

Policy Against Discrimination and Harassment

Barnard College is committed to providing an environment free from unlawful discrimination, harassment, or retaliation. As such, the College does not tolerate and specifically prohibits any kind of unlawful discrimination or harassment, including discrimination on the basis of race, color, religion, creed, national or ethnic origin, sexual orientation, age, pregnancy, disability, or sex¹, gender identity or expression, in the administration of any of its educational programs and activities or in its employment practices. Barnard College does not tolerate forms of gender-based discrimination or harassment, sexual assault, domestic violence, dating violence, stalking, and sexual harassment by a member of the College community.

The College takes prompt and appropriate action to address such misconduct, end a hostile environment if one has been created, and prevent the recurrence of a hostile environment. The College provides prevention education programs; connection to on campus and off campus services and resources for individuals who have been impacted by gender-based misconduct, sexual misconduct, domestic violence, dating violence, and/or stalking; and equitable investigative and grievance processes that are accessible, prompt, impartial and fair. Appropriate disciplinary action may be taken against those found to have engaged in or knowingly allowed discrimination or harassment, with sanctions up to and including dismissal.

Barnard College is guided by the precept that in no aspect of its employment practices or educational programs and activities should there be unlawful discrimination against persons based on the characteristics described above. This policy is intended to further the goal that faculty, staff and students are to be able to work and study free from harassment.

Clear behavioral standards, important definitions, and descriptions of prohibited conduct are included in this policy. The complete Title IX Grievance Procedures for allegations of sexual or gender-based misconduct and Discrimination & Harassment Grievance Procedures can be found [here](#).

Consensual Relationships and Sexual Harassment

Actual or apparent authority that employees may have over a student is a strong factor in finding that certain types of conduct constitute sexual harassment. This can be so even if a student has not complained about the conduct, does not show signs of being harassed, or fails to file a complaint of harassment.

Complaints of sexual harassment of students, including alleged consensual relationships, will be carefully evaluated in the context of the unique relationship and responsibility that faculty, administrators, and other College employees have to students or other employees.

Making a Report of Discrimination or Harassment

Any individual who experiences or observes discrimination or harassment is encouraged to report such information. Jurisdiction for adjudicating matters involving a member of the College community include where the conduct: occurs on campus or in a College-sponsored program, affects a College program or activity, or is carried out by a member of the College community. Reports should be made as soon as possible to one of the College staff persons identified below. In certain instances, the College may investigate allegations of discrimination or harassment based on information received from other sources, such as newspaper accounts, anonymous letters or phone calls.

Further information about rights and responsibilities of the parties can be found in the **Grievance Procedures for Gender-Based Misconduct, Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking** for allegations of sexual or gender-based misconduct and in the **Discrimination and Harassment Procedures** for allegations of discrimination or harassment other than sexual or gender-based misconduct.

[A report can be made online.](#)

Individuals who may have experienced or observed discrimination or harassment may consult with the Officer for Equity/Title IX Coordinator to discuss their concern or initiate a report.

Harassment based on any protected category is prohibited under federal law, New York State law, and New York City law, as well as this policy. You can report discrimination and harassment under federal laws by contacting the **Equal Employment Opportunity Commission (EEOC)**.

In New York State, you can report discrimination and harassment under the New York State Human Rights Law by contacting the **Division on Human Rights**, in person at a Division office, by telephone or by mail. The Division has offices across the State of New York and can be **contacted**. Such claims may also be brought in state court.

In New York City, you can contact the **New York City Commission on Human Rights (NYCCHR)** or by calling 311 or (718) 722-3131 or in person at their **locations**.

Academic Freedom and Employment Responsibility

Under the College's Code of Academic Freedom and Tenure "all officers of instruction and all officers of administration while giving instruction are entitled to freedom in the classroom in discussing their subjects and . . . they are entitled to freedom in research and in the publication of its results." Similarly, students are encouraged to openly express their views and opinions.

While not all conduct can be shielded by claims of academic freedom or freedom of expression, the College is committed to encouraging meaningful, candid discussion in the classroom and in other academic settings and recognizes that there can be a tension between the need for frank and open discussion and the right of individuals to be free from injury caused by harassment.

Harassment must be distinguished from behavior that, even though unpleasant or disconcerting, is appropriate to the carrying out of certain instructional, advisory, or supervisory responsibilities of education or employment. Instructional responsibilities require appropriate latitude for pedagogical decisions concerning the topics discussed and methods used to draw students into discussion and full participation. Similarly, supervisory responsibilities require appropriate latitude for decisions concerning the methods of fulfilling institutional and work related obligations. Therefore, in determining whether alleged conduct constitutes harassment, it is necessary to examine all of the relevant information available, including the nature of the conduct and the context in which the alleged incidents occurred.

Retaliation

Retaliation is prohibited and unlawful, which includes any attempt by a member of the Barnard College community to penalize, intimidate, harass, or take adverse action against a person who makes a report of discrimination or harassment, participates in an investigation, or otherwise asserts rights protected by non-discrimination laws. Retaliation may be found even when the underlying report does not constitute discrimination or harassment in violation of policy. Examples of adverse retaliatory action includes termination, denial of promotion or participation in otherwise qualified employment or educational opportunity, and an unjustified negative evaluation or reference. Retaliation does not include petty slights and annoyances such as isolated negative comments in an otherwise positive or neutral evaluation, snubbing of an individual, or negative comments that are justified by poor work or assignment performance or history. Employees who have filed a report or expressed opposition to discrimination or harassment are still expected to perform their job functions and follow workplace rules and responsibilities.

Any person who believes that he or she has experienced retaliation for reporting discrimination or harassment, participating in an inquiry or investigation, or for acting as an advocate should immediately contact the Executive Director of Equity. 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.

False Reports

Any person who knowingly files a false claim of discrimination or harassment will be in violation of this policy and will be subject to the appropriate disciplinary process.

Reporting of Crime Statistics

In compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) the College records and reports certain information about campus safety, including the number of incidents of certain crimes on or near campus, some of which constitute sex and gender-based misconduct investigated under these procedures. The Title IX Coordinator works in collaboration with Public Safety to ensure 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.

Policy effective as of August 2011; Modified as of January 2012, August 2012, November 2012; August 2013; August 2014; chart revised April 2015; August 2015; July 2016; January 2017; October 2018

[1] As a women’s institution, Barnard College accepts applications from those who consistently live and identify as women.

[2] New York Criminal definitions for this and other crimes that may also constitute violation of this policy can be found in the Annual Security Report, found on the Public Safety webpage.