidence begins. See, 85 Fed. Reg. 30026, 30307 (May 19, 2020).

Barnard will send the evidence made available for each party and each party's advisor, if any, through an electronic format. Each party and each party's advisor, if any, may have the option to inspect and review a hard copy. Barnard is not under an obligation to use any specific process or technology to provide the evidence and shall have the sole discretion in terms of determining format and any restrictions or limitations on access.

The parties will have ten (10) business days to inspect and review the evidence and submit a written response by email to the investigator. The investigator will consider the parties' written responses before completing the Investigative Report. The Parties may request a reasonable extension as their designated extension request.

Barnard will provide copies of the parties' written responses to the investigator to all parties and their advisors, if any. See, 85 Fed. Reg. 30026, 30307 (May 19, 2020).

Barnard will provide the parties five (5) business days after the initial inspection and review of evidence, and before the investigator completes their Investigative Report, to provide additional evidence in response to their inspection and review of the evidence, and then provide the parties five (5) business days to inspect, review, and respond to the party's additional evidence through a written response to the investigator. Those written responses will be disclosed to the parties and decision-maker, if applicable. See, 85 Fed. Reg. 30026, 30307 (May 19, 2020).

Barnard will provide the parties up to ten (10) days to provide a response, after which the investigator will not be required to accept a late submission. Investigator has ten (10) days to generate a report or, alternatively, may provide the parties with written notice extending the investigation for five (5) days and explaining the reason for the extension.

Any evidence subject to inspection and review will be available at any hearing, including for purposes of cross-examination.

The parties and their advisors and any witnesses must sign an agreement not to disseminate any of the evidence subject to inspection and review or use such evidence for any purpose unrelated to the Title IX grievance process. See, 85 Fed. Reg. 30026, 30435 (May 19, 2020).

The parties and their advisors and any witnesses agree not to photograph or otherwise copy the evidence. See, 85 Fed. Reg. 30026, 30435 (May 19, 2020).

Inclusion of Evidence Not Directly Related to the Allegations: Evidence obtained in the investigation that is determined in the reasoned judgment of the investigator not to be directly related to the allegations in the Title IX Formal Complaint will be included in the appendices to the Investigative Report.

Investigative Report

The Parties will have ten (10) business days to inspect and review the evidence and submit a written response to the Title IX Coordinator. The Title IX Coordinator will consider the Parties' written responses before completing the Investigative Report.

The Investigative Report is not intended to catalog all evidence obtained by the investigator, but only to provide a fair summary of that evidence.

Only relevant evidence (including both inculpatory and exculpatory – i.e. tending to prove and disprove the allegations - relevant evidence) will be referenced in the Investigative Report.

The investigator may redact irrelevant information from the Investigative Report when that information is contained in documents or evidence that is/are otherwise relevant. See, 85 Fed. Reg. 30026, 30304 (May 19, 2020).

Hearing

General Rules of Hearings: Barnard will not issue a disciplinary sanction arising from an allegation of covered sexual harassment without holding a live hearing unless otherwise resolved through another resolution method and references administrative remediation or mediation.

The live hearing may be conducted with all parties physically present in the same geographic location, or, at Barnard's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually through a remote video conference platform like Zoom. This technology will enable participants simultaneously to see and hear each other. At its discretion, Barnard may delay or adjourn a hearing based on technological errors not within a party's control.

All proceedings will be recorded through audiovisual recording and transcription. That recording and transcript will be made available to the parties for inspection and review.

Prior to obtaining access to any evidence, the Parties and each Advisor must sign an agreement not to:

- Disseminate any of the evidence submitted by another Party or witness subject to inspection and review;
- Disseminate testimony heard or evidence obtained during the Title IX process; and
- Use such testimony or evidence for any purpose unrelated to the Title IX Investigation and Hearing Procedure that would compromise the integrity of the Title IX Investigation and Hearing Procedure.

Once signed, this Agreement may not be withdrawn, including if a Party withdraws from the Title IX Investigation and Hearing Procedure.

Continuances or Granting Extensions

Barnard may determine that multiple sessions or a continuance (i.e. a pause on the continuation of the hearing until a later date or time) is needed to complete a hearing. If so, Barnard will notify all participants and endeavor to accommodate all participants' schedules and complete the hearing as promptly as practicable. The Decision-maker may, only in exceptional circumstances, grant requests to present evidence not already in the investigative file and retains complete authority to determine how such new evidence may impact the hearing (e.g. if the hearing must be continued until a later date for the Investigator to review and present the new evidence to the Parties)

Participants in the Live Hearing

Live hearings are not public, and the only individuals permitted to participate in the hearing are as follows:

Complainant and Respondent (The Parties)

- The parties cannot waive the right to a live hearing.

- Barnard may still proceed with the live hearing in the absence of a party, and may reach a determination of responsibility in their absence, including through any evidence gathered that does not constitute a “statement” by that party. 85 Fed. Reg. 30026, 30361 (May 19, 2020).
- For example, A verbal or written statement constituting part or all of the sexual harassment itself is not a “prior statement” that must be excluded if the maker of the statement does not submit to cross-examination about that statement. In other words, a prior statement would not include a document, audio recording, audiovisual reading, and digital media, including but not limited to text messages, emails, and social media postings, that constitute the conduct alleged to have been the act of sexual harassment under the formal complaint. See, OCR Blog (May 22, 2020), available at <https://www2.ed.gov/about/offices/list/ocr/blog/20200522.html>
- Barnard will not threaten, coerce, intimidate or discriminate against the party in an attempt to secure the party’s participation. See 34 C.F.R. § 106.71; see also 85 Fed. Reg. 30026, 30216 (May 19, 2020).
- If a party does not submit to cross-examination, the decision-maker cannot rely on any prior statements made by that party in reaching a determination regarding responsibility, but may reach a determination regarding responsibility based on evidence that does not constitute a “statement” by that party.
- The decision-maker cannot draw an inference about the determination regarding responsibility based solely on a party’s absence from the live hearing or refusal to answer cross examination or other questions. See 34 C.F.R. §106.45(b)(6)(i).

The Decision-maker

- The hearing body will consist of a single decision-maker (“Decision-maker”).
- No Decision-maker will also have served as the Title IX Coordinator, Title IX investigator, or advisor to any party in the case, nor may the Decision-maker serve on the appeals body in the case.
- No Decision-maker will have a conflict of interest or bias in favor of or against complainants or respondents generally, or in favor or against the parties to the particular case.
- The Decision-maker will be trained on topics including how to serve impartially, issues of relevance, including how to apply the rape shield protections provided for complainants, and any technology to be used at the hearing.
- The parties will have an opportunity to raise any objections regarding a Decision-maker’s actual or perceived conflicts of interest or bias at the commencement of the live hearing

Advisor of choice

- The parties have the right to select an advisor of their choice, who may be, but does not have to be, an attorney.
- The advisor of choice may accompany the parties to any meeting or hearing they are permitted to attend, but may not speak for the party, except for the purpose of cross-examination.
- The parties are not permitted to conduct cross-examination; it must be conducted by the advisor. As a result, if a party does not select an advisor, Barnard will select an advisor to serve in this role for the limited purpose of conducting the cross-examination at no fee or charge to the party.
- The advisor is not prohibited from having a conflict of interest or bias in favor of or against complainants or respondents generally, or in favor or against the parties to the particular case.
- The advisor is not prohibited from being a witness in the matter.
- If a party does not attend the live hearing, the party's advisor may appear and conduct cross examination on their behalf. 85 Fed. Reg. 30026, 30340 (May 19, 2020).
- If neither a party nor their advisor appear at the hearing, Barnard will provide an advisor to appear on behalf of the non-appearing party. See, 85 Fed. Reg. 30026, 30339-40 (May 19, 2020).
- Advisors shall be subject to Barnard's Rules of Decorum, and may be removed upon violation of those Rules. See Barnard's Rules of Decorum

Witnesses

- Witnesses cannot be compelled to participate in the live hearing, and have the right not to participate in the hearing free from retaliation. See, 85 Fed. Reg. 30026, 30360 (May 19, 2020).
- If a witness does not submit to cross-examination, as described below, the decision-maker cannot rely on any statements made by that witness in reaching a determination regarding responsibility, including any statement relayed by the absent witness to a witness or party who testifies at the live hearing. 85 Fed. Reg. 30026, 30347 (May 19, 2020).
- Witnesses shall be subject to Barnard's Rules of Decorum, listed above

Hearing Procedures

For all live hearings conducted under this Title IX Grievance Process, the procedure will be as follows:

- The Decision-maker will open and establish rules and expectations for the hearing;
- The Parties will each be given the opportunity to provide opening statements;

- The Decision-maker will ask questions of the Parties and Witnesses;
- Parties will be given the opportunity for live cross-examination after the Decision-maker conducts its initial round of questioning; During the Parties' cross-examination, the Decision-maker will have the authority to pause cross-examination at any time for the purposes of asking Decision-maker's own follow up questions; and any time necessary in order to enforce the established rules of decorum.
- Should a Party or the Party's Advisor choose not to cross-examine a Party or Witness, the Party shall affirmatively waive cross-examination through a written or oral statement to the Decision-maker. A Party's waiver of cross-examination does not eliminate the ability of the Decision-maker to use statements made by the Party.

Live Cross-Examination Procedure

Each party's advisor will conduct live cross-examination of the other party or parties and witnesses. During this live-cross examination the advisor will ask the other party or parties and witnesses relevant questions and follow-up questions, including those challenging credibility directly, orally, and in real time.

Before any cross-examination question is answered, the Decision-maker will determine if the question is relevant. Questions asked at a hearing must be relevant to the allegations and the response to those allegations. The basic test for relevance is whether the question asks for information that might help prove or disprove facts related to whether Respondent has committed the alleged conduct. Cross-examination questions that are duplicative of those already asked, including by the Decision-maker may be deemed irrelevant if they have been asked and answered.

Review of Recording: The recording of the hearing will be available for review by the parties within five (5) business days, unless there are any extenuating circumstances. The parties or advisors of choice can either in person or via video conference review the recording. The recording of the hearing will not be provided to the parties or advisor of choice.

Determination Regarding Responsibility

Standard of Proof

Barnard uses the preponderance of the evidence standard for investigations and determinations regarding responsibility of formal complaints covered under this Policy. This means that the investigation and hearing determines whether it is more likely than not that a violation of the Policy occurred.

General Considerations for Evaluating Testimony and Evidence

While the opportunity for cross-examination is required in all Title IX hearings, determinations regarding responsibility may be based in part, or entirely, on documentary, audiovisual, and digital

evidence, as warranted in the reasoned judgment of the Decision-maker. Decision-makers shall not draw inferences regarding a party or witness' credibility based on the party or witness' status as a complainant, respondent, or witness, nor shall it base its judgments in stereotypes about how a party or witness would or should act under the circumstances.

Generally, credibility judgments should rest on the demeanor of the party or witness, the plausibility of their testimony, the consistency of their testimony, and its reliability in light of corroborating or conflicting testimony or evidence. Still, credibility judgments should not rest on whether a party or witness' testimony is non-linear or incomplete, or if the party or witness is displaying stress or anxiety.

Decision makers will afford the highest weight relative to other testimony to first-hand testimony by parties and witnesses regarding their own memory of specific facts that occurred. Both inculpatory and exculpatory (i.e. tending to prove and disprove the allegations) evidence will be weighed in equal fashion. Except where specifically barred by the Title IX Final Rule, a witness' testimony regarding third-party knowledge of the facts at issue will be allowed, but will generally be accorded lower weight than testimony regarding direct knowledge of specific facts that occurred.

The Final Rule requires that Barnard allow parties to call "expert witnesses" for direct and cross examination. While the expert witness will be allowed to testify and be crossed as required by the Final Rule, the decision-maker will be instructed to afford lower weight to non-factual testimony of the expert relative to fact witnesses, and any expert testimony that is not directed to the specific facts that occurred in the case will be afforded lower weight relative to fact witnesses, regardless of whether the expert witness testimony is the subject of cross examination and regardless of whether all parties present experts as witnesses.

The Final Rule requires that Barnard allow parties to call character witnesses to testify. While the character witnesses will be allowed to testify and be crossed as required by the Final Rule, the decision-maker will be instructed to afford very low weight to any non-factual character testimony of any witness. The Final Rule requires that Barnard admit and allow testimony regarding polygraph tests ("lie detector tests") and other procedures that are outside of standard use in academic and nonacademic conduct processes. While the processes and testimony about them will be allowed to testify and be crossed as required by the Final Rule, the decision-maker will be instructed to afford lower weight to such processes relative to the testimony of fact witnesses.

Where a party or witness' conduct or statements demonstrate that the party or witness is engaging in retaliatory conduct, including but not limited to witness tampering and intimidation, the Decision-maker may draw an adverse inference as to that party or witness' credibility.

Components of the Determination Regarding Responsibility

The written Determination Regarding Responsibility will be issued simultaneously to all parties through their Barnard email account, or other reasonable means as necessary. The Determination will include:

1. Identification of the allegations potentially constituting covered sexual harassment;
2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
3. Findings of fact supporting the determination;
4. Conclusions regarding which section of the Grievance Procedures for Gender-Based Misconduct, Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking, if any, the respondent has or has not violated;
5. For each allegation: a. A statement of, and rationale for, a determination regarding responsibility; b. A statement of, and rationale for, any disciplinary sanctions the recipient imposes on the respondent; and c. A statement of, and rationale for, whether remedies designed to restore or preserve equal access to the recipient's education program or activity will be provided by the recipient to the complainant; and
6. The recipient's procedures and the permitted reasons for the complainant and respondent to appeal (described below in "Appeal").

Timeline of Determination Regarding Responsibility

If there are no extenuating circumstances, the determination regarding responsibility will be issued by Barnard within ten (10) business days of the completion of the hearing.

Finality: The determination regarding responsibility becomes final either on the date that Barnard provides the parties with the written determination of the result of the appeal, if an appeal is filed consistent with the procedures and timeline outlined in "Appeals" below, or if an appeal is not filed, the date on which the opportunity to appeal expires.

Appeals

Each party may appeal (1) the dismissal of a formal complaint or any included allegations and/or (2) a determination regarding responsibility. To appeal, a party must submit their written appeal within five (5) business days of being notified of the decision, indicating the grounds for the appeal. The limited grounds for appeal available are as follows:

- Procedural irregularity that affected the outcome of the matter (i.e. a failure to follow Barnard's own procedures).
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter.

- The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against an individual party, or for or against complainants or respondents in general, that affected the outcome of the matter.
- Excessiveness or insufficiency of the sanction: An appeal based on the imposed sanction must explain why the sanction is inappropriate based on the weight of the information provided during the investigation, hearing and/or sanction. The submission of appeal stays any sanctions for the pendency of an appeal. Supportive measures and remote learning opportunities remain available during the pendency of the appeal

If a party appeals, Barnard will as soon as practicable notify the other party in writing of the appeal, however the time for appeal shall be offered equitably to all parties and shall not be extended for any party solely because the other party filed an appeal.

Attached to their appeal, the student may provide a written submission for the Appellate Panel to review. The written statement must be prepared by the student and be no longer than five single-spaced typed pages, using 12-point Times New Roman font and one-inch margins. No attachments or exhibits will be accepted; references to evidence should be made to materials included in the Investigative Report.

Appeals will be decided by an Appellate Panel that will be free of conflict of interest and bias, and will not serve as investigator, Title IX Coordinator, or hearing Decision-maker in the same matter. Outcome of appeal will be provided in writing simultaneously to both parties, and include rationale for the decision.

Retaliation

Barnard will keep the identity of any individual who has made a report or complaint of sex discrimination confidential, including the identity of any individual who has made a report or filed a Formal Complaint of sexual harassment under this Title IX Grievance Policy, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness, except as permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding under this Title IX Grievance Policy.

No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX of the Education Amendments of 1972 or its implementing regulations.

No person may intimidate, threaten, coerce, or discriminate against any individual because the individual has made a report or complaint, testified, assisted, or participated or refused to

participate in any manner in an investigation, proceeding or hearing under this Title IX Grievance Policy.

Any intimidation, threats, coercion, or discrimination, for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations constitutes retaliation. This includes any charges filed against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but that arise from the same facts or circumstances as a report or complaint of sex discrimination or a report or Formal Complaint of sexual harassment. See Barnard's Alcohol and Drug Amnesty Policy on the web at <https://barnard.edu/title-ix-equity/respond/RCAP>.

Complaints alleging retaliation may be [filed](#) according to Barnard's Grievance [Procedures](#) for Gender-Based Misconduct, Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking.

Appendices to Barnard's Grievance Policy for Addressing Formal Complaints of Sexual Harassment Under the Title IX Regulations

Appendix A: Barnard's Informal Resolution Policy

Appendix B: Barnard's Rules of Decorum

Appendix C: On Campus and Off Campus Resources

APPENDIX A

Barnard College Informal Resolution Policy

Procedures for Entering and Exiting Informal Resolution Process

Parties who do not wish to proceed with an investigation and live hearing, and instead seek Barnard's assistance to resolve allegations of Title IX-covered misconduct, may elect to enter the informal resolution process. Generally speaking, these resolution options are less time intensive than an investigation and live hearing, while still affording students an opportunity to actively participate in a process led by Barnard for resolution of their complaints.

The Parties may elect to enter Barnard's informal resolution process at any time after the filing of the Formal Complaint through an informed written consent. This informed written consent will include all terms of the elected informal process, including a statement that any agreement reached through the process is binding on the Parties.

No Party may be required to participate in informal resolution, and Barnard may never condition enrollment, employment, or enjoyment of any other right or privilege upon agreeing to informal resolution.

The Parties may elect to leave the informal resolution process at any point until the informal resolution process is concluded. If a Party elects to leave the informal resolution process, the formal resolution process recommences. In participating in the informal resolution process, the Parties understand that the timeframes governing the formal process temporarily cease, and only recommence upon reentry into the formal process.

Determination to Approve Entry into Informal Resolution Process

Even where the Parties agree to submit a matter to informal resolution, the Title IX Coordinator or other designated official may approve the decision to move the matter to the informal resolution process and may determine that informal resolution is not appropriate under the circumstances.

Factors that the Title IX Coordinator or other designated official may weigh in considering the appropriateness of the informal resolution process include, but are not limited to, the gravity of the allegations, whether there is an ongoing threat of harm or safety to the campus, whether the respondent is a repeat offender, and whether the Parties are participating in good faith. This determination is not subject to appeal.

Informal resolution processes may never be applied where the allegations include Sexual Assault: penetration or the equivalent.

Informal resolution is only permitted to address allegations of student-on-student sexual harassment, and is never allowed as an option to resolve allegations that an employee sexually harassed a student. See, 85 Fed. Reg. 30026, 30054 (May 19, 2020).

At any time after the commencement of the informal resolution process, the Title IX Coordinator or other designated official may determine that the informal resolution process is not an appropriate method for resolving the matter, and may require that the matter be resolved through the formal process. This determination is not subject to appeal.

Role of the Facilitator

Informal resolution processes are managed by facilitators, who may not have a conflict of interest or bias in favor of or against complainants or respondents generally or regarding the specific Parties in the matter. The Title IX Coordinator may serve as the facilitator, subject to these restrictions.

All facilitators must have training in the definition of sexual harassment under 34 C.F.R. § 106.30(a), the scope of the institution's education program or activity, how to conduct informal resolution processes, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, or bias.

Confidentiality:

In entering the informal resolution process, the Parties agree that any testimony and evidence (including admissions of responsibility) they share or receive during the informal resolution process concerning the allegations of the Formal Complaint is confidential. No evidence concerning the allegations obtained within the informal resolution process may be disseminated to any person, provided that any Party to the informal resolution process may generally discuss the allegations under investigation with a parent, friend, advisor, or other source of emotional support, or with an advocacy organization. As a condition of entering the informal resolution process, any evidence shared or received during the informal resolution process may not be used in any subsequent formal resolution process or institutional appeal.

Informal Resolution Options

Barnard offers the following informal resolution procedures for addressing Formal Complaints of sexual harassment covered under this Policy

Administrative Resolution

Should the Parties mutually determine to enter the informal resolution process, and the respondent elects to accept responsibility for the allegations of the Formal Complaint at any point during the informal resolution process, the institution may administratively resolve the Formal Complaint.

Where the respondent admits responsibility, the Parties will receive simultaneous written notification of the acceptance of responsibility, and the decision-maker will convene to determine the respondent's sanction and other remedies, as appropriate and consistent with institutional policy. The Parties will be given an opportunity to be heard at the sanctions hearing, including but not limited to the submission of impact statements, and the Parties may be accompanied by their Advisor, but questioning of Parties or witnesses will not be permitted. The Parties will receive simultaneous written notification of the decision regarding sanctions and remedies, which may be appealed according to the process described below.

Mediation

The purpose of mediation is for the parties who are in conflict to identify the implications of a student's actions and, with the assistance of a trained facilitator, identify points of agreement and appropriate remedies to address them. Either party can request mediation to seek resolution; mediation will be used only with the consent of both parties, who will be asked not to contact one another during the process. The Office of Title IX & Equity will also review any request for mediation, and may decline to mediate based on the facts and circumstances of the particular case.

Either party has the right to terminate the mediation process and choose or resume another option for resolution at any time.

The mediation process will typically commence within 10 days after the The Office of Title IX & Equity receives consent to mediate from both parties, and will continue until concluded or terminated by either party or the The Office of Title IX & Equity. During mediation, any potential investigation will halt, and calculations for time frames will be stayed. If the mediation results in a resolution, the disciplinary process will be concluded and the matter will be closed. If a resolution cannot be reached, the matter will be referred to the Associate Director of Community Standards & Investigations for the Office for Title IX & Equity to re-evaluate other options for resolution, including investigation.

During mediation, a facilitator will guide a discussion between the parties. In circumstances where the parties do not wish to meet face to face, either party can request “caucus” mediation, and the facilitator will conduct separate meetings. Whether or not the parties agree to meet face to face, each party will be permitted to bring an advisor of their choice to any meetings who may be, but is not required to be, an attorney.

At the conclusion of the mediation, the facilitator will memorialize the agreement that was reached between the parties. The Office of Title IX & Equity will monitor adherence to the proposed solution and close the matter when compliance is satisfactory.

APPENDIX B

Barnard College Rules of Decorum

The College’s resolution processes are designed to be an educational disciplinary experience. Hearing Participants are expected to act in accordance with their role as it is described above. The Decision-maker is responsible for conducting the hearing and maintaining decorum such that the hearing is executed fairly and effectively. If the Decision-maker determines that decorum is broken and the hearing has become disorderly the Decision-maker may recess or pause proceedings to address the behavior. Misconduct during the hearing can take many forms, both minor and egregious. It is within the Decision-maker’s discretion to discourage or penalize Parties, Witnesses or Advisors who demonstrate a lack of the decorum.

The following rules and standards apply equally to all Parties and their Advisors regardless of sex, gender, or other protected class, and regardless of whether they are in the role of Complainant, Respondent, or Witness.

Rules of Decorum

1. If an advisor, Party or witness is referencing another person, including the hearing participants, as much as possible the person's name or role (i.e. Complainant, Respondent) should be used.
2. If an advisor, Party or witness is referencing another person, including the hearing participants, it is the expectation that the person is referenced by their gender as they identify it. No participant shall intentionally mis-gender another person.
3. During cross-examination, the Decision-maker must approve all questions before the Party or witness responds. As much as possible, the Decision-maker and Advisors are expected to restrict the use of compound, redundant, irrelevant, or otherwise impermissible questions.
4. The advisor may not use profanity or make irrelevant ad hominem attacks on a Party or witness. Questions are meant to be interrogative statements used to test knowledge or understand a fact; they may not include accusations within the text of the question.
5. Hearing participants are prohibited from:
 - Interrupting other participants;
 - Using profanity directed toward another participant;
 - Objectively offensive or aggressive gestures;
 - Harassing another participant;
 - Yelling, screaming, badgering;
 - Physically “leaning in” to the personal space of another participant;
 - Approaching a participant without the express permission of the Decision-maker;
 - Take any action that a reasonable person may see as intended to intimidate a participant or meaningfully modify someone's participation in the process.
 - Engaging in any other behavior to deliberately disrupt the live hearing.

The Decision-maker has sole discretion to pause or interject during the process and all hearing participants are expected to comply with any direction provided. If a hearing participant violates the Rules of Decorum or proceedings otherwise become disorderly the Decision-maker may recess or pause proceedings to address the behavior.

If a hearing participant violates the Rules of Decorum, the Decision-maker may issue a penalty to that hearing participant. Specifically, the Decision-maker may give a verbal warning, pause the hearing process, or remove a hearing participant. If an advisor is removed for egregious or repeated violations of the Rules of Decorum, the respective Party may have the opportunity to immediately replace the Advisor or the Title IX Office will assign an advisor to the Party for the purpose of completing cross-examination. Reasonable delays, including the temporary adjournment of the hearing, may be anticipated should an advisor be removed. A Party cannot serve as their own advisor in this circumstance.

If the Decision-maker determines that an Advisor violated the Rules of Decorum but in the course of asking a relevant question, the violation will not affect the question's relevancy. The Decision-maker will notify the Advisor of the violation and permit the question to be re-asked (or permit a replacement Advisor in cases where the Advisor has been removed for the violation of the Rules of Decorum).

Removal Process

If the Decision-maker determines that a participant has violated the Rules of Decorum, the Decision-maker will first notify the offending person of said violation. Upon a second or further violation, the Decision-maker has the discretion to remove the offending participant. The Decision-maker will document any decision to remove an advisor as Part of the written determination regarding responsibility.

APPENDIX C

On Campus

[Columbia SVR](#) (Sexual Violence Response) is located at 105 Hewitt Hall: 212-854-HELP (4357)
-this is a 24/7 helpline

[Being Barnard](#) is located at 122 Reid Hall: 212-853-0145

[Primary Care Health Services](#) is located in Brooks, Lower Level: 212-854-2091

[Furman Counseling Center](#) is located at 100 Hewitt Hall: 212-854-2092

[University Chaplain](#) is located at 710 Lerner Hall: 212-854-1493

[Barnard Ombuds](#) Office is located in Hewitt Hall: 212-853-1352

[Nondiscrimination/Title IX](#) is located at Elliott Hall, first floor : 212-854-0037

[CARES](#) Call Line: 212-854-3362 for non-emergency assistance and Community Safety, located in Barnard Hall, 104 (emergency line: 212-854-6666)

[Well Woman](#) is located at 119 Reid Hall 212-854-3063

Off Campus

Local NYC Resources. New York City is home to a plethora of resources for people of all identities and genders who are facing sexual and interpersonal violence such as sexual harassment, sexual assault, dating violence, domestic violence, and stalking. These agencies offer a number of services including emergency room advocates*, confidential counseling, trauma support, identity based support, and help navigating the criminal justice system should a survivor choose to file a report with the NYPD.

[New York City Anti-Violence Project](#) Is located at 116 Nassau Street, 3rd floor: 212-714-1141 (this is a 24 hour help line)

○AVP is dedicated to serving LGBTQ and HIV-affected communities

[WomanKind](#) is located at 9 Mott Street, suite #200: 1-888-888-7702 (this is a 24 hour help line)

○WomanKind helpline advocates are multi-lingual and speak English, Spanish, and 18+ Asian languages and dialects including Chinese, Korean, Japanese, Tagalog, Hindi, Urdu, Bengali, and Vietnamese

[Safe Horizon](#) is located in multiple locations throughout the 5 boroughs: 1-800-621-4673 (this is a 24 hour help line)

○Safe Horizon is the largest survivor service non-profit in the country -providing support for people who have experienced / are experiencing domestic violence, sexual assault, human trafficking, stalking, and youth homelessness

Mount Sinai Sexual Assault and Violence Intervention Program is located at 114th street and Amsterdam Avenue (Across from Columbia): 212-423-2140 (M-F, 9am to 5pm)

○The [SAVI program](#) is located in Mt. Sinai Morningside Hospital. While their main line is only open during business hours, advocates from the program are available to survivors at the hospital 24/7

* If you have experienced violence and wish to go to the ER, you do not have to do so alone. SVR provides advocates, 24/7 through their help line (212-854-HELP[4357]), to accompany you if you wish *

Online Resources

There is a wealth of information and support available online. The following websites provide call and text lines, online chat helplines, and resources with more information about the spectrum of sexual and relationship violence.

●[Love is Respect](#): Love is Respect provides comprehensive information and support services (including helpline and online chat) for young adults who are concerned about their dating relationships. They also provide information for those who are supporting someone experiencing relationship violence.

●[RAINN](#): RAINN is the nation's largest anti-sexual violence organization. They offer a 24/7 help line and online chat services, as well as a plethora of information and resources related to sexual violence.

●[The Network/La Red](#): The Network/La Red is a survivor led organization dedicated to ending partner abuse in LGBTQIA+, Polyamorous, and BDSM communities. Though physically based in Massachusetts, they provide a 24/7 toll free help line and online resources.

●[FORGE](#): FORGE is a national transgender anti-violence organization. They provide referrals to local providers, a peer support listserv for survivors, and guided survivor healing programs.

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 CARES or Community 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 community safety emergency line can be reached at 212-854-6666, CARES non-emergency line at 212-854-3362, 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 access](#) 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. The information in this registry must be used

responsibly. Anyone who uses this information to harass or commit a criminal act against any person may be subject to criminal prosecution.

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 2019

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 Community Accountability, Response and Emergency Services (CARES) units. 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 CARES Fire Safety staff and are published in the Annual Security and Fire Safety Report and on the CARES Website:

<https://barnard.edu/cares/security-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 2019					
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	1	Unintentional, cooking	0	0	\$0
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	0	0	\$0
Plimpton Hall	0	N/A	N/A	N/A	\$0
Reid Hall	0	N/A	N/A	N/A	N/A

Sulzberger Hall	1	Unintentional, cooking	0	0	\$0
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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	0	0	\$0
Plimpton Hall	1	Unintentional, cooking	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

Calendar Year 2017

Location	Fire	Cause	Fire-related Injury	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	3	Unintentional cooking, electrical	0	0	\$0 in each incident

		equipment failure, mechanical equipment failure*			
Plimpton Hall	0	N/A	N/A	N/A	N/A
Reid Hall	0	N/A	N/A	N/A	N/A
Sulzberger Hall	0	N/A	N/A	N/A	N/A

**3 unintentional fires listed here in Hewitt Hall in 2017 were inaccurately listed in the 2018 and 2019 ASRs as having occurred in Reid Hall*

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 by the CARES Department is available for inspections by request to firesafety@barnard.edu or at the Community Safety Office, Monday - Friday, between 9 a.m. and 5 p.m.

Description of Student Housing Fire Detection and Suppression Systems Fire Evacuation Drills per building 2019

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	4
Sulzberger Hall	YES	YES	YES	YES	Partially	1 Riser	4
Brooks Hall	YES	YES	YES	YES	None	1 Riser	4
Hewitt Hall	YES	YES	YES	YES	Partially	2 Risers	4
Reid Hall	YES	YES	YES	YES	Partially	1 Riser	4
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 Community 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” (link below) 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 describes 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 leadership of Community Safety and/or Emergency Management.

Cooking is only allowed in authorized kitchens. The use of microwaves or any other type of cooking device in individual rooms is not permitted.

Prohibited Electrical Appliances and Items

- Self installed air conditioners (both window and portable units)
- Halogen lamps
- Hot plate, open coil heater, toaster, or toaster oven
- Deep fryer, air fryer
- Rice cooker
- Microwaves in bedrooms (only permitted 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 and Residential Life staff, including RA's, Community Safety Officers, and Access Attendants.
- During fire drills, a Campus fire safety officer issues fire safety tips to students.
- Community Safety supervisors may address safety issues and fire safety tips during floor meetings in Campus residence halls in conjunction with RA's (Resident Assistants).
- The CARES Fire Safety staff conduct 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 Community 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 the Fire Department and CARES / Community 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 Community 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 Community Safety (212-854-6666) 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 residential buildings 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. Capital improvement projections include review of fire control panel upgrades in campus owned Residence Halls.

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 or forcible 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. (For the purposes of this section, forcible touching includes squeezing, grabbing, or pinching).

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 and the actor is twenty-one years old or older.

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. (Conduct performed for a valid medical purpose does not violate the provisions of this section.)

Aggravated Sexual Abuse in the First Degree: Section 130.70 NYS Penal Law. when he or she inserts a foreign object in the vagina, urethra, penis, rectum or anus of another person causing physical injury to such person: (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. (Conduct performed for a valid medical purpose does not violate the provisions of this section.)

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. For the purposes of subdivision two of this section, "following" shall include the unauthorized tracking of such person's movements or location through the use of a global positioning system or other device.

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, shiriken, "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 Barnard CARES line **212-854-3362** to explore options that may be available.
- Remember Barnard students can join the VIA on demand evening service 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 threatening suspicious activity should be reported to Barnard Community Safety at 212-854-6666 for current observations or consult the CARES line at 212-854-3362 for non-emergencies (unclear circumstances or 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 work order request form immediately.

- Identify your valuables - record serial numbers of TVs, computers, electronics, etc.; have them engraved to aid in recovery and maintain a list of your valuables and identifiers in a secure location. 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 Barnard Community 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 observations of suspicious activity to Community Safety IMMEDIATELY at 212-854-6666.
- Remember you are responsible for your guests on campus.
- 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 Barnard's CARES call center line 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 or altering photos without the consent of the individual(s) in the image.
- 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 Community Safety, CARES operations, Residential Life staff members, BCIT, family, friends, supervisors, and/or co- workers about such concerning situations.
- 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.
- Call Community Safety at **212-854-6666** for emergencies or the CARES line at **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 Community Safety Department **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 Community 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 Community Safety and then forward the e-mail threat to the Community Safety supervisory staff at communitysafety@barnard.edu. Under no circumstance should the receiver delete the e-mail threat. Upon receipt of information regarding a bomb threat the Community Safety Department 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 Community Safety Department of all credible threats against the Campus. A Director in Community Safety or CARES, 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.