TITLE IX POLICY

Table of Contents:

1. Notice of Nondiscrimination ........................................................................................................... 2
2. Policy Statement ................................................................................................................................. 2
3. Scope of Policy ................................................................................................................................... 3
4. Definitions of Gender-Based Misconduct ......................................................................................... 3
5. Additional Definitions ......................................................................................................................... 5
6. Confidential Reporting and Immediate Assistance ........................................................................... 7
   a. On-Campus Resources .................................................................................................................. 8
   b. Off-Campus Resources ................................................................................................................ 8
7. Confidential Reporting and Immediate Assistance ........................................................................... 8
   a. Institutional Report ....................................................................................................................... 8
   b. Anonymous Report ..................................................................................................................... 9
   c. Criminal Report .......................................................................................................................... 10
8. Institutional Investigation Procedures ............................................................................................... 11
9. Notification to Parties ......................................................................................................................... 12
10. The Appeal Process ......................................................................................................................... 13
11. Good Samaritan Protections ............................................................................................................ 14
12. Interim Measures .............................................................................................................................. 14
13. Contact Information ......................................................................................................................... 15
14. Investigation Rights .......................................................................................................................... 15
15. Parental Notification ......................................................................................................................... 16
16. File Retention Policy ........................................................................................................................ 16
17. Public Record Keeping ...................................................................................................................... 16
18. Additional Information ...................................................................................................................... 17
19. Relevant Government Resources .................................................................................................... 17
20. Grievances against the College’s Gender-Based Misconduct Policy .............................................. 17

This policy is subject to review and revision on a regular basis. Please contact the Title IX Office to ensure you have the latest version of this policy.

6/29/2015
1. NOTICE OF NONDISCRIMINATION

Bard College Berlin, as a branch campus of Bard College (USA), is an equal opportunity employer 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 all otherwise qualified applicants. 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.

2. POLICY STATEMENT

Bard’s gender-based misconduct policy is 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, 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, and Section 304 of the Violence Against Women Reauthorization Act. These laws and the College prohibit discrimination and harassment, including gender-based misconduct.

Bard College and its affiliated programs, including Bard College Berlin, are committed to providing a learning environment free from sexual and gender-based harassment, discrimination, and assault (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, the College provides services and advocacy support for individuals who have been impacted by gender-based misconduct, as well as accessible, prompt, and thorough methods of investigation and resolution of incidents of gender-based misconduct.

Additionally, the College provides educational and preventative programs for employees and students throughout the academic year that promote awareness of intimate partner violence, sexual assault, and stalking. These include: primary prevention and awareness,
definitions of domestic and intimate partner violence, dating violence, sexual assault, stalking, consent, bystander intervention techniques and safe practices, and risk reduction in the form of recognizing warning signs and how to avoid unwelcome interaction.

The gender-based misconduct 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. The College’s policy against discrimination, harassment, gender-based misconduct, and retaliation is not intended to stifle these freedoms. Prohibited discrimination, harassment, and retaliation are neither legally protected expression nor the proper exercise of academic freedom.

3. SCOPE OF POLICY

The College will respond to all alleged incidents of gender-based misconduct, inclusive of sexual harassment, gender-based harassment, nonconsensual sexual intercourse, nonconsensual sexual contact, intimate partner violence, stalking, and sexual exploitation reported to have occurred:

- on campus;
- off campus involving members of the Bard community;
- through social media or other online interactions involving members of the Bard community, particularly if campus safety is affected;
- during official Bard programs, regardless of location.

Action taken and support provided regarding incidents of misconduct involving contract employees, visitors, and guests may be limited; however, the College will endeavor to respond, sanction and/or remedy to the extent possible, practical, and reasonable.

4. DEFINITIONS OF GENDER-BASED MISCONDUCT

Sexual Harassment: Sexual harassment is defined as unwelcome, sexually based verbal, written, visual, or physical conduct.

Sexual harassment creates a hostile environment, and may be disciplined when it is

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1 These definitions are pursuant to the Office of Civil Rights’ guidelines.
2 A hostile environment exists when there is unwelcome conduct of individuals in the educational or work environment, creating an atmosphere that is intimidating, hostile, abusive, or offensive to the reasonable person. A reasonable person, as defined in tort and criminal law, is a hypothetical person in society who exercises average care, skill, and sober judgment in conduct.
sufficiently severe, persistent, or pervasive that it:

- has the effect of unreasonably interfering with, denying, or limiting employment opportunities or the ability to participate in or benefit from the College’s educational, social, and/or residential program; and/or is
- based on power differentials (quid pro quo3), the creation of a hostile environment, or retaliation.

Gender-Based Harassment: Acts of verbal, nonverbal, or physical aggression, intimidation, stalking, or hostility based on gender or gender stereotyping constitute gender-based harassment. Gender-based harassment can occur if persons are harassed either for exhibiting what is perceived as a stereotypical characteristic for their sex, or for failing to conform to stereotypical notions of masculinity or femininity. In order to constitute harassment, the conduct must be severe, persistent, and/or pervasive, such that it has the effect of unreasonably interfering with an individual’s academic or employment performance or creating an intimidating, hostile, or offensive academic, living, or working environment.

Intimate Partner Violence (inclusive of domestic and dating violence): The willful intimidation, economic control, manipulation, humiliation, isolation, coercion, threat of or actual physical harm as part of a systematic pattern of power and control perpetrated by one intimate partner against another. It includes physical violence, sexual violence, psychological violence, and emotional abuse. Intimate partner violence can be a single act or a pattern of behavior in a relationship. Intimate partner relationships are defined as short- or long-term relationships (current or former) between persons, intended to provide some emotional, romantic, and/or physical intimacy.

Stalking: A course of conduct directed at a specific person that would cause a reasonable person to feel fear. 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.

Sexual Misconduct

Nonconsensual Sexual Intercourse: Any form of sexual intercourse (anal, oral, or vaginal), however slight, with any object or body part, upon any person, that is by

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3 Quid pro quo is defined as sexual harassment that occurs when employment or academic decisions resulting in a significant change of status are based on an employee’s or student’s submission to or rejection of unwelcome verbal or physical sexual conduct.
force and/or without consent. Intercourse is defined as anal, oral, or vaginal penetration by an inanimate object or another’s body part.

**Nonconsensual Sexual Contact:** Any intentional sexual touching, however slight, with any object or body part, upon any person, that is by force and/or without a person’s consent. Intentional sexual conduct may include contact with the breasts, buttocks, groin, or touching another with any of these body parts, or making another person touch any of these body parts; any intentional bodily contact of a sexual manner.

**Sexual Exploitation:** Sexual exploitation occurs 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 video- or audiotaping of sexual activity
- Nonconsensual posting, sharing, or publicizing of compromising images
- Going beyond the boundaries of consent (such as letting a friend/friends hide in the closet to watch consensual sexual activity)
- Exposing one's genitals or inducing another to expose their genitals in nonconsensual circumstances
- Sexually based hazing and/or bullying

**5. ADDITIONAL DEFINITIONS**

**Consent:** The presence of consent involves words or actions communicating permission, agreement, or approval for mutually agreed-upon sexual contact. Effective consent should be obtained for every new sexual contact. Prior consent to sexual interaction does not imply consent to future sexual interaction. Consent to one form of sexual activity may not automatically imply consent to other forms of sexual activity. Consent, once given, can be withdrawn at any time.
Sexual contact with someone who is incapacitated by alcohol or other drugs, or who is physically unable to resist, is prohibited.

**Consent, or effective consent, exists when:**

- communication has occurred between all partners in any sexual encounter and consent is freely given; or
- consent has been communicated verbally or by action(s) and it is mutually understood and agreed upon.

**No consent, or ineffective consent, exists when:**

- communication has not occurred in a mutually understandable way, either verbally or by actions; or
- there is a partner who is not engaged or interactive; or
- there is coercion, threat, intimidation, or force; or
- nonverbal cues, such as avoidance of physical contact, are ignored; or
- a sexual partner is incoherent or unconscious; or
- a sexual partner is a minor (under the age of 17 in New York State); or
- a sexual partner is mentally or physically incapacitated.

Note: Silence by itself does not constitute consent to a new sexual act.

**Complainant:** Student(s), employee(s), and/or guest(s) of, or visitor(s) to, Bard College who allege that they have been subjected to gender-based misconduct. Complainants may be individuals or groups of individuals who allege that they have been the victim(s) of gender-based misconduct.

**Respondent(s):** Student(s), employee(s), and/or guest(s) of, or visitor(s) to, Bard College who are alleged to have violated this policy. Respondents may be individuals, groups, programs, academic or administrative units.

**Witnesses:** Persons who have information about the incident that will tend to prove, disprove, or otherwise inform an investigation of a complaint.

**Inquiry:** A request from a member of the College community for information about the policy, procedures, and resources available for addressing and supporting incidents of gender-based misconduct.

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4 Incapacitation is defined as the inability, even temporarily, to give consent because the individual is mentally and/or physically helpless, asleep, unconscious, or unaware that sexual activity is occurring.
Institutional Investigation: A fact-finding inquiry that attempts to determine whether Bard’s policy prohibiting gender-based misconduct has been violated. The investigator will pursue all relevant, disclosed witnesses and other information and will advise if additional potential violations are being investigated based on the information elicited.\(^5\)

Reasonable Person: A phrase frequently used in tort and criminal law to denote a hypothetical person in society who exercises average care, skill, and sober judgment in conduct.

Retaliation: To take an adverse action against an individual or subject an individual to conduct that has the purpose or effect of unreasonably interfering with that individual’s educational experience, work or academic performance, or creates an educational experience or academic or work environment that a reasonable person would find intimidating or hostile because of something that individual did to further this policy. This may include complainants, respondents, witnesses, and other reporting persons.

6. CONFIDENTIAL REPORTING AND IMMEDIATE ASSISTANCE

Any member of the Bard community, or a guest or visitor, who believes they have been subjected to gender-based misconduct should seek support through at least one of the resources listed below. Behaviors that do not rise to the level of policy violations can 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 well-being of its community members. If you, or someone you know, have experienced gender-based misconduct, please do not hesitate to seek assistance.

Information provided to the resources listed below will not be disclosed to anyone outside of the conversation without stated permission, unless there is an immediate threat to self or others. Rules of civil and criminal procedure and law may result in certain records and conversations being subject to subpoena. Under those circumstances, confidentiality may only attach in matters involving medical and pastoral providers.

\(^5\) An institutional investigation is a separate process from a criminal investigation, which can occur concurrently. An institutional investigation is conducted to determine if a policy has been violated. Information cannot be subpoenaed by the investigator conducting the institutional investigation.
a. On-Campus Resources at Bard Annandale Campus (available to Bard College Berlin students)

- BRAVE 24/7 Counselors (Ask for BRAVE) +1 845-758-7777
- Counseling Services +1 845-758-7433
- Health Services +1 845-758-7433
- EAP (Employee Assistance Program) +1 800-272-7255
- Chaplaincy +1 845-758-7335

b. Bard College Berlin on-campus resources

Counseling counselling@berlin.bard.edu

c. Off-Campus Resources In Germany

- BCB Primary Care Physician Dr. Sabine Regling 030 4849-3503
- Local Helpline HILFETELFON 08000 116 016

d. Off-Campus Resources in the USA

- Rape/Sexual Assault Hotline +1 845-452-7272
- Grace Smith House +1 845-452-7155
- LGBTQ Antiviolenace +1 212-714-1141
- RAINN (Rape, Abuse, and Incest National Network) +1 800-656-4673 (HOPE)
- National Domestic Violence Hotline +1 800-799-7233 (SAFE)

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 if Bard is made aware of such reports.

7. FORMAL REPORTING

a. Institutional Report

Any member of the community who wishes to file a report for gender-based misconduct may do so by following the procedures outlined below. Any responsible employee\(^6\) with knowledge of gender-based misconduct occurring among members of the Bard community must contact the Title IX Office located at Bard Annandale to file a report. Individuals who wish to submit a report, or have questions regarding the reporting procedures for gender-based misconduct, may meet in person or talk by telephone with the Title IX Coordinator, or

\(\text{\textsuperscript{6}}\) A responsible employee is defined as any Bard administrator, faculty, professional staff member or peer counselor. 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 Title IX Office.
designee, to discuss the process, policies, resources, their institutional rights, as well as rights for reporting to the local authorities. They may also discuss options for no-contact notices through the College or local law enforcement and orders of protection through the court system. When information pertaining to specific incidents of alleged gender-based misconduct is shared, the Title IX Office 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. However, this does not mean a formal investigation is automatically initiated.

Bard College’s primary concern is student and employee safety. Sometimes individuals are reluctant to report instances of gender-based violence because they fear being charged with policy violations, such as underage drinking or illegal use of a controlled substance. To encourage reporting, limited immunity will be given for minor violations, such as illegal drug and/or alcohol consumption.

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

- by phone (+1 845-758-7542),
- by e-mail (titleix@bard.edu),
- through the online reporting system at www.bard.edu/security and click on form under “Community Reporting” heading.

**Title IX Coordinator**

Tamara Ellis Stafford  
+1 845-758-7542  
titleix@bard.edu

**b. Anonymous Report**

Anonymous reports may be submitted to the Title IX Coordinator through campus or regular mail at:

Tamara Ellis Stafford  
102 Gahagan House  
Bard College  
Annandale-on-Hudson, NY 12504-5000  
USA

Due to restricted identifying information, the College’s ability to investigate and respond to anonymous complaints may be limited.
Reporting Outside Institution

Misconduct Reporting Line +1 888-323-4198

Any person who feels uncomfortable, compromised, or otherwise unable to file a complaint through the channels set forth above may make a report via the Misconduct Reporting Line. Reports of alleged violations of this policy may be made anonymously to the Misconduct Reporting Line; however, it is important to note that this is not a confidential reporting line. Individual identities may be disclosed through the process of investigation. Reports made to the Misconduct Reporting Line telephone number will be received by and responded to by a person outside of the Bard community. That person will determine, based upon the allegations made, whether this is a matter which constitutes an alleged violation of this policy. Alleged violations of this policy will be referred for investigation in accordance with the procedures set forth herein. Accommodations will be made, if necessary, based upon the specific allegations made. Any reports received via the Misconduct Reporting Line will be filed for statistical purposes, even if made anonymously.

Reports involving alleged misconduct against the Title IX Office may be made through this reporting line.

FALSE REPORTING: An individual who is determined to knowingly have made false complaints, accusations, or provide 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 Report

Individuals have the right to decide whether or not to file a report with the New York State Police or the local enforcement agency where the misconduct occurred. Individuals may also choose to file a criminal complaint in Germany. The Title IX Coordinator is available to assist individuals in the process of reporting criminal complaints. What constitutes a criminal act will be defined by the penal code of the jurisdiction in which the misconduct allegedly occurred. The College system and legal system have investigation processes that work independently of each other and can happen concurrently. The burden of proof in a criminal proceeding is different than the burden of proof mandated by law for violations of Title IX.

To file a criminal report, individuals may contact:

- New York State Police (+1 845-876-4194)
• Red Hook Police Department (+1 845-758-0060)
• Title IX Coordinator (+1 845-758-7542)
• Any other appropriate law enforcement agency

If sexual assault occurs, it is important to seek medical care through a Sexual Assault Forensic Examination (SAFE)\(^7\), to preserve as much evidence as possible. Preserving evidence of the assault through examination is critical to supporting a criminal prosecution. BRAVE counselors (+1 845-758-7777) or the Rape/Sexual Assault Hotline (+1 845-452-7272) can assist with access to this free medical examination and be an advocate to provide support and accompany you to the hospital.

8. INSTITUTIONAL INVESTIGATION PROCEDURES

Student reports of gender-based misconduct will be investigated in a thorough, reliable, impartial, and prompt fashion, with the goal of completing the process as expeditiously as possible and the intention to complete same within 60 days of notice to the institution, if possible. Any deviation from the 60-day time frame will be communicated promptly to both parties. The respondent and complainant will be contacted separately by the Title IX Coordinator, or designee, to review the policy, procedures, and rights and is available for communication and review of the process throughout the investigation.

Both the complainant and the respondent are entitled to, and will be offered, a Title IX advocate to be present throughout the complaint process and during the investigation. The Title IX advocate is available to provide support regarding the investigation process. The advocate is not a confidential resource; however, the investigation will not make inquiry into communication between the advocate and the party being supported. Any conversation with the advocate may be subject to lawful subpoena issued by court of law or in connection with subsequent legal proceedings. The advocate may accompany the advisee to interviews and meetings, and talk quietly with and ask clarifying questions of the advisee, but should not answer questions or speak on the behalf of the advisee. Individuals are not required to have a Title IX advocate and may seek the support of an advisor of their choice, which may include an attorney. Confidentiality may attach if there is an attorney/client relationship between the advisor and advisee.

The Title IX Coordinator, or designee, serving as the initial intake officer, will document the statements of both the complainant and the respondent. These statements will then be

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\(^7\) For more information about this exam: https://www.rainn.org/get-information/sexual-assault-recovery/rape-kit
reviewed by the Title IX Coordinator, or designee, in consultation with their supervisor, to make a determination as to whether or not the allegations potentially constitute a violation of this policy. They may seek additional information to assist in this determination. If a determination is made that the allegations assert a violation of this policy, the matter will move forward into the formal investigation phase.

Formal investigations are conducted by trained investigators\(^8\) who are designated by the Title IX Office. The investigator will gather information and interview the complainant, respondent, and any witnesses who have material knowledge of the alleged incident(s). Since an investigator does not have the power of subpoena, the evidence gathered by the investigator is restricted to that which is voluntarily submitted.

The investigator will issue a written report of findings to the President of Bard College. This report will discuss the evidence submitted and the investigator’s opinion as to whether or not the preponderance of the evidence\(^9\) supports a determination that there was a violation of the College’s gender-based misconduct policy. The President, or designee, will review the report and make a determination of outcome along with the sanctions, if any, to be imposed. The President, or designee, may consult with the Dean of Students, Title IX Coordinator, counsel, or others with specific knowledge or expertise. This determination will be shared with the Office of Title IX Coordination, who will share the outcome with both parties.

### 9. NOTIFICATION TO PARTIES

Every effort will be made to ensure that both the complainant and respondent are updated at various points during the investigation. Both the complainant and the respondent are notified in writing at the following times:

**Notice of Investigation**

- Both parties will be notified when a complaint or notice is being formally investigated and will be told the nature of the allegations being investigated.
- Both parties will be notified if the alleged violations being investigated are modified or changed.

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\(^8\) Bard College maintains a relationship with an outside panel of trained investigators, primarily attorneys, who are not employees of the institution, and who are charged with conducting a full and complete investigation.

\(^9\) “Preponderance of the evidence” means that there is a greater than 50 percent chance, based on all reasonable evidence, that gender-based misconduct occurred, as compared to “beyond a reasonable doubt,” the standard used in criminal cases.
Conclusion of the Investigation

• Both parties will be notified when the investigation interviews conclude and the report has been sent to the President, or designee.
• Once the report has been reviewed and the outcome(s) determined, the decision and outcomes will be shared with the Title IX Office who will then simultaneously notify both parties in writing of the outcome, and of any sanctions or directives that are imposed.

Range of Outcomes

An individual who has been found to have violated a gender-based misconduct policy may be subject to outcomes including, but not limited to, reprimand/warning, disciplinary probation, educational programming involving gender-based misconduct awareness, community restitution, prohibition from certain Bard facilities and/or activities, disciplinary leave of absence, suspension, expulsion, termination, a combination of these, or any sanction as is deemed just and proper.

Sanctioning outcomes/parameters may be impacted by the following criteria: severity of violation, motivation of behavior, disciplinary record, and the impact of safety concerns to the greater campus community.

The parties will be provided with written notification of the outcome(s).

10. THE APPEAL PROCESS

Any request to appeal may be submitted, in writing, within five (5) business days from the date of notification of outcome. The grounds on which an appeal may be based are:
• evidence of procedural or material error which could impact the outcome;
• substantial new evidence is now available which was unavailable at the time of the investigation which could impact the outcome.

The appeal request should be submitted through the Office of Title IX Coordination for initial review and determination of whether the appeal is timely and within limited grounds. If the appeal is found to be ineligible or not timely, the original finding and sanctions will stand and the decision is final.

If the appeal is proper, both parties will be notified and informed of the grounds for the appeal. If sanctions have been imposed they will remain in place during the appeal process. If both the complainant and the respondent appeal, the appeals will be considered concurrently.
If the appeal is proper, a copy of the appeal will be provided to the other party, who will then be given three (3) business days to submit a written response, which will also be exchanged. Any statements and evidence submitted will be reviewed by a committee of the Board of Trustees, or designee. If the appeal is denied, the parties will be notified and the matter closed. If the Board of Trustees or designee determines that it needs additional information, it may refer the matter back for further investigation. If returned for further investigation, the process will recommence at the formal investigation stage as previously described herein, or as directed by the Board of Trustees or designee. If the appeal is granted, the committee from the Board of Trustees, or designee, will issue a decision advising that the appeal was granted and which, if any, sanctions or penalties are upheld, overruled, modified, or returned to the President of Bard College, or designee, for reconsideration. The Title IX Office will notify the complainant and the respondent, in writing, of the decisions involving the appeal as well as the disposition.

11. GOOD SAMARITAN PROTECTIONS

Bard College is committed to the safety of the community and its members. The College encourages Bard community members to report and/or offer assistance to others in need. Sometimes others are hesitant to report and/or offer assistance for fear that they may get in trouble themselves (e.g., underage drinking or substance use may prevent someone from assisting an alleged victim of sexual misconduct). The College pursues a policy of limited immunity for individuals who offer help to others in need.

12. INTERIM MEASURES

Individuals who have been involved in an incident of gender-based misconduct have a right, regardless of their decision to file a formal complaint, to request interim measures such as: restrictions on contact between the complainant and respondent; restrictions from areas on campus; removal or relocation from residential areas, classroom environments, or employment locations; temporary suspensions (of respondents); academic accommodations in the form of tutoring, independent study, or course withdrawal without academic penalty.

13. CONTACT INFORMATION

Title IX Coordinator:

Tamara Ellis Stafford
+1 845-758-7542
titleix@bard.edu
Title IX Supervisor:

Gretchen Perry
Dean of Campus Safety and Operations
+1 845-758-7276
gperry@bard.edu

Disability Accommodations

Students seeking accommodations for a disability in connection with this process should contact the Disability Services Office:

Amy Shein
Disability Support Coordinator
Stevenson Library, 2nd floor
+1 845-758-7532
ashein@bard.edu

14. INVESTIGATION RIGHTS

• To be treated with respect and dignity throughout the process.
• To be advised of Title IX rights and any available resources (i.e., counseling, health services, legal/advocacy, academic support).
• To the privacy protections provided by the Family Educational Rights and Privacy Act (FERPA).
• To be informed of the College’s Gender-Based Misconduct Policies and Procedures for students and employees.
• To be notified of options to press/file criminal charges.
• To be notified of options for reporting assault through an administrative/on-campus investigation.
• To a prompt and thorough investigation of all allegations made in good faith.
• To an advocate, of their choice, to offer support during the investigation.
• To participate or decline to participate in the investigation process. However, an investigation may still occur with an outcome determined based on the information available.
• To an outcome based upon consideration of the credible, relevant evidence presented.
• To be notified of options for contact restrictions.
• To change living situations.
• To access free medical treatment, if necessary, as a result of the alleged misconduct.
• To access mental health support.
• To be informed of how to report subsequent problems.
• To request an escort to ensure moving safely between classes and activities.
• To request separate classroom environments.
• To request academic support services, such as tutoring, independent study, changes in assignment or exam deadlines, to retake a course or withdraw from a class.
• To appeal the outcome of the investigation.
• To be notified, in writing, of the investigation outcome, including the outcome to any appeal.
• To be protected to the extent possible against retaliation, including harassment based on involvement in an investigation.

15. 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, including but not limited to the Family Educational Rights and Privacy Act (FERPA).

16. FILE RETENTION POLICY

The College will maintain disciplinary files for seven (7) years. After seven (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).

Please refer to http://www.bard.edu/about/disclosures/ for a complete list of exceptions under FERPA.

17. PUBLIC RECORD KEEPING:

It is the College’s obligation to report crime statistics. Information available to the public includes neither the details of the incident nor identifying information of those involved in the investigation. Every effort is made to be compliant with the law and at the same time respect the privacy and confidentiality of those involved in the investigation.

18. ADDITIONAL INFORMATION

Additional information regarding Title IX can be found at www.bard.edu/titleix.

19. RELEVANT GOVERNMENT RESOURCES

The government agencies below may provide additional resources for students or employees wishing to file a complaint of gender-based misconduct:
• U.S. Department of Education, Office for Civil Rights
  http://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html
• U.S. Department of Justice, Office on Violence Against Women
  www.ovw.usdoj.gov

20. GRIEVANCES AGAINST THE COLLEGE’S GENDER-BASED MISCONDUCT POLICY
Inquiries and complaints regarding the College’s Gender-Based Misconduct Policy may be
made externally to:
U.S. Department of Education
Office for Civil Rights (OCR)
400 Maryland Avenue SW
Washington, DC 20202-1328
Customer Service Hotline: +1 800-421-3481
Fax: +1 202-453-6012
TDD: +1 800-877-8339
OCR@ed.gov
http://www.ed.gov/ocr

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