

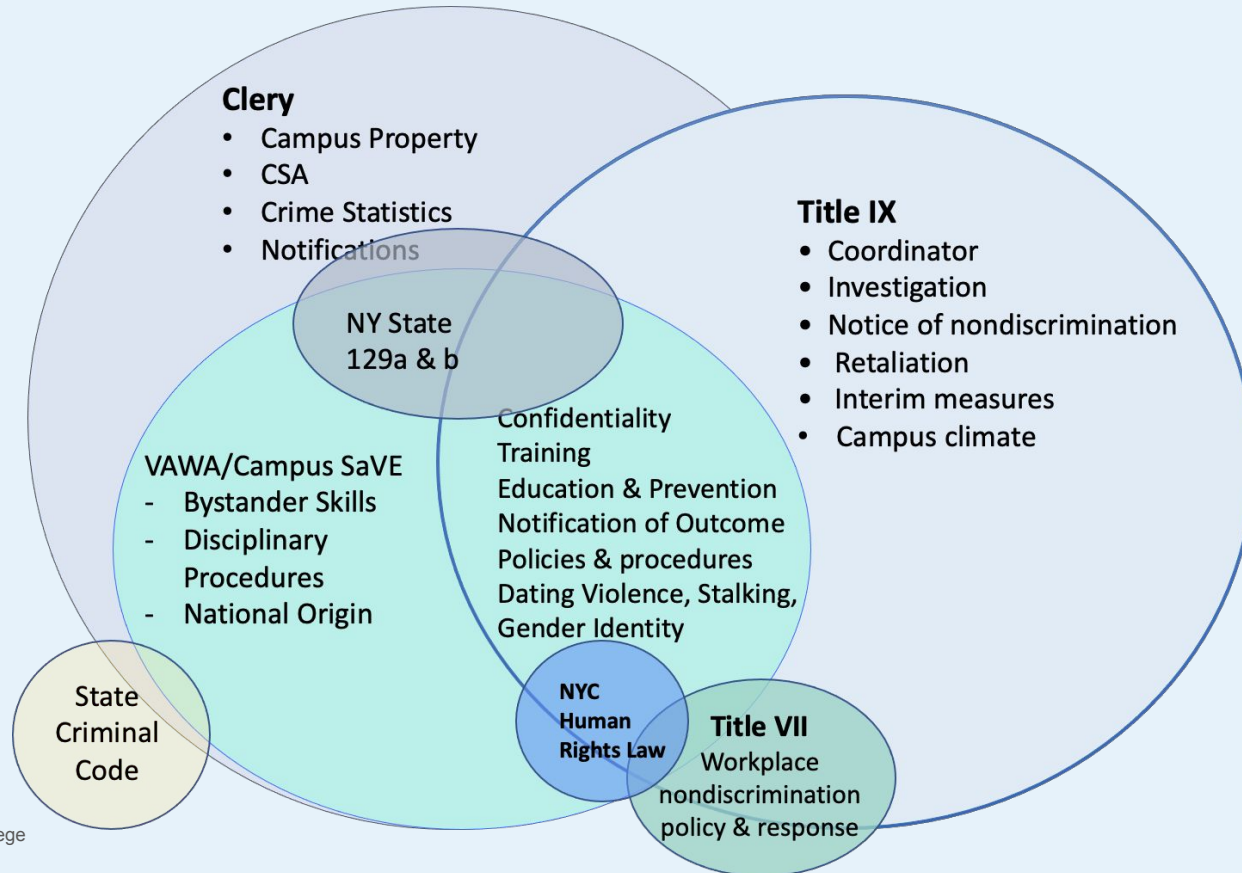


# Barnard's Response to Discrimination and Harassment



- **Federal Civil Rights Laws & Higher Education Legislation**
  - Regulations (Title IX, Title VI, Title VII, ADA/504, FERPA)
  - Clery Act (as amended by Violence Against Women Act)
  
- **State Laws: NY 129-A and B**
  
- **College Policies**
  - Policy Against Discrimination and Harassment
  - Code of Conduct
  - Staff/Employee Handbook

# Compliance Overlap





Title IX & Equity

# Notice of Non-Discrimination

[Notice of Non-Discrimination](#)

[Definitions](#)

[Policy Against Discrimination and Harassment](#)

[Rules of Decorum](#)

[Informal Resolution Policy](#)

[New York Students' Bill of Rights](#)

[Barnard Student Campus Climate Survey Reports](#)

In compliance with Title VI and Title VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, and other federal, state and local laws, and in accordance with our values, Barnard College does not discriminate on the basis of race, color, religion, creed, national or ethnic origin, sexual orientation, age, pregnancy, disability, or sex[1], gender identity or expression, in the administration of any of its educational programs and activities or in its employment practices.

In addition, Barnard College does not discriminate on the basis of alienage or citizenship status, marital partnership status, military status, arrest or conviction record, predisposing genetic characteristics, caregiver status, or victim status for the following offenses: domestic violence, stalking, and/or sex offense, in its employment practices.

Barnard College has designated the Director of Nondiscrimination and Title IX to handle all inquiries regarding its efforts to comply with and carry out its responsibilities under these laws. The Director of Nondiscrimination and Title IX may be contacted as follows:

Elizabeth Scott-Francis

Director of Nondiscrimination and Title IX

[escottfr@barnard.edu](mailto:escottfr@barnard.edu)

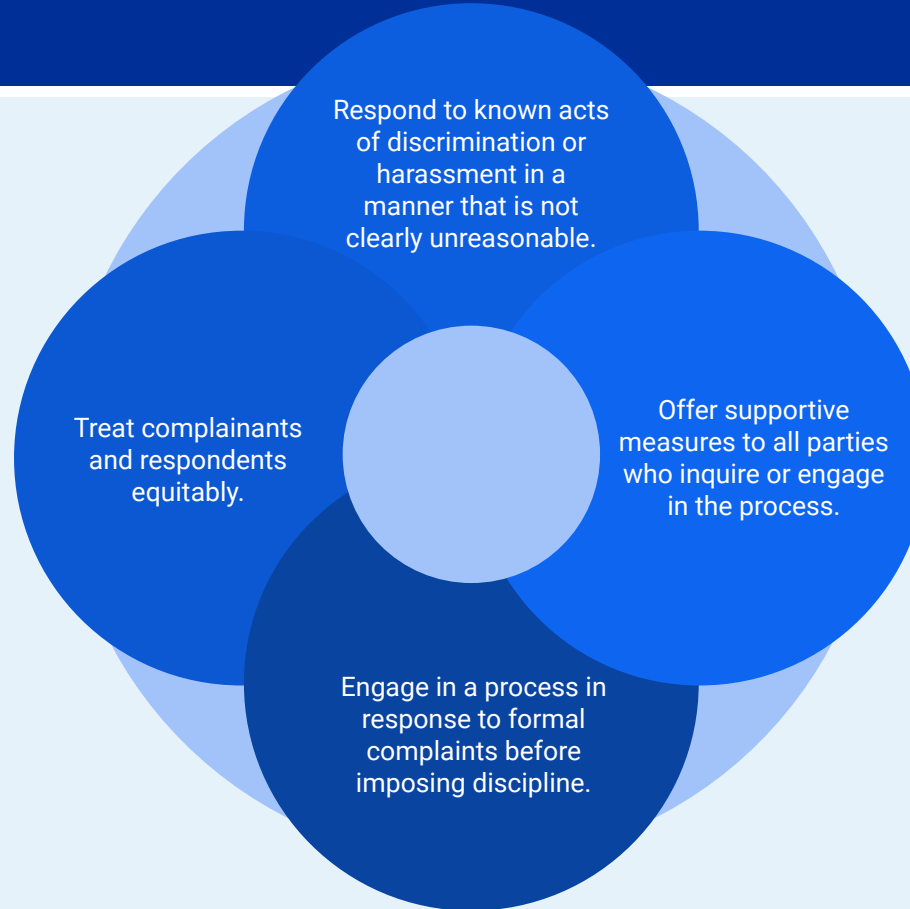




# TITLE IX

“[N]o person in the United States shall on the basis of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.” 32 C.F.R. § 106.31

# What are the institution's overall duties?



# What Our Office Can Offer Individuals

- Consultation
- Supportive measures
- Connection to other campus resources
- Documentation
- Informal resolution processes (when appropriate)
- Formal inquiry and investigation through appropriate grievance procedures

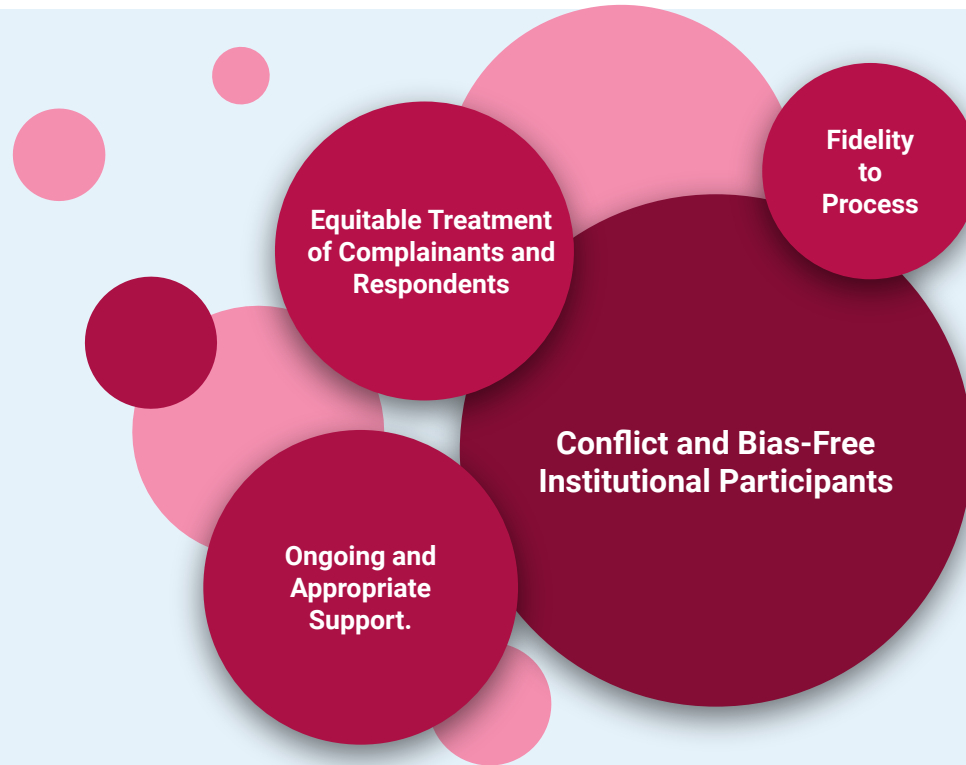




# GRIEVANCE PROCEDURES



# General Principles Governing the Grievance Process



# Barnard Policy Definitions: Discrimination and Harassment

- **Discrimination:** when one experiences negative or adverse conduct based on characteristics protected in this policy and applicable local, state, and federal laws, where such conduct has the effect of denying or limiting one's ability to benefit from and fully participating in educational programs or activities or employment opportunities.
- **Discriminatory Harassment:** Harassment on the basis of a protected classification because of that person's identification with a particular group. Any conduct: verbal, nonverbal, physical, on or off campus.
  - Examples: epithets or slurs; negative stereotyping; denigrating jokes; graphic material sharing

# Potential Discrimination & Harassment Examples

**The misconduct covered comprises a broad range of behaviors that may be discriminatory and harassing in nature. Potential instances include:**

- Belittling remarks about a person's race, religion, ethnicity, or cultural beliefs based on stereotyping.
- Repeated and intentional unwillingness to utilize an individual's stated pronouns.
- Excluding an individual based upon perceived abilities or limitations.
- Inappropriate attention to one's race, religion, ethnicity, or national origin, or abilities, such as asking an individual to speak for all who have a shared identity.

# Barnard Policy Definitions: Gender-Based Misconduct

- **Gender-Based Misconduct:** Comprises a broad range of behaviors focused on sex and/or gender discrimination that may or not be sexual in nature.
- **Retaliation:** any action to penalize, intimidate, harass, or take adverse action against a person who makes a report, participates in an inquiry or investigation, or otherwise asserts rights protected by non-discrimination laws.
- **Consent:** A knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Can be given via words or actions as long as they create clear permission.
- **Gender-Based Harassment:** Includes acts of verbal, non-verbal, or physical aggression, intimidation, or hostility based on gender, identity, or stereotyping.



# Potential Gender-Based Misconduct, Stalking, or Domestic/Dating Violence Examples

- Pressure for a date or romantic relationship
- Unwelcome sexual contact, kissing, hugging, or massaging
- Belittling remarks about a person's body parts, gender, or sexual orientation based on gender-stereotyping
- Repeatedly emailing another when asked to stop
- Engaging in physical violence to control another person with whom there's a past relationship

# Grievance Procedures at Barnard College

1

## Grievance Procedures for Discrimination & Harassment

For complaints related to race, color, religion, creed, national or ethnic origin, age, or disability.

2

## Title IX Grievance Procedures

For formal complaints of covered sexual harassment alleged to have occurred after August 14, 2020.

3

## Gender-Based Misconduct Grievance Procedures

For complaints alleged to have occurred before August 14, 2020 and/or for complaints that may not meet the threshold for behavior defined in the regulations but still may constitute a violation of policy.

# All Individuals Interacting With Our Process Have Rights:

## Right to be Protected from 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.

## Right to Report (or Not to Report) to Authorities

All individuals have the right to report (or not report) to community safety, local law enforcement, or to the institution.

## Right to Supportive Measures/ Assistance

Non-disciplinary, non-punitive supports and accommodations designed to preserve access to educational programs and activities. Reasonably available without fee or charge and without unreasonably burdening the other party.

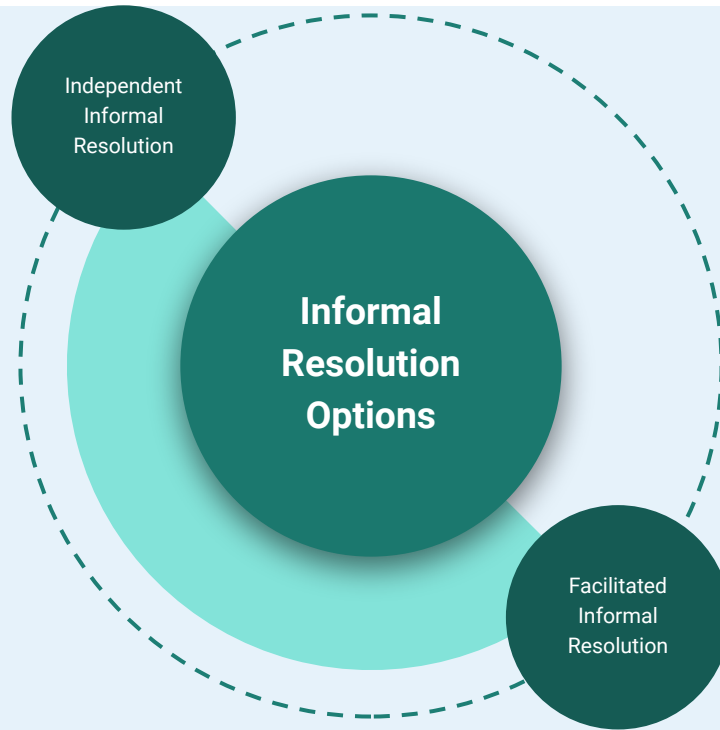
## Right to An Advisor

Complainant and Respondent each have the right to be accompanied to any related meeting or proceeding by an advisor of their choice.



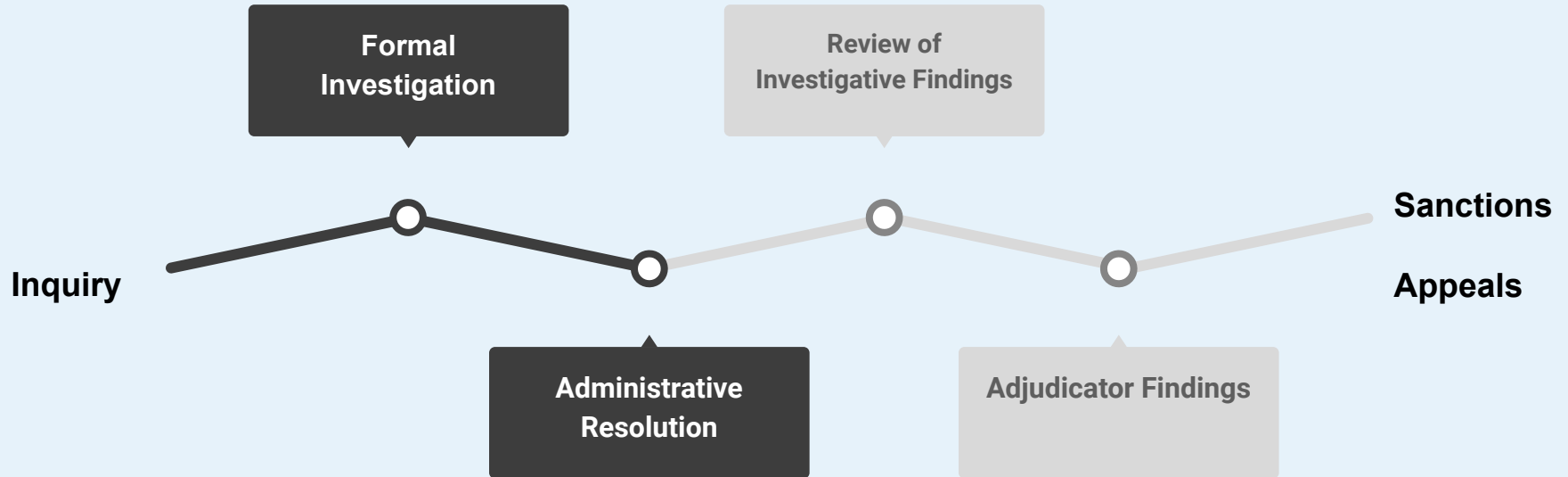
***The Process- Prompt, Fair, Impartial.***

# Resolution Options





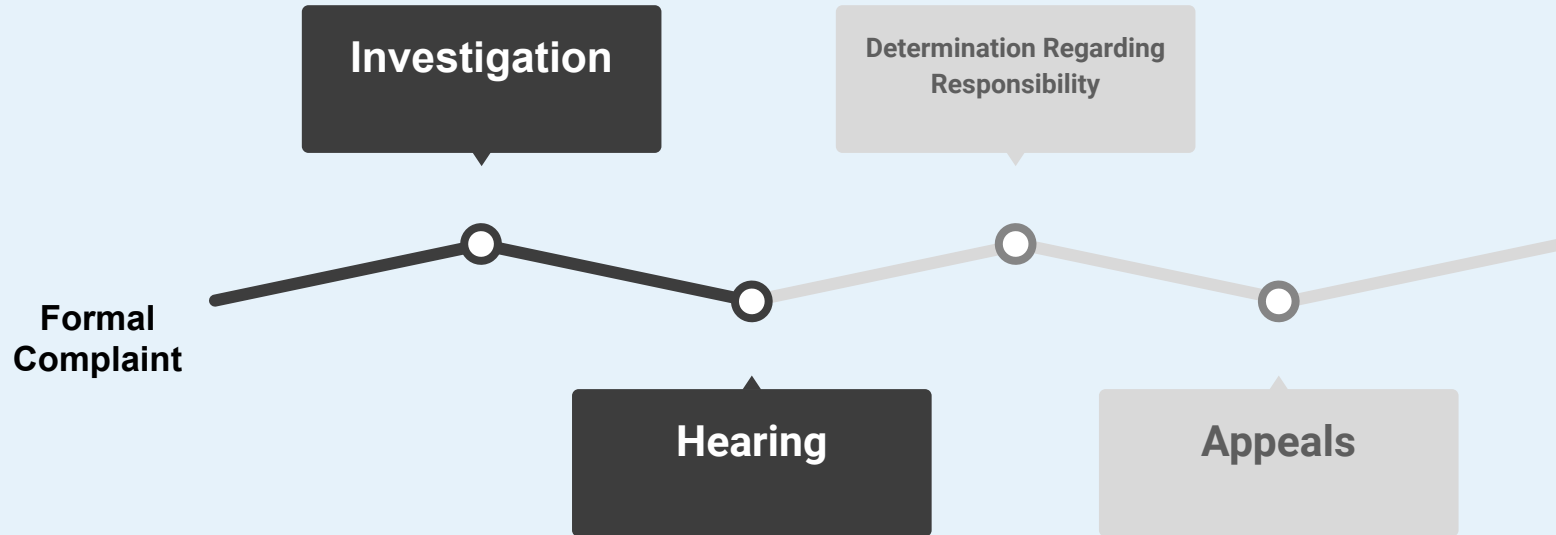
# Resolution Options: Formal Resolution



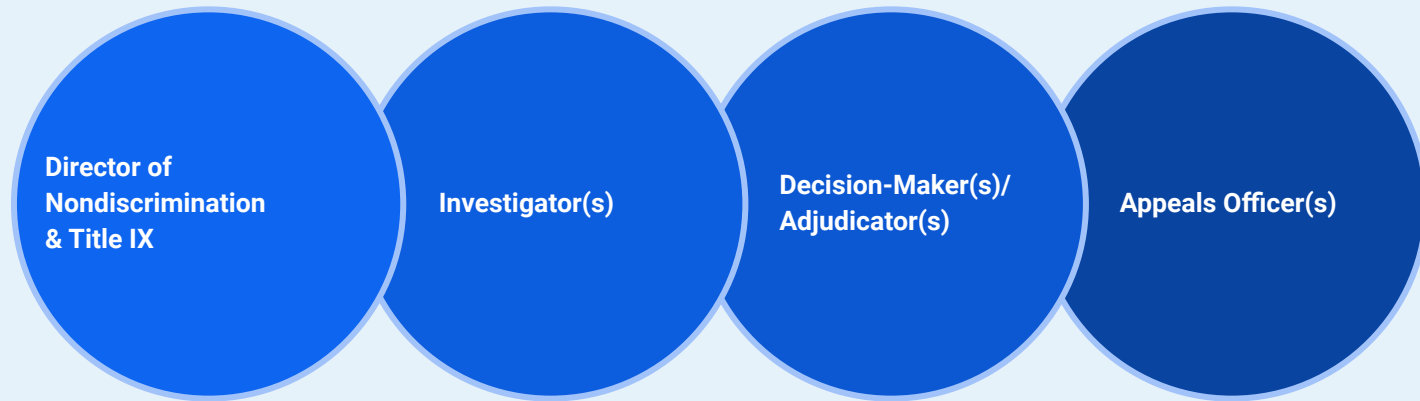


# TITLE IX GRIEVANCE PROCEDURES

# Title IX Resolution Process



# Key Actors in Barnard's Grievance Processes





# Impartiality and Mandatory Training of Title IX Personnel



Title IX Coordinators, investigators, decision-makers, and persons who facilitate informal resolutions must be properly trained

→ & be free from conflicts of interest and bias and trained to serve impartially without prejudging the facts at issue

Note also: Section 106.45(b)(10) requires recipients to publish materials used for training Title IX Coordinators, investigators, decision-makers, and persons who facilitate informal resolutions on the recipient's website or make these materials available upon request for inspection by members of the public.

# Questions & Next Steps

