

Grievance Procedures for Gender-Based Misconduct, Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking

The College is committed to providing an employment, learning and campus living environment free from discrimination or harassment. Anyone who may have been subjected to sex or gender-based discrimination or harassment (“gender-based misconduct”), sexual assault, domestic violence, dating violence or stalking (together referred to as “misconduct”) is encouraged to report these incidents. 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 gender-based misconduct, 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. Gender-based misconduct, as defined within the Policy Against Discrimination and Harassment of Barnard College (“Policy”) is sex discrimination prohibited by the College and under Title IX. 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 or the U.S. Department of Education:

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

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

Confidentiality

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

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

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

Complainant Request for Anonymity

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

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

of a pattern of behavior by a single Respondent, the College will take appropriate action in an effort to protect the College community.

Definitions and Examples

The misconduct covered by this procedure comprises a broad range of behaviors that may or may not be sexual in nature. Sexual harassment or harassment or discrimination based upon sex, gender, gender identity, or sexual orientation are also included forms of misconduct. Misconduct can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship (current or former). Misconduct can be committed by anyone, and it can occur between people of the same or different gender identity. (See the Policy Against Discrimination and Harassment 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://barnard-advocate.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://barnard-advocate.symplicity.com/public_report.

Title IX Coordinator:

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

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 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 this [page](#).

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 violation⁷ 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 Panels

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, Interim Dean of Studies; 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, Interim 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 Gender-Based Misconduct, Sexual Assault, Domestic Violence, Dating Violence, and Stalking.
- To a prompt and thorough investigation of the allegations, investigated and adjudicated in an impartial, timely and thorough manner by trained individuals.
- To receive similar and timely access to information, and periodic updates on the progress of the process.
- To review all applicable documents prior to the review by the Adjudicator.
- To challenge the individuals responsible for administering these procedures, if a conflict of interest is present.
- To participate or decline to participate in the disciplinary procedure. However, the Adjudicator will determine an outcome with the information available to him/her.
- To discuss alternatives to procedures, where alternatives may be reasonable and acceptable to involved parties.
- To refrain from making self-incriminating statements. However, the Adjudicator will determine a resolution with the information available to him/her.
- To be afforded an appeal process regarding outcome and/or sanctioning (as applicable).
- To be notified, in writing, of the case resolution – including the outcome of any appeal.
- To report the incident to law enforcement if she/he wishes to do so, and receive assistance with this if requested.
- To understand that information collected in this process may be subpoenaed in criminal or civil proceedings.

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

Federal Reporting of Crime Statistics

In compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) the College must record and report certain information about campus safety, including the number of incidents of certain crimes on or near campus, some of which constitute misconduct investigated under these procedures. The Title IX Coordinator works in collaboration with Public Safety to insure such incidents are captured for statistical reporting purposes while protecting the identity of the victim of such crimes. These notifications may include the classification and location of the reported crime but do not identify the students involved. The Clery Act also requires the College to issue a “timely warning” when it receives a report of certain crimes that pose a serious or continuing threat to the community. The College may disclose aggregate information regarding incidents investigated and related outcomes. Such reports will not contain identifying information.

Procedures revised and effective August 2015; reviewed 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