

General Grievance Procedures

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The College has established this General Grievance Procedure to supplement certain policies of the College, such as the College's *Policy Against Discrimination and Harassment In Employment Practices and in Student Academic and Campus Life*, which designate the General Grievance Procedure as the appropriate process for evaluating allegations of discrimination or harassment (other than sex or gender-based misconduct) against students, faculty, administrative, professional, confidential and unionized employees or visitors to the College. The General Grievance Procedure may, in appropriate situations, also be used to assist in the resolution of grievances not covered by other policies. The Policy does not, however, confer additional rights or responsibilities not otherwise enumerated or established at the College.

Two basic premises underlie the structure of these procedures and are intended to govern their application. First, the end result is not intended to be primarily punishment of the offender or retribution (although in appropriate cases discipline up to and including dismissal may be imposed) but to provide appropriate redress for the victim and to prevent similar incidents in the future. Second, they recognize the unusual sensitivity of certain matters and the additional harm that can be caused to the victim, the alleged offender, and potential witnesses by inappropriate disclosure.

Self Help

An individual who believes that she or he is the subject of discriminatory or harassing behavior may choose to deal with the alleged offender directly through a face to face discussion, a personal telephone conversation, e-mail correspondence, or other written correspondence. In some cases, this approach may resolve the situation; in others, it may be ineffective or place the 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 she or he believes to be discriminatory or harassing will not be viewed negatively. If self-help measures prove unsuccessful, an individual may choose to report the situation and pursue other methods of resolution as described in these procedures.

Confidentiality

When a report of alleged discrimination or other policy violation is investigated, the Complainant[1], the Respondent[2] and all identified witnesses who are interviewed in the investigation will be notified of the College's expectation of confidentiality/privacy. The College will make all reasonable efforts to maintain the confidentiality/privacy of the parties involved in sex and gender-based misconduct investigations. Breaches of confidentiality/privacy will be reviewed and may be

considered a violation of the Policy and may result in additional disciplinary action. Any action that could be deemed retaliatory will be dealt with according to this procedure (see 'Retaliation').

Retaliation

Any attempt by a member of the Barnard College community to penalize, intimidate, or retaliate in any way against a person who makes a report of or who is otherwise involved in an investigation of discrimination or harassment is strictly prohibited. Any person who believes that he or she has been the victim of retaliation for reporting discrimination or harassment or cooperating in an investigation should immediately contact the Adjudicator. Any person who retaliates against a person in response to a report or cooperation in an investigation will be in violation of policy and will be subject to the appropriate discipline process.

Grievance Process

To initiate the grievance process, reports should be brought, in writing, to the appropriate person (each an "Adjudicator") listed below:

For Complaints against ...	Complaints should be brought to...
Students	Executive Director for Equity
Barnard College Faculty	Vice Provost
Administrative, Professional, and Unionized Employees	Human Resources representative
Third Parties	Human Resources representative

Initial Inquiry

Following the receipt of a report of policy violation, information will be reviewed by the appropriate adjudicator (listed above) to determine whether a policy may have been violated, or if further inquiry is necessary to determine whether to commence a formal investigation. Where there is allegation of violation of the Policy Against Discrimination and Harassment, the determination of commencement of investigation is made in consultation with the Executive Director for Equity. Initial inquiry may require conversation with the Complainant, Reporting party, potential witnesses, and/or , the Respondent. If formal investigation is to commence the Respondent will be notified (see Investigation & Adjudication below). In cases where this procedure is utilized for investigation of a matter involving an employee (staff or faculty member) as

Respondent, the employee's supervisor will 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.

In circumstances where there is insufficient information to pursue further investigation, educational or training efforts may be recommended or implemented.

Mediation

In cases where mediation is deemed to be an option by the Adjudicator, the parties will be offered the option by the Adjudicator. The parties should not contact each other to discuss mediation. Mediation will be pursued only with the consent of both parties. If the mediation results in a resolution, the formal disciplinary procedure will be concluded and the case will be closed. If the parties are unable to reach a resolution, the disciplinary process will proceed.

The Adjudicator may act as mediator in these cases or may exercise the option to appoint a designee to mediate. The mediator shall promptly (beginning no more than ten (10) business days after designation) meet with the complainant, with the respondent and with such other person(s) as the mediator deems appropriate for the purpose of ascertaining the facts and attempting to resolve the complaint.

The mediator will emphasize fact-finding, mediation and conciliation and will rely on discreet inquiry, persuasion, confidentiality and trust in dealing with complaints that are designated for consideration. A guiding principle shall be to protect the legitimate interests of all parties involved.

Informal Resolution

In instances where it is deemed possible and safe, the College may choose to resolve reports through informal and/or educational means. If a satisfactory resolution is reached through this informal conversation, the matter will be considered completed. If these efforts are unsuccessful, a formal investigation and adjudication process may commence.

Investigation and Adjudication

Following the initial inquiry, if it is determined that there may be a reason to believe that a policy may have been violated, a formal investigation may commence. The person against whom the complaint is made (the "Respondent") will be notified that a report has been filed and he/she will have the opportunity to submit a written statement within five (5) business days. The Respondent and Complainant (the person who has made the complaint or the person for whom a report has been filed) will be given the opportunity

to meet separately with the Adjudicator (or designee) to review the appropriate policy and this Grievance Procedure. This meeting will occur no later than ten (10) business days after an investigation is commenced. Both Complainant and Respondent may request to have a support person accompany them to such meetings. A support person is a member of the community, not one in a current formal role (e.g. supervisor, coach, adviser) and is not a witness to or otherwise involved in the matter in question. A support person does not have a participatory role in the process but is merely present for personal support.

The Adjudicator, or an investigator designated by the Adjudicator, will interview the Complainant, Respondent, and as necessary, any witnesses. The Adjudicator will also gather any pertinent evidentiary materials. The Adjudicator or investigator (if applicable) will then prepare a report detailing the results of the investigation including, but not limited to, the relevant content of the interviews and evidentiary materials and information gathered.

Administrative Resolution: If the respondent wishes to accept responsibility for the alleged violation of the relevant policy, s/he may do so at any point during the investigation by contacting the Adjudicator and providing a written statement accepting responsibility. Upon the Adjudicator's receipt of the statement of responsibility the investigation will be stopped and the Adjudicator will alert the respondent of the sanction to be imposed within five (5) business days of receipt of the statement.

Adjudication: In the absence of an administrative resolution, the Adjudicator will prepare a decision, based upon a review of the investigative report and using a preponderance of the evidence, deciding whether there has been a violation of the relevant policy. Preponderance of evidence means that based upon the information provided, a policy violation was more likely than not to have occurred. If an individual is determined to be responsible for policy violation, the Adjudicator will specify the sanction to be imposed. The decision will be rendered and notice of outcome (and sanctions, if applicable) will be conveyed to the respondent within twenty (20) business days of receipt of the initial complaint. If there is a need for delay, including, but not limited to, campus closure for break, such delay will be communicated to both the respondent and complainant.

Range of Sanctions

Faculty, staff or administrators who are found in violation of policy are subject to disciplinary action, with outcome ranging from a warning up to and including discharge. Students are subject to disciplinary action, with outcome ranging from a warning up to and including suspension or expulsion. In any case, educational programming or training 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.

Appeal to the Provost, Dean of the College or Human Resources

The respondent may request an appeal the decision of the Adjudicator to the appropriate Appeals Officer (or designee) within five (5) business days of notification of the decision. The Appeals Officer will be either the AVP of Human Resources (if the respondent is an employee of Barnard College or a third party), the Provost (if the respondent is a member of the faculty) or the Dean of the College (if the respondent is a student). The three grounds upon which a request for appeal of the decision or sanctions may be made are:

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 at the time of the investigation and that may change the outcome of the decision;
3. The party feels that the severity of the sanction is inappropriate given the details of the case and believes a lesser sanction to be more appropriate.

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

The appeal request should be submitted in writing to the appropriate Appeals Officer. The appropriate Appeals Officer can determine whether a review of the Adjudicator's decision is warranted. If a change in this decision is necessary, the Appeals Officer will review the appeal and Adjudicator's rationale and make a final decision. An appeal outcome may result in no change, an amendment that reduces sanctions, or an amendment that includes greater sanction.

However, in situations where the respondent is a tenured/tenure track faculty member who has been sanctioned with either suspension or dismissal, the respondent has the option to instead appeal the severity of the sanction to the Committee on Grievance in accordance with the Code of Academic Freedom and Tenure.

Appeals will not be reviewed or considered beyond the Appeals Officer (or designee). Appeals decisions will be rendered within ten (10) business days after the receipt of the formal appeal request. The decision on appeal is final.

Time Frames

If the time frames outlined in this procedure cannot be met, the appropriate officer will notify the Complainant and Respondent in writing of the delay and will provide a date by which the appropriate undertaking will be completed.

While the Grievance Procedure is intended to establish guidelines for the proper evaluation of grievances it is sometimes neither possible nor advisable to adhere strictly to such guidelines. Therefore, provided that the parties to a grievance are afforded proper fair process--prior notice of the substance of the grievance, a fair and reasonable opportunity to present evidence and to respond to the grievance, and an opportunity to appeal a decision on the grounds provided herein --reasonable deviations from the process set forth herein shall be permitted

At any time during the Grievance Process, the AVP for Human Resources, Provost or Dean of the College may take interim measures including, but not limited to, reassignment or suspension, if it is determined that circumstances require that such action be taken to protect the safety of individuals or property, or to minimize disruption to the operations of the College.

Policy effective as of August 2011; Modified May 2012; August 2013; August 2014

[1] A Complainant is the individual who files a report or the person who a report is filed on behalf of by a third party.

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