

# Bard College

## **2025-2026 Gender-Based Misconduct Policy**

*The information in this policy is current as of August 29, 2025. This policy is subject to review and revision on a regular basis, as necessary. Please visit [our website](#) or contact the Office of Title IX and Nondiscrimination to ensure that you have the latest version of this policy.*

**Office of Title IX and Nondiscrimination**

Sottery Hall

845-758-7542

[www.bard.edu/nondiscrimination](http://www.bard.edu/nondiscrimination)

## Table of Contents

I. NOTICE OF NONDISCRIMINATION	4
II. POLICY STATEMENT	5
III. SCOPE OF POLICY	5
IV. GLOSSARY OF TERMS	6
V. DEFINITIONS OF GENDER-BASED MISCONDUCT	8
A. Title IX Category Violations	8
B. College Category Violations	9
VI. CONSENSUAL RELATIONS POLICY	11
VII. PRESERVATION OF EVIDENCE	11
VIII. AMNESTY FOR ALCOHOL AND/OR DRUG USE	11
IX. REPORTING OPTIONS AND IMMEDIATE ASSISTANCE	12
A. CONFIDENTIAL REPORTING	12
B. REPORTING TO THE COLLEGE (PRIVATE)	13
1. Institutional Report	13
2. External Reporting Line	14
3. False Reporting	14
C. CRIMINAL REPORTING	14
X. ORDERS OF PROTECTION	15
XI. INITIAL ASSESSMENT FOR PROCEDURAL OPTIONS	15
A. When A Complainant Does Not Wish To Proceed	16
XII. ADVISORS	16
XIII. SUPPORTIVE MEASURES AND ACCOMMODATIONS	17
XIV. NO CONTACT ORDERS	18
XV. EMERGENCY REMOVAL OF RESPONDENTS	18
XVI. TIMEFRAME AND PRIVACY OF COMPLAINT RESOLUTION	19
XVII. INFORMAL RESOLUTION PROCESSES	20
A. Alternate Resolution Mechanism	20
B. Respondent Accepts Responsibility for Alleged Violations	20
XVIII. FORMAL ADJUDICATION PROCESS	21
A. Adjudication Process Pool Members	21
B. Notice of Investigation and Allegations	21
C. Investigation	22
D. Opportunity for Inspection and Review of Evidence	23
E. Investigative Report	23
F. Referral for a Hearing	23
G. Notice of Hearing	23
H. Pre-Hearing Preparation	24
I. Hearing Participants	24
J. Advisors	24
K. Evidentiary Consideration & Procedural Issues During Hearings	25
L. Hearings	25

M. Hearing Determinations	26
N. Notice of Outcome	26
XIX. SANCTIONS	26
XX. REMEDIES	27
XXI. THE APPEAL PROCESS	27
XXII. GENDER-BASED MISCONDUCT TRANSCRIPT NOTATION	28
XXIII. PREVENTION AND ASSESSMENT	28
A. Prevention Education	28
B. Campus Climate Assessments	29
XXIV. STUDENTS' BILL OF RIGHTS	29
XXV. PARENTAL NOTIFICATION	29
XXVI. RECORDS RETENTION POLICY	30
XXVII. REPORTING CRIME STATISTICS AND AGGREGATE DATA	30
XXVIII. ADDITIONAL INFORMATION	30

## **I. NOTICE OF NONDISCRIMINATION**

Bard College is committed to ensuring equal access to its educational programs and equal employment without regard to an individual's sex, gender, race, color, national origin, religion, age, disability, gender identity, sexual orientation, predisposing genetic characteristics, marital status, veteran status, military status, domestic violence victim status, ex-offender status, or any other characteristic protected by federal, state, or local law. Students, employees, applicants, and other members of Bard College community (including, but not limited to, vendors, visitors, and guests) shall not be subject to discrimination or harassment prohibited by law or otherwise treated adversely based upon a protected characteristic. Similarly, the College will not tolerate harassing, violent, intimidating, or discriminatory conduct by its students, employees, or any other member of, or visitor to, the College community. This includes, without limitation, sexual harassment, sexual assault, sexual violence, dating violence, and domestic violence.

Complaints of sex discrimination or any other type of discrimination may be made by using the [Title IX Reporting Form](#) or the [Discrimination Reporting Form](#).

Inquiries or complaints regarding any form of discrimination or harassment may also be directed to:

Lauren Gretina  
Dean for Student and Employee Matters, Compliance  
Sottery 107  
845-758-7542  
[nondiscrimination@bard.edu](mailto:nondiscrimination@bard.edu) or [lgretina@bard.edu](mailto:lgretina@bard.edu)

Jeffrey Meade  
Director of Human Resources  
Ludlow  
845-758-7516  
[jmeade@bard.edu](mailto:jmeade@bard.edu)

Jacob Testa  
Title IX Coordinator  
Associate Dean of Civil Rights  
845-758-7452  
[titleix@bard.edu](mailto:titleix@bard.edu) or [jtesta@bard.edu](mailto:jtesta@bard.edu)

Inquiries or complaints regarding any form of discrimination or harassment may be directed to:

Office for Civil Rights (OCR)  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-1100  
Customer Service Hotline: 800-421-3481  
Fax: 202-453-6012  
TDD#: 877-521-2172

[OCR@ed.gov](mailto:OCR@ed.gov)  
<http://www.ed.gov/ocr>  
Department of Education  
Office for Civil Rights (New York Office)  
646-428-3800  
[ocr.newyork@ed.gov](mailto:ocr.newyork@ed.gov)

Inquiries or complaints involving employees may be directed to:

Equal Employment Opportunity Commission  
33 Whitehall Street, 5<sup>th</sup> Floor  
New York, NY 10004  
Phone: 800-669-4000  
TDD#: 800-669-6820  
<http://www.eeoc.gov/contact>

## **II. POLICY STATEMENT**

Bard College and its affiliated programs are committed to providing learning and working environments free of sexual and gender-based harassment and discrimination, sexual assault, sexual exploitation, stalking, and intimate partner violence (inclusive of dating and domestic violence) (hereafter referred to as “gender-based misconduct”).

Bard College is committed to preventing, responding to, and remedying occurrences of gender-based misconduct. To that end, this policy prohibits all forms of gender-based misconduct. This includes any discrimination on the basis of sex (including stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity) and sexual harassment (including sexual harassment and other harassment on the basis of sex). The College provides support and accommodations for individuals who have been impacted by gender-based misconduct, as well as accessible, prompt, thorough, and impartial methods of investigation and resolution of incidents of gender-based misconduct. The College provides educational and preventative programs that promote awareness of gender-based misconduct for employees and students upon entry and throughout the academic year.

This policy should be interpreted and applied in a manner consistent with the principles of free inquiry, free expression, and free speech to which Bard College is committed; it is not intended to stifle these freedoms. Prohibited sexual harassment, retaliation, and other forms of gender-based misconduct are neither legally protected expression nor the proper exercise of academic freedom.

Bard’s Gender-Based Misconduct Policy is written in accordance with federal and state laws and regulations prohibiting discrimination and harassment, as well as provisions of response and services for victims of interpersonal violence. These laws include: Title IX of the Education Amendments Act of 1972, Americans with Disabilities Act (“ADA”), Section 504 of the Rehabilitation Act, Title VII of the Civil Rights Act of 1964, the New York State Human Rights Law, Section 304 of the Violence Against Women Reauthorization Act, the Clery Act, and New York State Education Law 129-B (“Enough is Enough”). These laws and the College prohibit discrimination and harassment, including gender-based misconduct.

## **III. SCOPE OF POLICY**

This policy applies to all Bard students, employees, and other individuals who engage with the College’s education program and activity. It prohibits gender-based conduct that occurs within the College’s education program or activity, including conduct that occurs on campus and conduct that occurs off campus but has a reasonable connection to the College, including, but not limited to, conduct occurring online, in study abroad programs, and that is otherwise subject to the College’s disciplinary authority. Alleged misconduct subject to this policy (“prohibited conduct”) includes both Title IX sexual harassment (which is defined by law) and College Category misconduct (which includes allegations that do not meet the definitions under Title IX, but nonetheless violate Bard College’s community standards), as discussed further in this policy.

The Title IX Coordinator will evaluate all reports and complaints to assess whether they must be addressed under this policy. The Title IX Coordinator may also determine, in consultation with other College officials, that other alleged misconduct occurring alongside alleged gender-based misconduct may be investigated and adjudicated under this policy. The College always maintains the discretion to determine which policy or process should be applied.

The policies of the College are written and interpreted broadly to include conduct that takes place online. Although the College may not control websites, social media, and other venues in which harassing conduct occurs, the College will engage in a variety of means to address and mitigate the effects when such conduct is reported.

If the Respondent is unknown or not a member of the College community, the Title IX Coordinator will still assist the Complainant in identifying appropriate campus and local resources, supportive measures, remedies, and/or, when criminal conduct is alleged, in contacting local law enforcement if the individual would like to make a police report.

This policy sets forth behavioral expectations for everyone in the College community. However, the applicable formal disciplinary procedure that will be applied in a particular case depends on whether the accused is a student, employee, or a non-community member (e.g., family or friends of students, vendors, visiting athletes, etc.). Action taken and support provided regarding incidents of misconduct involving contract employees, visitors, and guests may be limited; however, the College will work to respond, sanction, and/or remedy to the extent possible, practical, and reasonable. The College may opt to ban a non-community member from College property or take other appropriate responsive measures.

Non-community members visiting campus, participating in a Bard College program or activity, or interacting with Bard College community members are expected to abide by the behavioral expectations in this policy. All vendors serving the College through third-party contracts are subject to the policies and procedures of their employers (or to the policies and procedures which their employer has agreed to be bound by their contracts).

When the Respondent is enrolled in or employed by another institution, the Title IX Coordinator can assist the Complainant in communicating with the appropriate employee at that institution. Similarly, the Title IX Coordinator may be able to assist and support a student or employee Complainant who experiences gender-based misconduct in a location outside of the College where sexual harassment or nondiscrimination policies and procedures of the facilitating or host organization may also give recourse to the Complainant.

This policy protects employees, interns (whether paid or unpaid), and non-employees (including independent contractors) who are (or who are employed by) contractors, companies, or organizations contracting to provide services to the College, regardless of immigration status. Employees of the College are expected to cooperate with and participate in the College investigation and resolution processes set forth in this policy.

The process outlined in this policy will apply to all cases whether new or currently active. The definitions of prohibited conduct will be considered on a case by case basis to the extent they might be different now than at the time of the incident.

#### **IV. GLOSSARY OF TERMS**

- **Advisor of Choice:** A person chosen by a party to accompany the party to meetings related to the investigative and resolution processes, to advise the party on those processes, and to conduct cross-examination for the party at the hearing. An Advisor of Choice may be any person, including an attorney. The College does not appoint, train, or pay for an Advisor of Choice, but may assist parties in identifying and connecting with an advisor.
- **Affirmative Consent:** 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.

As used in this policy, the term "consent" always refers to "affirmative consent" (as defined above). Consent cannot be obtained through the use of force or coercion or by taking advantage of the incapacitation of another person. Previous consensual sexual activity or consent to one sexual act does not necessarily constitute consent to any other sexual act. Consent cannot be given when a person is incapacitated. Incapacitation may be caused by lack of consciousness, being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under

the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent to sexual activity. Minors under the age of 17 years of age in New York State cannot consent to sexual activity. Consent is required regardless of whether the person initiating the act is under the influence of illegal substances and/or alcohol. Consent may be initially given but withdrawn at any time. When consent is withdrawn or can no longer be given, sexual activity must stop.

- **Coercion:** Coercion is unreasonable pressure used to compel someone to engage in sexual activity against their will. Coercion may include intimidation, manipulation, or threats and is evaluated by assessing the duration, frequency, and intensity of the conduct, as well as the degree of isolation or confinement. When a person makes it clear that they do not want to participate in sexual activity, that they want to stop sexual activity, or that they do not want to go past a certain point of sexual interaction, continued pressure to engage in the unwanted sexual activity can be coercive.
- **Complainant:** An individual who is alleged to have experienced gender-based misconduct.
- **Day:** A business day.
- **Education Program or Activity:** Locations, events, or circumstances where Bard College exercised substantial control over both the Respondent and the context in which the misconduct occurred. This includes any building owned or controlled by a student organization officially recognized by the College.
- **Formal Complaint:** A written document submitted by a Complainant and filed with the Title IX Coordinator alleging gender-based misconduct and requesting that the College investigate and adjudicate the allegation. A formal complaint must contain the Complainant's signature, or otherwise indicate that the Complainant is the person filing the formal complaint. A formal complaint is necessary to initiate both a Title IX and College Category complaint. In limited circumstances, the Title IX Coordinator may file a formal complaint as set forth in this policy.
- **Gender-Based Misconduct:** An umbrella term used in this policy to refer to any form of misconduct prohibited by this policy, including, but not limited to, sex discrimination, sexual harassment, sex-based harassment, sexual assault, stalking, dating violence, domestic violence, and retaliation.
- **Hearing Advisor:** An advisor appointed by the College to accompany a party to a hearing, at no charge to the party, when that party does not have an Advisor of Choice at the hearing. A Hearing Advisor may be an attorney, but does not represent a party in any legal sense. Their role is limited to asking cross-examination questions during a hearing. The party is responsible for formulating any cross-examination questions their Hearing Advisor will pose during the hearing.
- **Incapacitation:** A person is incapacitated when they lack the ability to make informed, rational judgments and therefore cannot knowingly choose to participate in sexual activity.
- **Investigator:** A person charged by the College with gathering facts about an alleged violation of this policy, assessing relevancy of evidence, synthesizing the evidence, and compiling this information into an investigative report.
- **Mandated Reporter/Responsible Employee:** An employee of the College who is obligated by policy to share knowledge, notice, and/or reports of gender-based misconduct with the Title IX Coordinator. All Bard College employees (faculty, staff, administrators), Peer Counselors, and Peer Mentors who are not otherwise designated as Confidential Resources are mandated reporters/responsible employees and must notify the Title IX Coordinator of all known details made to them under this policy.<sup>1</sup>

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<sup>1</sup> This is not to be confused with those mandated by state law to report child abuse, elder abuse, and/or abuse of individuals with disabilities to appropriate officials, though these responsibilities may overlap with those who have mandated reporting responsibility under this policy.

- **Party:** A Complainant or Respondent under this policy.
- **Remedies:** Measures provided, as appropriate, to a Complainant or any other person at the College whose equal access to the College’s education program of activity was limited or denied by gender-based misconduct.
- **Report:** Information shared with the College about alleged gender-based misconduct.
- **Reporting Party:** A person who makes a report of gender-based misconduct. This may or may not be the same individual as a Complainant, a witness, or a bystander.
- **Respondent:** An individual alleged to have engaged in conduct that could constitute gender-based misconduct or other conduct that could constitute a violation of this policy.
- **Student:** An individual who has gained admission and maintains an ongoing relationship with the College.

## V. DEFINITIONS OF GENDER-BASED MISCONDUCT

This policy applies to alleged conduct that meets the definition of Title IX sexual harassment, as well as to a broader range of conduct and behaviors inconsistent with the College’s community standards (i.e. “College Category” violations). The designation of conduct as either “Title IX Category” or “College Category” is not a function of the seriousness of the alleged misconduct, but rather a function of the scope and coverage of Title IX and the College’s broader jurisdiction to prohibit and discipline inappropriate behavior.

### A. Title IX Category Violations

Title IX Category violations include conduct that meets the following definitions, when the alleged misconduct is (i) based on sex; (ii) occurred in the United States; and (iii) occurred within the College’s education program or activity.

In order to proceed with a complaint alleging a Title IX Category violation, the Complainant must submit a signed formal complaint and be participating in or attempting to participate in the College’s education program or activity at the time the complaint is filed.

- **Sexual Harassment:** Conduct on the basis of sex that satisfies one or more of the following:
  - **Quid Pro Quo Harassment:** When an employee, agent, or other person authorized by the College to provide an aid, benefit, or service under the College’s education program or activity explicitly or implicitly conditions the provision of such an aid, benefit, or service on a person’s participation in unwelcome sexual conduct.
  - **Hostile Environment Harassment:** Unwelcome sex-based conduct that is so severe, pervasive, and objectively offensive that it interferes with, limits, or effectively denies a person’s ability to participate in the College’s education program or activity (i.e., creates a hostile environment).

Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following: (i) The degree to which the conduct affected the complainant’s ability to access the College’s education program or activity; (ii) The type, frequency, and duration of the conduct; (iii) The parties’ ages, roles within the College’s education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct; (iv) The location of the conduct and the context in which the conduct occurred; and (v) Other sexual harassment in the College’s education program or activity.

- **Sexual Assault:** Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. This definition includes:
  - **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.
  - **Fondling:** The touching of the private body parts (including genital area, anus, groin, buttocks, or breast) 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 their age or because of their temporary or permanent mental incapacity.
  - **Incest:** Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by New York State law.
  - **Statutory Rape:** Non-forcible sexual intercourse with a person who is under the statutory age of consent. The statutory age of consent in New York is 17.
- **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 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.
- **Domestic Violence:** Includes felony or misdemeanor crimes committed by a person who: is a current or former spouse or intimate partner of the victim, or a person similarly situated to a spouse of the victim, is a person with whom the victim shares a child in common, is a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, or who commits acts against a youth or adult victim who is protected from those acts under New York Social Services Law Section 459-A.
- **Stalking:** 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. "Course of conduct" consists of two or more acts, including, but not limited to, acts in 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. Stalking behaviors may include pursuing or following, unwanted or nonconsensual communication or contact (including in-person contact, telephone or voice messages, electronic messages, social media messages, and text messages), unwanted gifts, trespassing, surveillance, and other types of observation.

## B. College Category Violations

College Category violations include the following conduct. When a complaint does not constitute a potential Title IX Category violation because of the location or status of the complainant, the College retains discretion to respond to, investigate, and/or adjudicate the complaint as a potential College Category violation.

- **Sex Discrimination:** Occurs when a person is treated differently or less favorably because of their sex. This includes discrimination based on sex based stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.
- **Sex-Based Harassment:** Unwelcome, offensive conduct on the basis of sex (including sex, gender, sexual orientation, gender identity, gender expression, transgender status, sex stereotypes, sex characteristics, and pregnancy or related conditions) that does not constitute sexual harassment as a Title IX Category violation. This can be verbal, written, visual, electronic, or physical and includes conduct that does not rise to the level of creating a hostile environment.

The fact that a person is personally offended by a statement or incident does not alone constitute a violation. Instead, the determination is based on a “reasonable person” standard and considers the totality of the circumstances. The College considers the context of a communication or incident, the relationship of the individuals involved in the communication or incident, whether an incident was an isolated incident or part of a broader pattern or course of offensive conduct, the seriousness of the incident, the intent of the individual who engaged in the allegedly offensive conduct, and its effect or impact on the individual and the learning or working community.

- **Sexual Assault:** A sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent. Sexual assault includes the “sexual acts” defined in the Title IX Category Violations section above when they do not constitute sexual assault as a Title IX Category violation because of the context in which they occurred.
- **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 but that does not constitute dating violence as a Title IX Category violation because of the context in which it occurred. 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.
- **Domestic Violence:** Violence on the basis of sex 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 the domestic or family violence laws of the jurisdiction where the College is located, or 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 New York, if the conduct does not constitute domestic violence as a Title IX Category violation because of the context in which it occurred.
- **Sexual Exploitation:** When an individual takes nonconsensual or abusive sexual advantage of another for one’s own advantage or benefit, or to the benefit or advantage of anyone other than the one being exploited. Examples of sexual exploitation include, but are not limited to:
  - Invasion of sexual privacy;
  - Causing the prostitution of another person;
  - Nonconsensual observing or recording of private (such as undressing or showering) or sexual activity;
  - Nonconsensual dissemination (including, but not limited to, posting, sharing, or publicizing) or explicitly threatening to disseminate images and/or videos of a sexual nature, including AI-generated images;
  - Going beyond the boundaries of consent (such as letting a friend hide in the closet to watch otherwise consensual sexual activity);
  - Causing or attempting to cause a person to become incapacitated in order to take sexual advantage;
  - Exposing one’s genitals or inducing another to expose their genitals in nonconsensual circumstances;
  - Sexually-based hazing and/or bullying; and
  - Engaging in consensual sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or other sexually transmitted disease (STD) without informing the other person of such infection.
- **Stalking:** A course of conduct that is directed at a specific person that would cause a reasonable person to: (1) fear for their safety or the safety of others; or (2) suffer substantial emotional distress, but that does not constitute stalking as a Title IX Category violation.
- **Retaliation:** Intimidation, threats, coercion, or discrimination by the College, a student, or an employee or other person authorized by the College to provide an aid, benefit, or service under the College’s education program or activity, when done against any person for the purpose of interfering with any right or privilege secured by Title IX or this policy, or because the person has reported information, made a complaint,

testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy, including an Informal Resolution Process.

## **VI. CONSENSUAL RELATIONS POLICY**

Bard College prohibits sexual, dating, or romantic relationships (“intimate relationships”) when one individual has actual or perceived power or authority over the other individual. Entering into these types of relationships may compromise freely given consent and undermine the trust and integrity that are essential to Bard’s learning and working environment. Relationships where one individual has actual or perceived power or authority over the other individual, can give rise to unconscious or perceived bias and favoritism, thereby undermining the College’s inclusive environment and intellectual climate.

Accordingly, faculty, administrators, and other employees who educate, supervise, employ, coach, or who make educational or employment decisions and/or recommendations, should understand the fundamentally unbalanced nature of the relationship and not enter into these intimate relationships. The responsibility and obligation to follow this policy falls upon the person in a position of authority and not the student or subordinate.

More information and the full text of this policy is available in the [Employee Handbook](#). Individuals who violate the Consensual Relations Policy will be referred to the appropriate office. When allegations of gender-based misconduct exist, they will be addressed under the Gender-Based Misconduct Policy. The College may take additional steps as deemed necessary.

## **VII. PRESERVATION OF EVIDENCE**

The College encourages all individuals to preserve evidence relating to reports of gender-based misconduct. Evidence may be important for an investigation under this policy, for supporting a criminal investigation or prosecution, or in obtaining an Order of Protection or equivalent protective orders. Examples of evidence may include text messages, emails, social media communications, phone records, photographs, documents, clothing, bedding, and medical information. Even if an individual chooses to not make a report or complaint, they should preserve available evidence.

Individuals who have experienced a recent sexual assault or act of physical violence are encouraged to seek medical care. In addition, individuals should consider seeking a Sexual Assault Forensic Exam (“SAFE Exam”) at a local hospital. SAFE Exams include assessment and treatment of injury, addressing concerns of pregnancy and sexually transmitted diseases, and collection of evidence. SAFE Exams are free, and free transportation can be arranged by contacting the Title IX Coordinator, Security, other College administrators, or BRAVE. In New York, individuals may undergo a SAFE Exam without making a report to law enforcement.

It is important to not bathe, wash, douche, smoke, change clothing, or brush one’s teeth prior to the examination. If possible, it is also best to not take fluids or use the bathroom before the examination. For purposes of evidence collection, the SAFE Exam should be conducted within 96 hours of an incident. Even if individuals do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted infections. BRAVE counselors (845-758-7777; ask for BRAVE) and the Rape/Sexual Assault Hotline (845-452-7272) can assist with access to this free medical examination and be an advocate to provide support and accompany you to the hospital. The Title IX Coordinator, Security, and other College administrators can assist with accessing a SAFE Exam.

## **VIII. AMNESTY FOR ALCOHOL AND/OR DRUG USE**

The health and safety of every student at the College is of utmost importance. The College recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that gender-based misconduct occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. Bard strongly encourages students to report domestic violence, dating

violence, stalking, or sexual assault to institution officials. A bystander acting in good faith or a reporting individual acting in good faith who discloses an incident of gender-based misconduct to Bard’s officials or law enforcement will not be subject to Bard’s Student Handbook for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the gender-based misconduct. Amnesty is not available to those dealing drugs or to those who have used drugs or alcohol to facilitate gender-based misconduct.

**IX. REPORTING OPTIONS AND IMMEDIATE ASSISTANCE**

Any Bard community member, guest, or visitor who believes they have been subjected to gender-based misconduct is encouraged to seek support and assistance through the resources listed in this policy. Seeking assistance promptly may be important to ensure safety, to obtain medical care, and to preserve evidence. Conduct that does not violate this policy can also be reported, as the College may still be able to provide options for resolution or remedy. The College’s primary concern is the health, safety, and wellbeing of its community members, guests, and visitors. If you, or someone you know, have experienced gender-based misconduct, please seek assistance.

There is no time limitation on making a complaint to the Title IX Coordinator. However, if a Respondent is no longer subject to Bard College’s jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide remedies may be more limited or impossible. When a Respondent is still subject to College jurisdiction but there is a significant delay between when an incident occurred and when it was reported, the College will respond using the policy definitions in place at the time of the incident and the current procedures.

**A. CONFIDENTIAL REPORTING**

Confidential Resources listed in this section are not required by law or College policy to relay reports of gender-based misconduct to the Title IX Coordinator. Information shared with these resources will not be disclosed without stated permission or the existence of extreme circumstances, such as a health or safety emergency. Rules of civil and criminal procedure and law may result in records and information maintained by Confidential Resources, and persons serving as Confidential Resources, being subject to subpoena. Information shared with confidential resources may only be shielded or protected from disclosure, as a result of a subpoena, if shared with a medical, licensed counseling, or pastoral provider covered by a legal privilege or protection.

<b>On-Campus Confidential Resources</b>	
Counseling Services	845-758-7433
Health Services	845-758-7433
EAP (Employee Assistance Program)	800-272-7255
Chaplaincy	845-758-7335
BRAVE 24/7 Counselors (ask for BRAVE)	845-758-7777

<b>Off-Campus Confidential Resources</b>	
Family Services Rape/Sexual Assault Hotline (Dutchess)	845-452-7272
Family Services Domestic Violence Hotline (Dutchess)	845-485-5550
Family Services Text Chat Line (Dutchess)	845-583-0800
Grace Smith House	845-452-7155
LGBTQ Antiviolence	212-714-1141
RAINN (Rape, Abuse, and Incest National Network)	800-656-4673
National Domestic Violence Hotline	800-799-7233

The College works with Family Services to provide regular office hours on campus with a campus advocate. The campus advocate is not a College employee and can provide confidential support. Information about office

hours and other ways to reach the campus advocate is available on [our website](#). In addition to the hotlines listed above, Family Services may be reached at:

Family Services, Inc.  
Center for Victim Safety and Support (CVSS)  
29 N. Hamilton Street  
Poughkeepsie, NY 12601  
845-452-1110, ext. 3400  
<https://familyservicesny.org>

Anonymous reports made within the Bard community are filed and reported for statistical purposes only in accordance with the Clery Act. Reports made to off-campus resources are filed and reported for statistical purposes without identifying information if Bard is made aware of such reports.

## **B. REPORTING TO THE COLLEGE (PRIVATE)**

### **1. Institutional Report**

Reports can be submitted by contacting the Office of Title IX & Nondiscrimination, either:

- By phone (845-758-7542);
- By email ([titleix@bard.edu](mailto:titleix@bard.edu));
- Through campus mail to Sottery Hall; or
- By using the [Title IX Reporting Form](#) or the [Discrimination Reporting Form](#).

Anonymous reports may be made using the online reporting forms. However, the College's ability to investigate and respond to anonymous reports may be limited due to restricted identifying information.

Any member of the community who wishes to make a report of gender-based misconduct with the College may do so by following the procedures in this policy. Employees who cannot guarantee confidentiality will maintain privacy to the greatest extent possible.<sup>2</sup> Information provided to a non-confidential resource at the College will be relayed to the Title IX Coordinator and the Title IX Coordinator or Deputy Title IX Coordinator will follow up with you regarding your options on how to proceed.

Any employee (excluding Confidential Resources) with knowledge of gender-based misconduct involving members of the Bard community must notify the Title IX Coordinator. Climate surveys, classroom writing assignments, human-subjects research, and events such as Take Back the Night or similar speak-outs do not constitute notice to the College. Mandated Reporters are not required to report information learned in these contexts.

Mandated Reporters must inform a reporting individual of their own reporting responsibilities (i.e., that they can provide privacy, not confidentiality) and the option of seeking assistance from confidential resources and other

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<sup>2</sup> For the purpose of this policy, "privacy" and "confidentiality" have distinct meanings. "**Privacy**" means that information related to a report will be shared with a limited number of Bard College employees who "need to know" in order to assist in the assessment, investigation, and resolution of the report. The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act ("FERPA") and the privacy of employee records will be protected in accordance with Human Resources policies. "**Confidentiality**" exists in the context of laws that create a privilege and protect certain relationships, including those who provide services related to medical and clinical care, mental health providers, counselors, and ordained clergy. The College has designated individuals who have the ability to have privileged communications as Confidential Resources. Confidential Resources may share non-identifiable information for statistical tracking purposes as required by the Clery Act. Other information may be shared as required by law.

support services. In addition, they must provide the following information to the reporting individual at the first instance of disclosure of sexual assault, intimate partner violence, and/or stalking:

- You have the right to make a report to Bard College security, local law enforcement, and/or state police, or choose not to report.
- You have the right to report the incident to your institution, Bard College.
- You have the right to be protected by the College from retaliation for reporting an incident.
- You have the right to receive assistance and resources from the College.

Individuals with questions regarding the reporting procedures for violations of this policy may speak with the Title IX Coordinator, to discuss their rights, resolution process options, and available resources. They may also discuss options for No Contact Orders through the College and Orders of Protection through the court system. When information pertaining to specific incidents of reported gender-based misconduct is shared, the Title IX Coordinator will attempt to protect the privacy of all parties involved, but is required to initiate a preliminary inquiry and determine what, if any, further investigation is warranted.

## **2. External Reporting Line**

Any person who feels uncomfortable or otherwise unable to make a report through the options above may make a report via the Misconduct Reporting Line (888-323-4198). The Misconduct Reporting Line is administered by an external entity hired by the College to receive reports on a non-confidential basis. Reports of alleged violations of this policy may be made anonymously to the Misconduct Reporting Line. However, alleged violations of this policy will be referred for investigation, and individual identities may be disclosed through the process of investigation. Any reports, including anonymous reports, received via the Misconduct Reporting Line will be filed for statistical purposes. Reports regarding alleged misconduct by the Office of Title IX & Nondiscrimination may be made through this line.

## **3. False Reporting**

An individual who is determined to knowingly have made a false report, or who provided false information during an investigation, may be subject to disciplinary action by the institution. This provision does not apply to reports made in good faith, even if the facts alleged in the report cannot be substantiated by subsequent investigation.

## **C. CRIMINAL REPORTING**

Individuals have the right to decide whether to file or decline to file a report with the New York State Police or the local law enforcement agency where the misconduct occurred. The Title IX Coordinator and other campus authorities are available to assist individuals in reporting to law enforcement.

What constitutes a criminal act will be defined by the penal code of the jurisdiction in which the alleged misconduct occurred. The College system and legal system have investigation processes that work independently of each other and can happen concurrently. This policy uses the preponderance of evidence standard (whether it is more likely than not that a policy violation occurred) for resolution processes. The standard of proof in a criminal proceeding is beyond a reasonable doubt, which is higher than the standard of proof used for violations of this policy. To file a criminal report, individuals may contact the following, and/or any other appropriate law enforcement agency:

New York State Police	845-876-4194
New York State Police Campus Sexual Assault Victims Unit	844-845-7269
Red Hook Police Department	845-758-0060

## **X. ORDERS OF PROTECTION**

The Title IX Coordinator and Security can provide information and to the extent possible, answer questions regarding Orders of Protection or restraining orders, which are issued by courts, not the College. The Title IX Coordinator and Security can provide information and connection to resources to assist in obtaining an Order of Protection or, if outside New York, an equivalent protective or restraining order.

Any person who obtains an Order of Protection or any other protective or restraining order should provide a copy to Security and the Title IX Coordinator. In the event of a violation of an Order of Protection or similar court order, reporting individuals may receive assistance from the College in contacting law enforcement and affecting an arrest.

## **XI. INITIAL ASSESSMENT FOR PROCEDURAL OPTIONS**

When a report is made, the Title IX Coordinator will reach out to the Complainant to offer supportive measures and seek to determine if the person impacted wishes to make a formal complaint, and will assist them to do so, if desired. The Title IX Coordinator will ensure the Complainant is aware of the right to have an Advisor of Choice. A Complainant may request confidentiality, that their name or other identifying information not be disclosed to the Respondent, that their report not be considered a complaint, and/or that an investigation not be undertaken. Supportive measures will be available even if the Complainant does not wish to make a complaint.

The Title IX Coordinator will evaluate all reports of misconduct that may violate this policy within 5 days of receipt. When the alleged behavior, if true, would constitute prohibited conduct under this policy, the Title IX Coordinator will make a preliminary evaluation as to whether the prohibited conduct would potentially constitute Title IX or College Category violations. They will then evaluate whether the report constitutes a formal complaint and the College will initiate a resolution process. When the alleged misconduct, if true, would not constitute prohibited conduct under this policy but may violate a different College policy, the Title IX Coordinator will refer the report to the appropriate office or official within the College for response and resolution.

The Title IX Coordinator will work with the Complainant to determine the appropriate resolution process. If an Informal Resolution option is preferred, the Title IX Coordinator will assess whether the complaint is suitable for Informal Resolution and may seek to determine if the Respondent is also willing to engage in Informal Resolution.

The Title IX Coordinator may determine that allegations arising out of the same set of facts should be consolidated for the purposes of the investigation and/or adjudication. Instances where consolidation of complaints may occur include, but are not limited to: cross-complaint made by the parties against each other, multiple complaints made by a single Complainant against a Respondent, or multiple complaints by a single Complainant against multiple Respondents. Separate determinations of responsibility will be made for each Respondent with respect to each alleged policy violation.

The Title IX Coordinator must “dismiss” Title IX Category violations if it is apparent that the allegations are not within the scope of Title IX, including that the conduct alleged: even if proven, would not constitute sexual harassment as defined as Title IX Category violation; did not occur in the College’s education program or activity; or did not occur against a person in the United States. If Title IX Category violations are dismissed, the College may continue to process the allegations as College Category violations, as appropriate.

At any point in the process, the Title IX Coordinator may determine that facts have emerged that require the dismissal of a complaint. The Title IX Coordinator may, dismiss a complaint in the following circumstances<sup>3</sup>:

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<sup>3</sup> Before dismissing the complaint, the College will make reasonable efforts to clarify the allegations with the Complainant.

- The Complainant notifies the Title IX Coordinator that they want to withdraw their Title IX or College Category allegations;
- The Respondent is no longer enrolled or employed by Bard College;
- The College is unable to identify the Respondent after taking reasonable steps to do so; or
- Circumstances exist that prevent the College from gathering evidence sufficient to reach a determination as to the Title IX or College Category allegations therein.

If a complaint is dismissed, the College will promptly send notice of the dismissal and the reason(s) for such dismissal to the Complainant and Respondent (if the Respondent has already been notified of the allegations). Opportunity to appeal will be available to those notified of the dismissal.

#### **A. When A Complainant Does Not Wish To Proceed**

If a Complainant's identity is unknown or a Complainant declines to participate in the complaint and resolution process, the Title IX Coordinator will consider whether the alleged conduct presents an imminent and serious threat to the health and safety of the Complainant or another person, or whether the alleged conduct prevents the College from ensuring equal access on the basis of sex to its education program or activity.

The Title IX Coordinator will make a fact-specific determination and will consider the following factors:

- The Complainant's request not to proceed with initiation of a resolution process;
- The Complainant's reasonable safety concerns regarding initiation of a resolution process;
- The risk that additional acts of prohibited conduct would occur if a resolution process is not initiated;
- The severity of the alleged prohibited conduct, including whether the discrimination or misconduct, if established, would require the removal of a Respondent from campus or imposition of another disciplinary sanction to end the prohibited conduct and prevent its recurrence;
- The age and relationship of the parties, including whether the Respondent is an employee and/or the extent of the Respondent's participation in the College's education program or activity;
- The scope of the alleged prohibited conduct, including information suggesting a pattern, ongoing prohibited conduct, or prohibited conduct alleged to have impacted multiple individuals;
- The availability of evidence to allow a Hearing Chair to determine whether prohibited conduct occurred; and
- Whether the College could end the alleged prohibited conduct and prevent its recurrence without initiating a resolution process.

If the Title IX Coordinator determines there is sufficient cause to move forward with the complaint, the Title IX Coordinator may initiate a Formal Adjudication Process. In such cases, the Title IX Coordinator is not considered to be a Complainant or other party under this policy. The Complainant may have as much or as little involvement in the process as they wish. The Complainant retains all rights of a Complainant under the policy irrespective of their level of participation.

## **XII. ADVISORS**

The Complainant and Respondent are entitled to an advisor of their choice to accompany, support, and advise them throughout the reporting, intake, investigation, adjudication, and resolution process, including all meetings and interviews. An advisor may be a friend, family member, mentor, attorney, union representative, or any other person that a party chooses so long as the advisor is available, except for a member of the campus community who has other adjudicatory responsibilities under this policy or otherwise has a conflict of interest. The College does not appoint an advisor for a party during the investigation phase of the process, but may assist parties in identifying and connecting with an advisor. If a party does not have an Advisor of Choice who will be present for a hearing, the College will appoint a Hearing Advisor for that party for the purposes of the hearing. Advisors must sign an Advisor Conduct Agreement to participate in any resolution process.

During interviews and meetings, the advisor may talk quietly with and ask clarifying questions of their advisee, but are not permitted to answer questions or speak on the behalf of their advisee. Advisors are not permitted to disrupt meetings, interviews, or the process, and are expected to refrain from interference with the investigation and resolution process. An advisor who disrupts or otherwise fails to respect the limits of the advisor role will be warned once. If the advisor continues to disrupt or otherwise fail to abide by the Advisor Conduct Agreement, the advisor will be asked to leave the meeting or interview, and the party will be permitted to select another Advisor of Choice or continue without an advisor present.

A party may consent in writing to authorize the College to share any documentation and evidence related to the allegation(s) with their advisors. Advisors are expected to maintain the privacy of records shared with them. If a party wishes to change advisors during the course of this process, they are expected to provide timely notice to the Title IX Coordinator. If a party requests that all communication be made through their attorney advisor, the College will comply with that request at the discretion of the Title IX Coordinator.

The College will not unreasonably delay the scheduling of meetings or interviews to accommodate an advisor's schedule. The College will make reasonable accommodations to have an advisor attend a meeting or interview via telephone or video chat if the advisor is unable to attend in person.

### **XIII. SUPPORTIVE MEASURES AND ACCOMMODATIONS**

Following a report of gender-based misconduct, the College will offer and implement appropriate and reasonable supportive measures to the parties to help ensure safety and well-being, prevent retaliation, avoid an ongoing hostile environment, and to restore or preserve access to the College's programs and activities. Supportive measures are offered free of charge and are intended to restore or preserve, to the extent practicable, equal access to the College's educational programs. Supportive measures are non-disciplinary, non-punitive individualized services that are implemented in a way that does not unreasonably burden the other party.

Supportive measures and accommodations include, but are not limited to:

- Change in campus housing and academic schedules if these requests are made by a party and are reasonably available;
- Academic accommodations (extensions, excusing absences, opportunities to complete missed coursework, access to academic support, etc.);
- Access to counseling, the Employee Assistance Program (EAP), or support services;
- Changes to work schedules, job assignments, or other work accommodations;
- Access to safety escorts or assisting in transportation changes;
- Mutual No Contact Orders, and in limited circumstances, one-way No Contact Orders;
- Persona Non Grata (PNG) orders; and
- Any other actions deemed appropriate by the Title IX Coordinator.

Additional information about reasonable modifications for pregnancy or related conditions can be found in the [Student Handbook](#).

The Title IX Coordinator will provide information regarding supportive measures and accommodations, and will implement and/or coordinate their issuance. Supportive measures and accommodations are offered regardless of whether a Formal Adjudication Process is initiated. The issuance of supportive measures and/or accommodations is not a conclusion as to whether there has been a violation of College policy. The Title IX Coordinator has the discretion to issue, modify, or remove any supportive measure or accommodation due to new information or change in circumstances.

Parties may request a review of the need for and terms of any supportive measure or accommodation that directly affects them, including for requests that are denied or for supportive measures that are modified or

removed. Requests for review may be based on questions including, but not limited to, whether a supportive measure is reasonably burdensome, is reasonably available, is imposed for punitive or disciplinary reasons, is being imposed free of charge, and/or is effective in meeting the purposes for which it is intended. Parties may submit evidence in support of their request for review. Requests for review should be submitted to the Title IX Coordinator. Requests will be reviewed by an impartial employee who did not make the challenged decision about the supportive measure or accommodation. Parties will be notified of the outcome within 5 days of the request for review. Before modifying a supportive measure or accommodation, the College will notify the other party of the request for modification.

#### **XIV. NO CONTACT ORDERS**

In order to promote safety and civility on campus, the Title IX Coordinator is authorized to issue No Contact Orders (“NCOs”) prohibiting contact between or among students, faculty, and/or staff, when there exists a reasonable concern that physical or psychological harm may result from such contact.

The College will consider all facts and circumstances that may be relevant to whether a NCO should be issued, including, but not limited to, the following factors:

- When there are allegations, threats, or evidence of physical violence or gender based misconduct by one individual against another;
- When there are allegations, threats, or evidence of emotional abuse or harassment by one individual of another;
- When there is a substantial risk of emotional harm from continued contact between individuals;
- When continued contact between individuals may have a material impact on campus disciplinary proceedings; and
- When an NCO is requested or agreed to in good faith by all individuals involved.

Individuals receiving NCOs are to have no contact, direct or indirect, with each other. Contact includes all forms of written communication (texting, social media, email, etc.) as well as personal contact (face-to-face, telephonic, etc.), both on and off campus. This includes indirect contact through other persons or through asynchronous modes of electronic communication. Any additional terms specific to the safety, wellbeing, or other needs of either or both individuals shall be expressly stated in the NCO.

If the individuals observe each other in a public place, the parties shall act to minimize contact with each other. Pursuant to Enough is Enough, the obligation to leave the area immediately and without contacting the reporting individual falls upon the Respondent. NCOs do not guarantee that parties will not see each other. Violations of an NCO should be reported to the Title IX Coordinator. If safety is a concern while on campus, call Security at 845-758-7777. If safety is a concern while off campus, call 911. Bard College is not able to provide immediate or direct assistance off campus. Once issued, an NCO remains in effect until the graduation, withdrawal, termination, or end of employment of at least one of the parties, unless the NCO expressly provides otherwise or is modified or rescinded by the College.

For emergency situations involving personal safety, the Director of Security and the Dean of Student Affairs may issue temporary NCOs, which shall be confirmed, modified, or rescinded by the Title IX Coordinator once all relevant information is reviewed.

Violations of No Contact Orders are subject to discipline under provisions of the Student Handbook, Employee Handbook, Faculty Handbook, or the retaliation provisions of the Gender-Based Misconduct Policy, as appropriate, and could result in additional conduct charges or other disciplinary actions.

#### **XV. EMERGENCY REMOVAL OF RESPONDENTS**

The College can act to remove a student Respondent entirely or partially from its education program or

activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal. The Title IX Coordinator performs the safety and risk analysis in conjunction with the Student Supports Team using its standard objective violence risk assessment procedures. If the individualized safety and risk analysis determines that an immediate threat to the physical health or safety of any student, including the Respondent, or other individual justifies removal, then the Respondent will be removed. Emergency removal is not a substitute for reaching a determination as to a Respondent's responsibility for the allegations.

After determining a Respondent is an immediate threat to the physical health or safety of an individual, the Title IX Coordinator will provide written notice of the emergency removal to both the Complainant and Respondent. This notice will contain: (1) the date the removal is set to begin; (2) the reason for the emergency removal; (3) the consequences of non-compliance; and (4) how to appeal the decision. If Respondent disagrees with the decision to be removed from campus, the Respondent may appeal the decision.

The Respondent must provide written notice of the intent to appeal, which shall include the substance of the appeal, to the Title IX Coordinator within 10 days of receiving the notice of removal. The Respondent has the burden of proof to show that the removal decision was inappropriate.

The Title IX Coordinator will, upon request, meet with the Respondent concerning the appeal to provide an opportunity to show cause why the action/removal should not be implemented or should be modified. This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. When an appeal is not requested in a timely manner, objections to the emergency removal will be deemed waived. A Complainant and their advisor may be permitted to participate in this meeting if the Title IX Coordinator determines it is equitable to do so. This section also applies to any restrictions that a coach or athletic administrator may place on a student-athlete arising from allegations related to Title IX. A Respondent may be accompanied by an Advisor of Choice when meeting with the Title IX Coordinator for the meeting.

The Title IX Coordinator has sole discretion under this policy to implement or stay an emergency removal and to determine the conditions and duration. Violation of an emergency removal under this policy will be grounds for discipline. The College will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. At the discretion of the Title IX Coordinator, alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the parties.

This section does not apply to Respondents who are employees. Where the Respondent is an employee, they may be placed on administrative leave pursuant to the College's policies and/or collective bargaining agreements while a Formal Adjudication Process is pending.

## **XVI. TIMEFRAME AND PRIVACY OF COMPLAINT RESOLUTION**

The College promptly acts upon all reports of gender-based misconduct. The College will work to resolve all reports of gender-based misconduct within 90 days (exclusive of any appeal). Extenuating circumstances may cause a resolution to take longer, including, but not limited to: witness unavailability, academic breaks, the complexity of the allegations, and/or other unforeseen circumstances. The College will act to avoid all undue delays within its control. Any time the general timeframes for resolution outlined in this policy will be delayed, the College will provide written notice of the delay to the parties.

Resolution proceedings are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accordance with College policy. Although there is an expectation of privacy around what investigators share with parties during interviews, the parties have discretion to share their own knowledge and evidence with others if they so choose, with the exception of information the parties agree not to disclose related to Informal Resolution.

## **XVII. INFORMAL RESOLUTION PROCESSES**

The Title IX Coordinator will offer the Informal Resolution Process to the parties after a Complainant makes a complaint. Any party who wishes to initiate an Informal Resolution should contact the Title IX Coordinator. The Title IX Coordinator will evaluate the appropriateness of each matter for the Informal Resolution Process, and initiate this process, when appropriate. It is not necessary to pursue Informal Resolution first in order to pursue a Formal Adjudication Process. Any party participating in Informal Resolution can stop the process at any time and begin or resume the Formal Adjudication Process

An Informal Resolution can include different approaches:

- When the parties agree to resolve the matter through an alternate resolution mechanism (usually before a full investigation takes place); see discussion in Section A.
- When the Respondent accepts responsibility for violating a policy provision and desires to accept a sanction and end the resolution process (similar to above, but usually occurs post-investigation); see discussion in Section B.

Prior to implementing Informal Resolution, the College will provide the parties with written notice of the reported misconduct and any sanctions or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by the College. The College will not pressure the parties to participate in Informal Resolution and will obtain voluntary, written confirmation that all parties wish to resolve the matter through Informal Resolution before proceeding. Results of complaints resolved by Informal Resolution are not appealable.

### **A. Alternate Resolution Mechanism**

At any point prior to a hearing under the Formal Adjudication Process, either party may request to seek resolution using an Alternate Resolution Mechanism. This is an informal process by which the parties reach a mutually agreed upon resolution of an allegation. All parties must consent to the use of Alternate Resolution. Alternate Resolution can include mediation, restorative justice practices, or other dispute resolution mechanisms as deemed appropriate under the circumstances.

The Title IX Coordinator has the discretion to appoint an appropriate alternate resolution facilitator. This person can be from an external agency or internal to the College. The facilitator should be free from conflicts of interest and bias. Either party can elect to meet virtually or have any meeting occur so that the parties are in different rooms and the facilitator “shuttles” between the parties. Should either party terminate the Informal Resolution Process before a resolution is reached, the facilitator will not be available as a witness in any future investigation or hearing. This is in keeping with the concept that the facilitator is impartial and is only facilitating the interaction between the two parties and is not listening or taking notes for any purpose other than assisting the parties.

If a resolution is reached, the facilitator will draft an Informal Resolution Agreement. This written and signed Agreement will indicate that the complaint has been resolved under this policy without the need for further investigation or to pursue the Formal Adjudication Process, and it becomes final once it is signed by both parties. The Title IX Coordinator maintains records of any resolution that is reached, and failure to abide by an Informal Resolution Agreement may result in appropriate responsive/disciplinary actions.

If there is no agreement on a resolution, the complaint will be returned to the Formal Adjudication Process.

### **B. Respondent Accepts Responsibility for Alleged Violations**

The Respondent may accept responsibility for all or part of the alleged policy violations at any point during a resolution process. If the Respondent indicates intent to accept responsibility for all of the alleged misconduct,

the Formal Adjudication Process will be paused, and the Title IX Coordinator will determine whether Informal Resolution is appropriate.

If an Informal Resolution is appropriate, and the parties are able to agree on responsibility, sanctions, and/or remedies, the Title IX Coordinator will draft an Informal Resolution Agreement that includes an accepted finding that the Respondent is in violation of this policy and lists the agreed-upon sanctions and/or remedies, in coordination with other appropriate administrator(s), as necessary. Once the parties have signed an Informal Resolution Agreement, the outcome is not subject to appeal.

## **XVIII. FORMAL ADJUDICATION PROCESS**

When a complaint is made, and an Informal Resolution process is not chosen, the Formal Adjudication Process is initiated. This includes an investigation and hearing.

For employee respondents, the Title IX Coordinator will ensure that this policy and its processes are reconciled in a manner that addresses the complaint while providing all parties with the rights and expectations outlined in the applicable handbook and/or collective bargaining agreement.

### **A. Adjudication Process Pool Members**

The Formal Adjudication Process relies on a pool of administrators to carry out the process. Pool members are appointed by the Title IX Coordinator, in consultation with the Vice President for Administration, and are trained annually. Pool members can serve in the following roles at the discretion of the Title IX Coordinator: to act as advisor to the parties; to serve as an informal resolution facilitator; to serve as a Hearing Chair; and, to serve on an appeal panel. The Pool consists of: Chief of Staff; Vice President for Administration; Vice President for Student Affairs; Dean of the College; Dean of the Early Colleges; Vice President for Institutional Planning and Research; Vice President for Civic Engagement; Dean of Inclusive Excellence; Associate Dean of Students; Director of the Institute for Writing and Thinking; and Director of Equity and Inclusion Programs. The College reserves the right to add or remove individuals from the Adjudication Process Pool.

Pool members must recuse themselves if they have a bias or conflict of interest that might compromise the integrity of the resolution process. If this occurs, the Title IX Coordinator will identify a new Pool member for that role and will notify both parties of the recusal and new Pool member. The Title IX Coordinator retains the discretion to appoint new qualified designees either from the College administration or from an external source as Pool members.

### **B. Notice of Investigation and Allegations**

The Title IX Coordinator will provide written notice of the investigation and allegations (the "NOIA") to the Respondent upon commencement of the Formal Adjudication Process. This facilitates the Respondent's ability to prepare for the interview. The NOIA is also copied to the Complainant, who is to be given advance notice of when the NOIA will be delivered to the Respondent.

The NOIA will include:

- A meaningful summary of all of allegations;
- The identity of the involved parties (if known);
- The precise misconduct being alleged;
- The date and location of the alleged incident(s) (if known);
- The specific policies implicated;
- A summary of the investigation and resolution process;
- A statement that the parties are entitled to an equal opportunity to inspect and review evidence obtained as part of the investigation that is directly related to the allegations, including inculpatory or exculpatory

evidence, and to submit a written response within 10 days of receiving said evidence and to have that written response considered by the investigator prior to the investigative report being finalized;

- A statement that the parties are entitled to review the investigative report at least 10 days prior to any hearing and to respond in writing;
- A statement that the parties are entitled to a live hearing with cross examination;
- A statement that the Respondent is presumed not responsible and a determination regarding responsibility is made at the conclusion of the adjudication process;
- A statement that parties have a right to an Advisor of Choice, who may be an attorney;
- A statement that knowingly submitting false statements is prohibited; and
- A statement that retaliation is prohibited.

The Title IX Coordinator may update a NOIA as the investigation progresses and more information becomes available regarding the addition or dismissal of various charges.

Notice will be made in writing and sent via email to the party's College-issued email or designated accounts. Notice will be presumptively delivered once emailed.

### **C. Investigation**

When the Title IX Coordinator initiates a formal investigation, they will appoint an Investigator to conduct a thorough, impartial, reliable, and prompt investigation of the alleged misconduct. The College may appoint any qualified investigator, either internal or external to the College. To the extent possible, the Investigator will interview each party and all relevant witnesses, conduct follow-up interviews as necessary, and gather all available relevant evidence. Employees are required to participate in an investigation. Students may decide to not participate in the investigation or the hearing. The Investigator will determine the order and method of investigation, including which questions are asked of parties and witnesses.

The Investigator will provide the parties and witnesses with an opportunity to review summary notes from their interview. The Investigator will only ask relevant questions; questions are relevant when they seek evidence that may aid in showing whether or not the alleged misconduct occurred.

All parties will be given an equal opportunity to present information. This includes the opportunity to present witnesses and other evidence that the party believes tends to prove or disprove the allegations. However, the burden of gathering evidence to determine whether or not a policy violation has occurred always remains with the College. The Investigator may decline to interview any witness or to gather information they do not believe is relevant. Character witnesses are not permitted.

Evidence about the Complainant's sexual predisposition or prior sexual behavior is not allowed, unless it is being offered to prove that someone other than the Respondent committed the alleged conduct, or it concerns specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Evidence about a party's mental health diagnosis and/or treatment (including medical, psychological, and similar records) may not be introduced unless that party has provided their voluntary and written consent for such material to be made part of the investigation.

No unauthorized audio or video recording of any kind is permitted during investigation meetings. If the Investigator elects to audio and/or video record interviews, all involved parties must be made aware of such recording.

An investigation may be extended for good cause, such as witness unavailability or breaks in the academic schedule, or other similar circumstances. The College will work to complete each investigation within 60 days.

## **D. Opportunity for Inspection and Review of Evidence**

The Complainant and Respondent will be provided an equal opportunity to inspect and review any evidence obtained in the investigation directly related to the allegations, regardless of whether the information will be relied on in reaching a determination. Prior to obtaining access to the recording, parties must sign an Evidence Use Agreement. Prior to the completion of the investigative report, the Complainant and Respondent, and each party's Advisor of Choice, if any, will be provided a copy (which may be sent in hard copy or electronic format or made available through an electronic file sharing platform) of the evidence, subject to redaction permitted and/or required by law. The Complainant and Respondent will be provided with at least 10 days to submit a written response, which the Investigator will consider prior to completion of the investigative report. The Investigator will determine if additional investigation is necessary and, if so, will complete any additional investigative steps.

## **E. Investigative Report**

At the conclusion of the investigation, the Investigator will complete a written investigative report that fairly summarizes all relevant evidence. The Investigator need not include information in the investigative report that the Investigator determines not relevant or otherwise excludable. The Investigator will submit the investigative report to the Title IX Coordinator. The Title IX Coordinator will share a copy of the investigative report with the Complainant, Respondent, and any advisors at least 10 days prior to a hearing. Parties will be given an opportunity to access the evidence file upon request and respond to the investigative report and evidence in writing prior to the hearing.

## **F. Referral for a Hearing**

Provided that parties do not wish for the complaint to be resolved through an Informal Resolution Process, the Title IX Coordinator will refer the matter for a hearing. Hearings will be held using virtual conferencing technology, and the Title IX Coordinator will provide an access link prior to the hearing.

The Title IX Coordinator will designate a Hearing Chair. The Hearing Chair will be responsible for conducting a hearing and serving as decision-maker. The Title IX Coordinator has discretion to appoint additional hearing panel members. The Title IX Coordinator or Deputy Title IX Coordinator may act as a Hearing Facilitator. The Hearing Facilitator will not serve as a decision-maker and will be present only to assist with logistics and to help address any procedural concerns that arise during the hearing.

## **G. Notice of Hearing**

The Title IX Coordinator will send a notice of hearing to the parties at least 10 days prior to the hearing. The notice will contain:

- The time and date of the hearing;
- The policy violations that the Respondent is charged with violating and the range of sanctions, should they be found responsible;
- An overview of the format of the hearing;
- A list of all those who will attend the hearing, including the name of the Hearing Chair. The notice will inform the parties that they may challenge the selected Hearing Chair on the basis of conflict or bias, provided such challenge is submitted to the Title IX Coordinator in writing, detailing the rationale for the objection, at least 2 days prior to the hearing. Bias or conflict of interest will be judged by an objective standard (whether a reasonable person would conclude the Hearing Chair is biased).
- A statement that if any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence.
- Notification that the parties may have the assistance of an Advisor of Choice at the hearing. The party must notify the Title IX Coordinator at least 2 days prior to the hearing of the name of their Advisor of Choice or if

- they do not have an Advisor of Choice that will attend the hearing and they will need a Hearing Advisor.
- An invitation to each party to submit to the Title IX Coordinator an impact statement prior to the hearing that will be submitted to the Hearing Chair for review during any sanction determination. The Hearing Chair will only review the impact statements after a determination of responsibility has been made.
  - An invitation to contact the Title IX Coordinator to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing. The party must notify the Title IX Coordinator at least 2 business days prior to the hearing if they have a need for accommodations.

The Title IX Coordinator may postpone a hearing for good cause, as determined by the Title IX Coordinator. Good cause may include, without limitation, unavailability of one or more participants due to unanticipated events or circumstances, the timing of academic breaks or holidays, or other extenuating circumstances.

Hearings that are unable to be resolved prior to the end of an academic term will typically be held immediately after the end of the term, as needed, to meet the resolution timeline followed by the College. In these cases, if the Respondent is a graduating student, a hold may be placed on graduation and/or official transcripts until the matter is fully resolved (including any appeal).

#### **H. Pre-Hearing Preparation**

Prior to the hearing, parties may submit questions they would like to ask of the other party and any witnesses during the hearing. Identifying witnesses that a party wishes to call and submitting questions in advance will allow the Hearing Chair to evaluate the relevance of proposed questions in advance, and therefore help the hearing run more efficiently. This does not preclude parties from conducting cross examination through their advisors directly, orally and in real time at the hearing, including asking questions in addition to those submitted in advance. The Hearing Chair will share any rulings on the relevance of proposed questions at the hearing. The Hearing Chair may consult with legal counsel and/or the Title IX Coordinator regarding these decisions.

If all parties agree, the Hearing Chair may decide prior to the hearing that certain witnesses do not need to be present at the hearing.

#### **I. Hearing Participants**

Hearing participants will typically include the Hearing Chair, the Complainant and the Respondent, their respective advisors, and witnesses (solely during their own testimony). Hearings are private. Observers or additional support personnel, other than the parties' advisors, are not allowed unless deemed necessary by the Title IX Coordinator for purposes such as accommodation of a disability.

#### **J. Advisors**

The Complainant and the Respondent must each have an advisor present with them during the hearing. If a party has not identified an Advisor of Choice prior to the hearing, the College will provide, without fee or charge to that party, a Hearing Advisor of the College's choice. All advisors must sign an Advisor Conduct Agreement to participate in a resolution process.

Except with respect to questioning as described below, an advisor's role in a hearing is limited to supporting and consulting with their advisee. An advisor may not present evidence, address the Hearing Chair during the hearing, object to any aspect of the proceeding, or disrupt the hearing in any way. Any consultation with the advisee while the hearing is in progress must be done in a quiet, non disruptive manner or in writing.

If a party's Advisor of Choice refuses to comply with the College's established rules of decorum during the hearing, the College may require the advisor to leave the hearing. If a Hearing Advisor refuses to comply with the rules of decorum, the College may provide that party with a different Hearing Advisor.

## **K. Evidentiary Consideration & Procedural Issues During Hearings**

Only relevant and not otherwise impermissible questions will be asked of a party or a witness. The Hearing Chair will determine whether a question is relevant. Impermissible questions and evidence includes questions and evidence about the Complainant's sexual predisposition or prior sexual behavior (unless such questions and evidence are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent) and questions and evidence about a party's mental health diagnosis and/or treatment, including medical, psychological, and similar records, (unless that party has provided their voluntary and written consent for such material to be made part of the investigation).

The Hearing Chair may consult with the Hearing Facilitator to address any procedural issues that arise during the hearing. If the parties raise an issue of bias or conflict of interest of an Investigator or Hearing Chair at the hearing, the Hearing Chair may elect to address those issues, consult with legal counsel and/or the Title IX Coordinator, and/or preserve the issues for appeal.

## **L. Hearings**

Hearings will begin with an opportunity for an Opening Statement by the Complainant, followed by an opportunity for an Opening Statement by the Respondent. The Complainant, Respondent, and witnesses may then be questioned by the Hearing Chair and, if desired, by advisors on behalf of the parties. The Chair may also ask their own follow-up questions. An advisor's questioning of the other party and any witnesses must be conducted in a respectful, non-intimidating, and non-abusive manner.

The Hearing Chair will permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Questioning must be conducted by the party's advisor in a respectful, non-intimidating and non-abusive manner, and never by a party directly. Advisors must submit each proposed question in writing to the Chair for review before posing that question to a party or witness. Only relevant questions may be asked by a party's advisor to a party or witness. The Chair will first determine whether the question is relevant and explain any decision to exclude a question as not relevant. The Chair will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive. If a question is not permitted, the Chair will acknowledge that decision on the record, and the advisor will not ask the question. The Chair has final say on all questions and determinations of relevance, and these decisions are not subject to objection or reconsideration during the hearing. The Chair may consult with legal counsel on any questions of relevance or admissibility.

If a party or witness chooses to not answer questions at the hearing or to not attend the hearing, the Hearing Chair may still rely on prior statements made by that party or witness. The Chair may not draw any inference as to responsibility based solely on a party's or witness's absence from the hearing or refusal to answer cross-examination questions, but may choose to place less or no weight upon statements by a party or witness who refuses to respond to questions deemed relevant and not impermissible.

After questioning is completed, each party will have an opportunity to make a Closing Statement, beginning with the Respondent. The Chair will then close the hearing and proceed to deliberation.

Hearings (but not deliberations) will be recorded by the College. The parties may not record the proceedings, and no unauthorized recordings are permitted. Parties and their advisors may not use cell phones or recording devices during the hearing. The hearing recording will be made available to the parties, upon request, for inspection and review. Prior to obtaining access to the recording, parties must sign an Evidence Use Agreement. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator.

## **M. Hearing Determinations**

The Hearing Chair will use the “preponderance of the evidence” standard of proof, which requires a determination as to whether it is more likely than not that a policy violation occurred. The Hearing Facilitator will remain available to answer any procedural questions by the Hearing Chair and any hearing panel members.

When there is a finding of responsibility on one or more of the allegations, the Hearing Chair will also determine sanctions. The Hearing Chair will consider previously submitted impact statements in determining appropriate sanctions. The Hearing Chair will ensure that each of the parties has an opportunity to review any impact statement submitted by the other party. In addition to any impact statements, factors considered when determining sanctions may include:

- The nature and severity of, and circumstances surrounding, the violation(s);
- The Respondent’s state of mind at the time of the violation(s) (intentional, knowing, bias-motivated, reckless, negligent, etc.);
- The Respondent’s previous disciplinary history;
- The need to remedy the effects of the conduct on the Complainant and/or the community;
- The impact of potential sanctions on the Respondent;
- Sanctions imposed by the College in other matters involving comparable conduct; and
- Any other lawful factors deemed relevant by the Hearing Chair.

## **N. Notice of Outcome**

The Hearing Chair will issue a written Notice of Outcome sent simultaneously to the parties within 10 days of the hearing. This notice will include:

- A description of the allegations that were adjudicated;
- Information about the policies and procedures that the College used to evaluate the allegations;
- A description of the procedural steps taken from the submission of the complaint through the determination, including notifications to the parties, interviews with parties and witnesses, methods used to gather other evidence, and hearings held;
- Findings of fact supporting the determination;
- Conclusions regarding the application of the policy to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility;
- Any disciplinary sanctions to be imposed on the Respondent, and whether remedies designed to restore or preserve equal access to the College’s educational programs or activities will be provided to the Complainant;
- When there is a determination that prohibited conduct occurred, a statement that remedies other than the imposition of disciplinary sanctions will be provided by the College to the Complainant, and, to the extent appropriate, other students identified by the College to be experiencing the effects of the sex-based harassment; and
- The procedures and permissible bases for the Complainant and Respondent to appeal.

## **XIX. SANCTIONS**

Sanctions may be impacted by information deemed relevant by the Hearing Chair, including, but not limited to: severity of the violation; motivation of behavior; disciplinary record; the impact on the parties; the need to remedy the effects of the discrimination and/or harassment on the Complainant and the community; and the impact of safety concerns to the greater campus community.

If the Respondent is a faculty member, sanctions will be determined by the Dean of the College and/or the

President of the College in accordance with the Faculty Handbook and the AAUP Contract. If the Respondent is a staff member, sanctions will be determined by the VP of Administration or the Director of Human Resources in accordance with any applicable collective bargaining agreements.

A student, organization, or employee found to have violated the Gender-Based Misconduct Policy may be subject to sanctions and/or directives as deemed appropriate by the Hearing Chair, including: written reprimand/warning; disciplinary probation; change in academic or employment schedule; change in residence; removal from on campus or College-owned housing; a permanent No Contact Order; educational programming; reflective writing; counseling; community restitution; prohibition from certain Bard facilities and/or activities; prohibition from campus; suspension; expulsion; admission revocation; revocation of awards, honors, or leadership positions; withholding of degree; degree revocation; demotion; termination; or a combination of these.

Previous disciplinary action of any kind involving the Respondent may be considered in determining an appropriate sanction upon a determination of responsibility. This information is only considered at the sanctioning stage of the process, and is not shared with the Hearing Chair until then.

All Respondents are expected to comply with the assigned sanctions within the timeframe specified by the Hearing Chair and/or appeal panel. Sanctions including a suspension may require a Respondent to verify compliance with all assigned sanctions prior to returning to the College. Failure to abide by or complete the sanctions may result in additional sanctions, and may be noted on a student's official transcript.

## **XX. REMEDIES**

If there is a determination that gender-based misconduct occurred, the Title IX Coordinator will, as appropriate, coordinate the provision and implementation of remedies to the Complainant and any other people the College identifies as having had equal access to the College's education program or activity limited or denied by prohibited conduct.

The Title IX Coordinator will also take other appropriate, prompt, and effective steps to ensure that prohibited conduct does not continue or recur within the College's education program or activity. Such efforts may include additional training and awareness programs for individuals or the College community.

## **XXI. THE APPEAL PROCESS**

A Respondent or Complainant may appeal: (1) a determination regarding responsibility; and/or (2) the College's dismissal of a complaint or any allegations therein. Any party may make a Request for Appeal in writing to the Title IX Coordinator within 5 days from the delivery of the Notice of Outcome or, in the case of an appeal of a dismissal, the written notification of the dismissal notice. If a Request for Appeal does not meet the grounds in this policy, the Appeal Chair will deny the request and send the parties and their advisors a written notice of the denial and the rationale.

In any case where a Respondent is a College employee, the Title IX Coordinator will have discretion to appoint a single Appeal Officer to decide the appeal, and the Appeal Officer's decision shall be final.

For other matters, the Title IX Coordinator will designate a three-member appeal panel chosen from the Formal Adjudication Process Pool, including an Appeal Chair. The appeal panelists will not include any of the same individuals who served as Hearing Chair or hearing panel members, the Investigator(s), or the Title IX Coordinator. The eligible grounds on which an appeal may be based are:

1. Procedural irregularity that affected the outcome of the matter;
2. 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; and/or

3. The Title IX Coordinator, Investigator, or Hearing Chair had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent in the matter that affected the outcome of the matter.

Dissatisfaction with the outcome does not constitute grounds for appeal.

When a party submits a written notice of its intent to appeal, identifying one of the appeal grounds above, the College will notify the other party in writing and implement appeal procedures equally for both parties. If no written notice of either party's intent to appeal is sent within the 5 days of the appealable decision, the Notice of Outcome or notice of dismissal becomes final.

Each party will be given a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome. Each party will have at least 5 days to submit its written statement. Changes to a finding will only be made when there is clear error and to the sanction/responsive action only if there is a compelling justification to do so. The appeal panel may consult with the Title IX Coordinator on questions of procedure or rationale, for clarification, if needed. The Title IX Coordinator will maintain documentation of all such consultation. All decisions are by majority vote and apply the preponderance of the evidence standard.

The appeal panel will issue a written decision describing the result of the appeal and the rationale. This decision will be provided to both parties simultaneously and in writing. Once the appeal decision has been sent to the parties, the appeal decision is final.

In rare cases where a procedural or substantive error cannot be cured by the original Hearing Chair (as in cases of bias), the appeal may order a new hearing with a new Hearing Chair. The results of a new hearing can be appealed, once, on any of the three available appeal grounds.

### **Sanctions Status During the Appeal**

Any sanctions imposed as a result of the hearing are stayed during the appeal process. Supportive measures may be reinstated, subject to the same supportive measure procedures above.

## **XXII. GENDER-BASED MISCONDUCT TRANSCRIPT NOTATION**

Bard College shall make a notation on the transcript of a student found responsible for violating the College's Gender-Based Misconduct Policy and sanctioned with suspension or expulsion that they were "suspended after a finding of responsibility for a code of conduct violation" or "dismissed after a finding of responsibility for a code of conduct violation." If a student Respondent withdraws from Bard College after Respondent has been put on notice of the investigation, while such conduct charges are pending, and declines to complete the disciplinary process, Bard shall make a notation on the student's transcript that they "withdrew with conduct charges pending."

Students who are suspended after a finding of responsibility for a gender-based misconduct violation may submit a written appeal to the Title IX Coordinator requesting that the notation be removed from their transcript. Such a notation shall not be removed prior to one year after the conclusion of the suspension. Notations for dismissal will not be removed. If a finding of responsibility is vacated for any reason, any such transcript notation shall be removed.

## **XXIII. PREVENTION AND ASSESSMENT**

### **A. Prevention Education**

Bard College conducts a comprehensive student and employee onboarding and ongoing education campaign to educate members of its community about discrimination, harassment, domestic violence, dating violence,

stalking, and sexual assault. The College trains all new employees and students (whether first-year or transfer, undergraduate, graduate, or professional) regarding its policy, resources, institutional assistance, and consequences and sanctions for individuals who commit these violations. Additionally, the College offers all students access to such training programs and educational activities.

The College requires that each student leader and officer of student organizations recognized by the College complete training on domestic violence, dating violence, stalking, and sexual assault prior to receiving recognition or registration, and requires that each student athlete complete training prior to participating in intercollegiate athletic competition.

The College regularly assesses its programs and policies to determine effectiveness and relevance.

## **B. Campus Climate Assessments**

Consistent with New York State law, Bard College will conduct campus climate assessments which will be administered no less than every other year to ascertain general awareness including student experiences with and knowledge of reporting and College adjudicatory processes. Climate assessments will be developed using standard and commonly recognized research methods.

## **XXIV. STUDENTS' BILL OF RIGHTS**

All students have the right to:

- Make a report to local law enforcement and/or state police;
- Have disclosures of domestic violence, dating violence, stalking, and sexual assault taken seriously;
- Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure by the institution;
- Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
- Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services, where available;
- Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed or should have acted in a different manner to avoid such crimes or violations;
- Describe the incident to as few institution representatives as practicable and not be required to unnecessarily repeat a description of the incident;
- Be protected against retaliation by the College, any student, the accused and/or the Respondent, and/or their friends, family and acquaintances within the jurisdiction of the College;
- Access to at least one level of appeal of a determination;
- Be accompanied by an Advisor of Choice who may assist and advise a reporting individual, accused, or Respondent throughout the judicial or conduct process, including during all meetings and hearings related to such process; and
- Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the College.

## **XXV. PARENTAL NOTIFICATION**

The College's ability to notify parents or guardians about any complaints or allegations made with respect to this policy is limited by federal law and state law, including but not limited to the Family Educational Rights and Privacy Act (FERPA) and New York State Education Law 129-B ("Enough is Enough").

## **XXVI. RECORDS RETENTION POLICY**

The College will maintain disciplinary files and files in connection with proceedings under this policy for 7 years. After 7 years, the files will no longer be available, except in cases resulting in expulsion or suspension. All records maintained by the College are subject to the Family Educational Rights and Privacy Act (FERPA) and are in accordance with New York State law and any other applicable federal law.

For more information regarding FERPA, please refer to the College's Notification of Rights Under FERPA, located at [www.bard.edu/about/disclosures](http://www.bard.edu/about/disclosures).

## **XXVII. REPORTING CRIME STATISTICS AND AGGREGATE DATA**

The federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act requires Bard College to annually publish the number of reported incidents of certain crimes on or near campus, some of which constitute gender-based misconduct under this policy. Information available to the public in the College's Annual Security Report does not include details of any reported incident or identifying information. The College's Annual Security Report can be found at [www.bard.edu/security](http://www.bard.edu/security).

Additionally, Bard College is required by New York State Education Law Article 129-B to annually submit to the State Education Department aggregate data concerning reports of sexual assault, dating violence, domestic violence, and stalking made to the College. Information provided to the State Education Department does not include details of any reported incident or identifying information.

## **XXVIII. ADDITIONAL INFORMATION**

Additional information and resources can be found at [www.bard.edu/nondiscrimination](http://www.bard.edu/nondiscrimination).