

# Bard College

## Annual Safety and Security Report and Fire Safety Report

Containing Statistics for 2019, 2020, and 2021



*Blithewood Garden*

**Bard College**  
**30 Campus Road**  
**Annandale-on-Hudson, NY 12504**

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# Annual Safety and Security Report

## Introduction

Bard College is in Red Hook, NY, a small Dutchess County town with a population of approximately 12,000. Red Hook is known for its quaint small-town persona and long history. Bard's core campus consists of 140 buildings on 1000 wooded acres, just four miles from the Village of Red Hook. The College's property includes an additional 150 acres of open space and athletic fields near the main campus.

The campus offers 50 residence halls, and those wishing to live off campus may rent from local landlords in the surrounding towns. The Bard Campus Shuttle transports students to the main campus from Red Hook and Tivoli, a nearby picturesque village. The College has an enrollment of approximately 2,100 students and a workforce of over 1,700, including over 250 faculty members.

Bard College issues this report to inform the Bard community, campus visitors, and the public of the College's policies and procedures for campus safety and security, including those relating to sexual assault and alcohol and drug use. Bard has made a firm commitment to maintaining a safe campus environment for community members to live, learn, and work. Though emergencies and incidents of serious crime are relatively few at Bard, it is crucial that all members of the campus community know how to report such situations and understand our security operations.

The Office of Safety and Security emphasizes open communication with students and employees and has a close working relationship with local, county, and state law enforcement agencies. Bard's security efforts include awareness programs for all students, thorough training of Residence Life staff, and a professional campus security force.

The Bard College Annual Safety and Security Report includes statistics for the previous three years concerning reported crimes that occurred on campus, in certain off campus buildings owned or controlled by Bard, and on public property within, or immediately adjacent to and accessible from, the campus.

The Director of Clery Compliance, working with the Office of Safety and Security, the Office of Title IX & Nondiscrimination, and others, compiles the annual statistics for crimes that are included in this report in [Appendix #1](#). These statistics contain crimes for the calendar year in which they are reported. The information is acquired from various sources, including the Office of Safety and Security, local police agencies, and College officials including Residence Life & Housing staff, Student Affairs staff, Athletics Staff, and many others. Bard also accepts confidential reporting of crimes and encourages professional and pastoral counselors to report statistics regarding these violations of law.

## Annual Safety and Security Report and Fire Safety Report Availability

By October 1 of each year, Bard College will issue a notice of availability for the Annual Safety and Security Report and Fire Safety Report to all current students and employees via email. The notice will contain a brief description of report contents. A paper copy of the Annual Safety and Security Report and Fire Safety Report will be available at the Office of Safety and Security, located in the Old Gym. The report will be available digitally on the Bard website at [www.bard.edu/security/](http://www.bard.edu/security/). The Office of Safety and Security will provide, upon request, all campus crime statistics as reported to the U.S. Department of Education. You can obtain a copy of this report by visiting the Office of Safety and Security on campus in the Old Gym, online at [www.bard.edu/security/](http://www.bard.edu/security/), or by calling 845-758-7461 during business hours.



## **Bard College Office of Safety and Security**

Bard College employs a security force of 30 employees. All members of the Office of Safety and Security receive extensive training, and many have had prior police training and experience.

The Director of Safety and Security oversees the department. The Director and Assistant Director of Safety and Security share the responsibility of being on call 24 hours a day, 365 days a year. In the instance of a serious crime or emergency, the Director and Assistant Director are notified immediately and supervise the response and any investigation.

Campus security personnel are all New York State licensed security guards authorized by the College to enforce the institution's policies. The security officers receive annual training that includes use of force, responding to emergencies, interviewing techniques, legal powers and limitations, diversity, and conflict resolution skills. The officers patrol campus 24 hours a day and are responsible for enforcing safety policies, assisting in all fire and safety drills, and handling all emergencies on campus. In addition, they work closely with the Residence Life staff, Buildings & Grounds staff, and the Student Government Association to address quality-of-life issues on the campus.

Security officers are civilians with no power of public arrest. Security officers have jurisdiction to operate on Bard College owned or controlled property. Security officers work closely with local, county, and state law enforcement agencies, both in the investigation of crimes and in crime prevention. Bard College has a memorandum of understanding with the Red Hook Police Department regarding on-campus patrols.

The Office of Safety and Security is in frequent contact with all area law enforcement agencies to collect information that may affect the College and campus community and to gather crime statistics that the College is required to report.



## **Security and Access to Campus Facilities**

All Bard buildings are equipped with exterior locks, and many buildings have electronic anti-intrusion devices. All residence halls are locked 24 hours a day. All student rooms in residence halls are equipped with locks. Security officers patrol the campus 24 hours a day, checking all campus buildings, and placing special emphasis on residence halls during the late-night and early-morning hours. Safety personnel conduct daily fire and safety checks on all floors of all residence halls during the late-night and early-morning hours.

As part of the safety and security sessions held for all students each year, students are reminded that it is not permissible under any circumstances to prop open the doors of campus buildings. The College has alarmed all residence hall doors to prevent them from being left ajar. All access doors have a 15 second delay prior to an audible alarm. All exit-only doors immediately sound an audible alarm. Upon activation of a door alarm, the security system immediately notifies campus security emergency dispatchers, who then dispatch a security officer to the site to ensure building security. Security officers and Residence Life staff are instructed to report and close any doors found propped open.

Administrative and classroom buildings are open for varying hours, depending on the patterns of usage for the specific buildings and the needs of students and employees. During the academic year, the Stevenson Library is open until 1 a.m. Sunday

through Thursday and until 10 p.m. on Friday and Saturday (extended hours are offered at the library during exam periods).

## **Security of Campus**

Security officers conduct routine patrols of campus buildings to evaluate and monitor security related matters. The Office of Safety and Security is not an escort service, but will transport students with medical concerns on an approved transport list from Health Services and will also escort any student with safety concerns, as a priority. Residence Life staff and security officers monitor security in residence halls and encourage building residents to report suspicious or unusual activity. Security patrols are divided into five sections of campus, and include walking patrol, bicycle patrol, and vehicle patrol.

## **Security Considerations Used in the Maintenance of Campus Facilities**

Bard College maintains campus facilities in a manner that minimizes hazardous and unsafe conditions. Parking lots and pathways are illuminated with lighting. Safety and Security works closely with Buildings and Grounds to promptly address burned out lights, malfunctioning door locks, and other physical conditions that may affect security.

College community members can help in these efforts by reporting equipment problems to Safety and Security or to Buildings and Grounds. Service requests can be made at [www.fms.bard.edu/](http://www.fms.bard.edu/).

## **Security Awareness and Crime Prevention Programs**

Bard College offers many programs specifically designed to inform members of the campus community about security procedures and policies, personal safety, and crime prevention. In addition to a number of programs tailored for students, the College offers this information to employees through new employee orientation, the [Employee Handbook](#), and the Safety and Security Handbook published by the Office of Safety and Security.

Residence Life staff undergoes extensive training each fall in preparation for their responsibilities. As part of this training, staff members must attend a series of sessions focusing on such issues as diversity, safety and security, disciplinary procedures for violations of College policies, fire safety, sexual harassment, and sexual assault. Staff members, in turn, hold meetings each fall in their buildings to inform the general student body about security and safety issues. Security officers are also included in many of these informational meetings. These meetings are complemented by special sessions in residence halls throughout the year to review crime prevention, fire safety, and the College's policies and procedures regarding safety issues.

The [Bard College Student Handbook](#) is made available to each new student, faculty member, and staff member. It presents information on fire prevention and campus security issues, as well as Bard's policies on alcohol and drugs. In addition to the Bard College Student Handbook, the Office of Safety and Security publishes a Safety and Security Handbook, which is provided to incoming first-year students. This handbook includes information on bicycle safety, personal safety, crime prevention strategies, Bard resources, Lyme disease, rabies, and poison ivy, as well as the Clery crime statistics and information on county demographics.

One of the essential parts of any successful crime prevention program is an informed public. It is the intent of the Bard College to inform students of good crime prevention and security awareness practices. Throughout the academic year, the Office of Safety and Security offers crime prevention and security awareness programs to community members.

All crime prevention and security awareness programs encourage students and employees to be responsible for their own safety and the safety of others. Participants in these programs are asked to be alert, security-conscious, and involved. Community members are advised to call the Office of Safety and Security to report suspicious behavior. For additional questions regarding crime prevention, contact the Office of Safety and Security directly at 845-758-7460.

## **Reporting Crimes and Emergencies**

Witnesses and victims of a campus crime or emergency, as well as anyone who is suspicious of people or situations on campus, are urged to contact the Office of Safety and Security immediately. Safety and Security can be reached at campus extension x7777 (for emergencies) and x7460 (for non-emergencies), or from an outside line at 845-758-7460. In addition, the College has instituted a confidential hotline at 888-323-4198 for anyone to report gender-based misconduct. The Red Hook Police Department, Dutchess County Sheriff's Office and the New York State Police can be reached at 911 for emergencies.

Each residence hall is equipped with a campus telephone located near its main entrance. In addition, Bard has emergency phones located at key points on campus. These hands-free phones offer a direct line to the Office of Safety and Security. One can also report incidents to the Office of Safety and Security in person at the Old Gym, located adjacent to the Olin Humanities Building and South Hall.



*The Office of Safety and Security in The Old Gym*



If a person is unable to contact the Office of Safety and Security directly to report an emergency, that person should notify a Residence Life staff member, administrator, or other staff member to request that they contact the Office of Safety and Security.

Any offense covered under the Clery Act is officially reported to the College when it is reported to the Office of Safety and Security, a Campus Security Authority, or a local police agency. Reports of Clery Act offenses are included in campus crime statistics. A Campus Security Authority is “any official of the institution who has significant responsibility for student and campus activities.” Campus Security Authorities include, but are not limited to, housing and conduct staff members, athletic directors and coaches, and faculty advisors to student groups. In addition, while not mandated by law, Bard’s mental health and pastoral counselors voluntarily report non-personal information about criminal activity on campus for inclusion in these statistics.

Bard currently has no officially recognized student organizations, such as fraternities and sororities, which operate at College-owned or controlled non-campus locations, including non-campus housing facilities.

All members of the Bard community are encouraged to accurately and promptly report crimes and emergencies to the Office of Safety and Security, including when the victim of a crime elects to, or is unable to, make such a report.

It is most helpful when members of the community report crimes or emergencies to the Office of Safety and Security immediately. This allows the College to

respond quickly, to assess incidents to determine the necessity of issuing Timely Warning Notices, and to include information about crimes in the Daily Crime Log and annual statistical disclosures.

### **Confidential Reporting**

If you are the victim of a crime and do not want to pursue action within the College system or the criminal justice system, you may still want to consider making a confidential report. The purpose of a confidential report is to take steps to obtain resources and enhance the future safety of yourself and others in the campus community.

With such information, Bard can determine where there is a pattern of crime with regard to a particular location, method, or individual, and alert the campus community to potential danger.

The following confidential resources are not required by law or College policy to relay reports of gender-based misconduct to the Title IX Coordinator. Information provided to these resources will not be disclosed without stated permission, except in extreme circumstances, such as a health or safety emergency. Information shared may be reported for statistical purposes without identifying information in accordance with the Clery Act.

#### **On-Campus Confidential Resources**

Counseling Services	845-758-7433
Student Health Services	845-758-7433
EAP (Employee Assistance Program)	800-272-7255
Chaplaincy	845-758-7335
BRAVE Counselors (Ask for BRAVE)	845-758-7777





## **Anonymous Reporting**

Reports may be submitted anonymously at: <http://tinyurl.com/BardIncidentReport/>.

The purpose of an anonymous report is to take steps to promote the safety of the campus community and to keep accurate records of incidents to identify patterns of crime with regard to a particular location, method, or individual, and alert the campus community to potential danger. Due to restricted identifying information, the College's ability to investigate and respond to anonymous complaints may be limited. Reports filed in this manner are included in the annual disclosure of crime statistics for the institution.

## **Chaplaincy and Professional Counselors**

**Chaplain:** An employee of an institution who is associated with a religious order or denomination, recognized by that religious order or denomination as someone who provides confidential counseling, and who is functioning within the scope of that recognition as a pastoral counselor. More information about the Bard Chaplaincy can be found at: [www.bard.edu/chaplaincy/](http://www.bard.edu/chaplaincy/).

**Professional Counselor:** An employee of an institution whose official responsibilities include providing psychological counseling to members of the institution's community and who is functioning within the scope of his or her license or certification.

More information about Bard Counseling Services can be found at: [www.bard.edu/counseling/](http://www.bard.edu/counseling/).

## **Reporting to Chaplains, Professional Counselors, or Health Services Staff**

Bard College Chaplains, Professional Counselors, Student Health Services staff and BRAVE Counselors, when acting within their counseling and medical care provider roles, are not considered Campus Security Authorities for Clery Act purposes and are *not* required to report crimes disclosed to them while acting in these roles for inclusion in the annual disclosure of crime statistics. Chaplains, Professional Counselors, and Student Health Services staff, and BRAVE Counselors are encouraged, when they deem it appropriate, to inform individuals of the procedures to report crimes on a voluntary confidential or anonymous basis to the Office of Safety and Security for inclusion in the annual disclosure of crime statistics.

## **Response to Reports of Crimes and Other Incidents**

When a crime is reported to the Office of Safety and Security, the College takes following steps:

- A safety officer is dispatched immediately to assess the situation and secure the scene, if needed (safety officers are trained to attend to the needs of victims and to take control of the situation). If the incident warrants, outside services such as the police, EMS, and fire department are notified. At the scene, the safety officer is responsible for maintaining order, interviewing and counseling victims and witnesses, and preserving evidence. In the case of injury or illness, the individual may be cared for at the scene by Bard Emergency Medical Services (BEMS), which is a

student-run organization staffed by EMT-certified students and certified first responders. The College's Student Health Services facility is available during normal business hours; students and others may also choose to go to the Northern Dutchess Hospital emergency room, which is located approximately 7 miles from main campus.

- The Director or Assistant Director of Safety and Security notifies the appropriate Bard officials of the incident in accordance with the College's emergency response plan.
- The investigating officer files a written incident report. Reports are forwarded to the appropriate College officials. All serious crimes and accidents occurring on campus are reported to and investigated by the New York State Police, the Dutchess County Sheriff's Office, or the Red Hook Police Department, depending on which agency first responds.

If an incident is considered serious and poses an immediate threat to people and/or property, the College will send a safety alert to the entire campus community through the Regroup mass messaging system. In addition, the Director of Safety and Security will send email alerts to the community, and there will be a voice message available on the Bard College Emergency Phone System outlining the emergency and any action to be taken immediately. Security officers, Residence Life staff, and other on call staff may also directly notify the community, as is necessary.

## Timely Warning Notices

In the event a crime is reported or an emergency situation arises within the Bard College Clery geography (On Campus, Public Property, and Non-campus property) that, in the judgment of the Director of Safety and Security and in consultation with responsible authorities when time permits, constitutes a serious or continuing threat to the campus community, Bard College will issue a Timely Warning Notice.

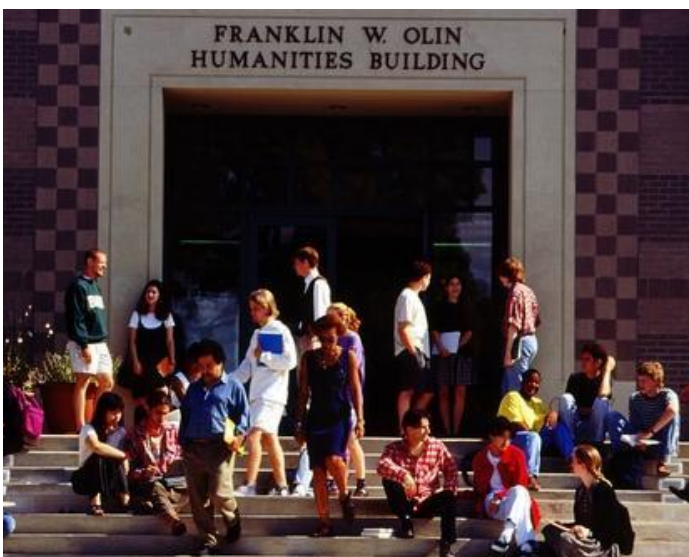
When incidents require public notification, the Office of Safety and Security distributes alerts through email, on the campus website ([www.bard.edu/](http://www.bard.edu/)), and at key locations on campus. Bard also utilizes the Regroup mass messaging system to notify community members of emergent situations. ***Timely Warning Notices are issued when the incident is considered a serious or continuing threat to the campus community.***

The College distributes Timely Warning Notices as soon as pertinent information is available. Efforts are made to withhold identifying information for victims, and with the goal of providing sufficient information to aid in the prevention of similar occurrences.

Timely Warning Notices are typically written and distributed by the Director of Safety and Security, the Vice President for Administration, or their designees.

Timely Warning Notices are typically issued for the following Uniform Crime Reporting Program (UCR) and National Incident Based Reporting System (NIBRS) crime classifications:

- Murder/Non-Negligent Manslaughter
- Aggravated Assault (cases involving assaults among known parties, such as two roommates fighting, will be evaluated on a case-by case basis to determine if any individual is believed to be an ongoing threat to the larger College community)
- Robbery involving force or violence (cases of larceny, including pick pocketing and purse snatching, will typically not result in the issuance of a Timely Warning Notice, but this will be assessed on a case-by-case basis)
- Sexual Assault (considered on a case-by-case basis depending on the facts of the case, when



and where the incident occurred, when it was reported, and the amount information known by the Director of Safety and Security or the Title IX Coordinator, or their designees. Reports of sexual assault are often reported long after the incident occurred, and there is therefore no ability to distribute a “timely” notice to the community. All cases of sexual assault will be assessed for potential issuance of a Timely Warning Notice.)

- Major incidents of Arson.
- Other Clery crimes as determined necessary by the Director of Safety and Security or the Vice President for Administration, or their designees in their absence.

The College may also distribute Timely Warning Notices for other crime classifications and locations at the Director of Safety and Security’s discretion, even if the law may not require such notices.

### **Emergency Response and Evacuation Procedures**

Bard College maintains an Emergency Response Plan that outlines responsibilities of campus staff during emergencies. This plan outlines incident priorities, campus organization, and specific responsibilities of staff and offices. College offices are responsible for developing emergency response and continuity of operations plans for their areas and staff. The Office of Safety and Security and Bard Emergency Response Team provide resources and guidance for the development of these plans.

In conjunction with other emergency agencies, the College will conduct emergency response exercises each year, such as tabletop exercises, field exercises, and tests of the emergency notification systems on campus. These exercises are designed to assess and evaluate the emergency plans and capabilities of the institution, and may be either announced or unannounced.

Each exercise will be documented and will include a description of the exercise, the date and time of the exercise, and whether the exercise was announced or unannounced. The campus will publicize a summary of the emergency response and evacuation procedures via email at least once each year in conjunction with a test (exercise and drill) that meets

all the requirements of the Higher Education Opportunity Act.

The emergency evacuation procedures are tested at least twice each year. Students and employees learn the locations of the emergency exits in the buildings and are provided guidance about the direction they should travel when exiting each facility for a short-term building evacuation. The Office of Safety and Security does not tell building occupants in advance about the designated locations for long-term evacuations because those decisions are affected by time of day, location of the building being evacuated, the availability of the various designated emergency gathering locations on campus, and other factors such as the location and nature of the threat. In the instance of both short-term and long-term evacuations, the Office of Safety and Security staff on the scene will communicate information to students regarding the developing situation or any evacuation status changes.

Bard College has residence halls and, therefore, is required to do annual fire drills that are used to model evacuations of buildings for any reason. The purpose of these drills is to prepare residents for an organized evacuation in case of a fire or other emergency. Evacuation drills are used to educate and train occupants on fire safety issues specific to their building. During each drill, occupants practice drill procedures and familiarize themselves with the location of exits and the sound of the fire alarm.

### **General Evacuation Procedures**

At the sound of a fire alarm or if you are instructed to evacuate, leave your work area immediately and proceed to the nearest exit, and leave the building. If you are the first to recognize a fire situation, activate the fire alarm, evacuate to a safe location using the nearest exit, and notify the Office of Safety and Security at 845-758-7777 or dial 911.

- Remain calm.
- Do NOT use elevators. Instead, use the stairs.
- Assist physically impaired people. If someone is unable to exit without using an elevator, secure a safe location near a stairwell and immediately inform the Office of Safety and Security or the responding fire department of the person's

location.

- Proceed to a clear area at least 150 feet from the building.
- Keep all walkways clear for emergency vehicles.
- Make sure all others are out of the building.
- Do not re-enter the building.

## **Shelter-in-Place Procedures**

### **What it Means to “Shelter-in-Place”**

The term “shelter-in-place” means to immediately seek shelter and remain there during an emergency, rather than evacuate. This should only be done when evacuation is not safe.

### **How Will You Know to Shelter-in-Place?**

When it is understood that an eminently dangerous situation exists and evacuation is inadvisable, the College will use the Emergency Notification System to issue an alert to shelter in place as soon as it is feasible.

### **Basic Shelter-in-Place Guidance**

If an incident occurs and the building you are in is not damaged, stay inside in an interior room until you are told it is safe to come out. If your building is damaged, take your personal belongings (purse, wallet, access card, etc.) and follow the evacuation procedures for your building (close your door, proceed to the nearest exit, and use the stairs instead of the elevators). Once you have evacuated, seek shelter at the nearest College building quickly. If police or fire department personnel are on the scene, follow their directions.

### **How to Shelter-in-Place**

No matter where you are, the basic steps of shelter-in-place will generally remain the same. Should the need ever arise, follow these steps, unless local emergency personnel instruct you to do otherwise:

- If you are outdoors, proceed into the closest building quickly.
- If you are inside, identify a safe area in the building you are in, and go there. It should be an interior room above ground level and without

windows or with the least number of windows. If there is a large group of people inside a particular building, several rooms may be necessary.

- Shut and lock all windows (make sure they are tightly sealed) and close exterior doors.
- Turn off any ventilation leading outdoors.
- Stay in the room until you receive notice from Security or emergency responders.

The College will immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or staff occurring on the campus. Warnings will only be modified if they would compromise efforts to contain the emergency.

When an emergency occurs on campus, safety officers are dispatched to assess and render aid. Additionally, depending on the emergency, local and state police, fire, and EMS resources are immediately requested.



## **Emergency Notification Systems and Community Communication**

The Office of Safety and Security, members of the College’s Emergency Response Team, or other qualified persons may initiate specific emergency response and evacuation procedures. When it is confirmed that a serious emergency or dangerous situation exists, relevant information will be disseminated to the College community by various means. These include: text messages, Security Alert emails, website posts, flyers, and emergency phone messages. If any of these systems fail or the College deems it appropriate, in-person communication may be used to provide notice of an emergency.

The Emergency Notification Systems and Community Communications Chart can be found in [Appendix #3](#).

If the Director of Safety and Security or designee, in conjunction with College administrators, local first responders, and/or the National Weather Service, confirms that there is an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the Bard Community, the Office of Safety and Security will determine the content of the message and will use some or all of the systems described below to communicate the threat to the Bard community or to the appropriate segment of the community, if the threat is limited to a particular building or segment of the population.

Bard College will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders (including, but not limited to: the Office of Safety and Security, local police, and/or local fire and emergency medical services), compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

Members of the campus community are automatically enrolled in the emergency messaging system through employment or registration. Those wishing to update their enrollment may do so by visiting <https://www.bard.edu/inside/> and selecting “Emergency Notification” under Quick Links.

The content of emergency notification messages will

vary depending on the situation. At a minimum, the messages will describe the emergency, provide basic instructions, and direct community members to where they can receive additional information.

Follow-up information will be distributed using some or all of the identified communication systems.

The local news media may be utilized to disseminate emergency information to members of the larger community, including neighbors, parents, and other interested parties. The larger community can also access emergency information via the Bard website and/or social media pages.

The College may also send messages to notify and update the community on conditions that do not rise to the level of an emergency.

Response procedures and communication systems are tested on campus several times each year. The College also provides students and staff with instruction and training in emergency procedures (including evacuation drills) several times each year.

### **Daily Crime Log**

Bard College maintains a Daily Crime Log at the Office of Safety and Security, located on campus in the Old Gym. The Daily Crime Log is available for public reference at all times. The College does not maintain an online Daily Crime Log.





## **Missing Student Notification Policy**

In accordance with the Higher Education Opportunity Act, the Office of Safety and Security must develop and implement certain procedures to be followed when residential students are determined to be missing for 24 hours. It is the policy of Bard College that, upon receiving a report of a missing student, the Director of Safety and Security, the Dean of Student Affairs, and the Director of Residence Life will immediately begin an investigation to determine the location of that student.

All students are required to list emergency contact numbers of family members or guardians. The College also annually informs students residing in campus housing that each student has the option to designate a confidential missing person contact (this may be a different person from the student's emergency contact).

In the event a student goes missing, the Office of Safety and Security will notify emergency and missing person contacts no later than 24 hours after that student is determined to be missing by the Office of Safety and Security or local law enforcement. Emergency and missing person contact information is kept confidential. This information will be accessible only to authorized campus officials and law enforcement and will not be

disclosed outside of the furtherance of a missing person investigation.

If a missing student is under 18 years of age and not emancipated, the College must notify a custodial parent or guardian within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person the student has designated. For all missing students, Bard will notify local law enforcement within 24 hours of the determination that the student is missing, unless the local law enforcement agency was the entity that made the determination that the student is missing.

If members of the Bard community believe that a student has been missing for at least 24 hours, it is critical that they report that information to the Office of Safety and Security by calling 845-758-7777. A student is determined to be missing when the Office of Safety and Security has verified that reported information is credible and circumstances warrant declaring the person missing.

Should the Office of Safety and Security investigate and determine that a residential student is missing, the College will then contact the student's missing person contact(s), if the Office of Safety and Security have provided contact information, within 24 hours of the determination that the student is missing.



## **Gender-Based Misconduct Policy Overview**

This report contains selected portions of the Bard College Gender-Based Misconduct Policy, including definitions of prohibited conduct, reporting options, disciplinary proceedings utilized in cases of sexual assault, dating violence, domestic violence, stalking, rights and options for victims, and descriptions of interim measures and accommodations offered by the College. It describes the College's prevention and awareness programs, and includes information about risk reduction and how to be an active bystander, as well as the Students' Bill of Rights.

Bard College prohibits sexual assault, dating violence, domestic violence, and stalking. The College reaffirms its commitment to maintaining a campus environment that emphasizes the dignity and worth of all members of the College community.

The full Gender-Based Misconduct Policy can be found online at: [www.bard.edu/nondiscrimination/policies/](http://www.bard.edu/nondiscrimination/policies/).

## **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.



## **Programs to Prevent Domestic Violence, Dating Violence, Sexual Assault, and Stalking**

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 students, whether first-year or transfer, undergraduate, graduate, or professional, and all new employees, 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 shall 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 engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, and stalking that:

- Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research;
- Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels; and
- Are assessed for value, effectiveness, and outcomes.

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



### **Primary Prevention and Awareness Programs**

Bard College's primary prevention and awareness programs include training programs for all incoming students and employees by distribution of educational materials to all new students, participating in and presenting information during new student and employee orientations, providing programs by invitation to student groups, faculty, and staff meetings, and presentations as part of academic courses. The College endeavors to engage with incoming community members in multiple ways, including online training courses prior to arrival to campus and in-person training programs, presentations, and workshops once students and employees are present on campus.

### **Ongoing Prevention and Awareness Campaigns**

In addition to the primary prevention and awareness programs that take place when new students and employees arrive on campus, the College has developed an educational campaign consisting of ongoing prevention and awareness programs to all students and employees. This campaign consists of online educational modules offered to all students and employees, films and guest speakers to address relevant issues, printed materials for educational and reference purposes, forums and workshops, and numerous other face-to-face training programming directed at both students and employees. The College continually works to revise, add to, and improve this campaign to best meet the needs of the campus community.



## How to Be an Active Bystander

Bystanders play a critical role in the prevention of sexual and relationship violence. They are individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it.

We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

We may not always know what to do, even if we want to help. Here is a nonexhaustive list of some ways to be an active bystander:

- Watch out for your friends and fellow community members. If someone looks like they could be in trouble or need help, ask if they are okay.
- Speak up when someone discusses plans to take sexual advantage of another person.

- Confront people who try to seclude, hit on, make out with, or have sex with people who are incapacitated.
- Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
- Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance.

If you or someone else is in immediate danger, call Security or 911. This could include when a person is yelling at or being physically abusive towards another person and it is not safe for you to interrupt.

## Risk Reduction

With no intent to victim blame, and recognizing that only abusers are responsible for their abuse, the following are some strategies to reduce one's risk of sexual assault or harassment (adapted from Rape, Abuse, & Incest National Network: [www.rainn.org](http://www.rainn.org))

- **Be aware** of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- Try to **avoid isolated areas**. It is more difficult to get help if no one is around.
- **Walk with purpose**. Even if you do not know

where you are going, act like you do.

- **Trust your instincts.** If a situation or location feels unsafe or uncomfortable, it probably is not the best place to be.
- **Try not to load yourself down** with items, as this can make you appear more vulnerable.
- **Make sure your cell phone is with you** and charged and that you have cab money.
- **Avoid being isolated** with someone you do not trust or someone you do not know.
- **Avoid putting music headphones in both ears** so that you can be more aware of your surroundings, especially if you are walking alone.
- **When you go to a social gathering, go with a group of friends.** Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
- **Trust your instincts.** If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately, (local authorities can be reached by calling 911 in most areas of the U.S.).
- **Do not leave your drink unattended** while talking, dancing, using the restroom, or making a phone call. If you have left your drink alone, just get a new one.
- **Do not accept drinks from people you do not know or trust.** If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, do not drink from punch bowls or other large, common open containers.
- **If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).** Be explicit with doctors so they can give you the correct tests (you

will need a urine test and possibly others).

- **Watch out for your friends, and vice versa.** If a friend seems out of it, is acting out of character, or is way too intoxicated for the amount of alcohol they've had, get them to a safe place immediately.
- If you need to get out of an uncomfortable situation, here are some things that you can try:
  - **Remember that being in this situation is not your fault.** You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
  - **Be true to yourself.** Do not feel obligated to do anything you do not want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what makes you comfortable.
  - **Have a code word with your friends or family** so that if you do not feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
  - **Lie.** If you do not want to hurt the person's feelings, it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use include needing to take care of a friend or family member, not feeling well, or having somewhere else that you need to be, etc.
  - **Try to think of an escape route.** How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
  - **If you and/or the other person have been drinking,** you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.





## **Procedures Victims Should Follow if Domestic Violence, Dating Violence, Sexual Assault, or Stalking Occurs**

### **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 an equivalent protective or restraining order. Examples of evidence may include text messages, emails, social media communications, phone records, photographs, documents, clothing, bedding, and medical information.

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, which includes 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 not to bathe, wash, douche, smoke, change clothing, or brush one’s teeth prior to the examination. If possible, it is also best not to 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. 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. In addition, the Title IX Coordinator, Security, and other College administrators can assist with accessing a SAFE Exam.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protective or restraining orders related to an incident more difficult. If a reporting individual chooses not to make a complaint regarding an incident, they nevertheless should consider preserving evidence and/or speaking with security, law enforcement, or the Title IX Coordinator regarding the preservation of evidence in the event that the reporting individual decides to report the incident to law enforcement or the College at a later date.

## 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. The standard of proof in a criminal proceeding is beyond a reasonable doubt, which is higher than the standard of proof for violations of Bard's Gender-Based Misconduct Policy, which utilizes the preponderance of evidence standard.

To file a criminal report, individuals may contact the following, and/or any other appropriate law enforcement agency:

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

## Reporting to the College

If you have been the victim of or are aware of domestic violence, dating violence, sexual assault, or stalking, you should report the incident promptly to the Title IX Coordinator, Lauren Gretina, J.D., who can be reached in person (Sottery Hall), by phone (845-758-7542), or by email ([titleix@bard.edu](mailto:titleix@bard.edu)).

Reports may also be made by calling or going to the Office of Safety and Security. Reports of all domestic violence, dating violence, sexual assault, and stalking made to the Office of Safety and Security will automatically be referred to the Title IX Coordinator for investigation, regardless of if the complainant chooses to pursue criminal charges.

## Assistance for Victims: Rights & Options

Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged

to have occurred on or off campus, the College will assist victims of sexual assault, domestic violence, dating violence, and stalking and will provide each victim with a written explanation of their rights and options. Such written information will include:

- The procedures victims should follow if a crime of dating violence, domestic violence, sexual assault, or stalking has occurred;
- Information about how the College will protect the confidentiality of victims and other necessary parties;
- A statement that the College will provide written notification to students and employees about victim services on and off campus;
- A statement regarding the College's options for, and available assistance in, requesting interim measures and accommodations; and
- An explanation of the procedures for institutional disciplinary action.

## Procedures the College Will Follow When a Crime of Domestic Violence, Dating Violence, Sexual Assault, or Stalking is Reported

The College has procedures in place that serve to be sensitive to victims who report sexual assault, domestic violence, dating violence, and stalking. This includes informing individuals about their right to file criminal charges, the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and other services on and/or off campus, as well as additional remedies to prevent contact between reporting and responding parties, such as housing, academic, transportation, and working accommodations. The College will make such accommodations, if the reporting party requests them and if they are reasonably available, regardless of whether the reporting party chooses to report the crime to local law enforcement.

If an individual makes a report of domestic violence, dating violence, sexual assault, or stalking, the College will assess whether there is an ongoing threat to the community, and may issue a Timely Warning Notice. If a notice is necessary, the College will make an effort to maintain the confidentiality of reporting parties.



## **Rights of Victims and the Institution’s Responsibilities for Orders of Protection, Restraining Orders, or Similar Lawful Orders Issued by a Criminal, Civil, or Tribal Court**

The College cannot apply for a legal order of protection or restraining order, but the Title IX Coordinator and Office of Safety and Security can provide information and connection to resources to assist a victim in obtaining an Order of Protection, or if outside New York, an equivalent protective order in the applicable local jurisdiction(s).

Bard College complies with New York State law in recognizing Orders of Protection. Any person who obtains an order of protection from New York or any reciprocal state should provide a copy to the Office of Safety and Security and the Title IX Coordinator.

A reporting party may then meet with the Office of Safety and Security to develop a Safety Action Plan, which is a plan for the Office and the victim to reduce risk of harm while on campus or coming and going from campus. This may include, but is not limited to: special parking arrangements; escorts; a temporary cell phone; changing classroom location or allowing a student to complete assignments from home; and other plans or accommodations. 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. See [Appendix #4](#) for more information.

## **College-Issued No Contact Orders**

In order to promote safety and civility on campus, the Title IX Coordinator is authorized to issue mutual 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 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 a 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. NCOs do not guarantee that parties will not see each other.

One-way No Contact Orders may be granted under limited circumstances at the discretion of the Title IX Coordinator but, as required by federal law, may not be unreasonably burdensome or punitive on the party subject to the order.

Violations of a 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.

After issuance, a 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.

The Title IX Coordinator may issue NCOs related to gender-based misconduct. 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.



## 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 promote an accessible educational and employment environment. 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.

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 Grievance Process is commenced. 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.

Both parties shall be afforded a prompt review, reasonable under the circumstances, of the need for and terms of any such interim measure or accommodation that directly affects them and shall be allowed to submit evidence in support of their request. Upon request, the Title IX Coordinator, Vice President of Administration, and/or their designees will review requests for supportive measures and accommodations, including requests that are denied. Information about how to request for review will be included in the written communication to the parties outlining the supportive measure. Before modifying an interim measure or accommodation, the College will notify the other party of the request for modification. 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.



### On and Off Campus Resources for Victims

Upon receipt of a report of domestic violence, dating violence, sexual assault, or stalking, Bard College will provide written notification to students and employees about existing assistance with and/or information about obtaining resources and services including counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and student financial aid. The College

can also assist in notifying appropriate local law enforcement. Available resources include the following:

#### On Campus Resources

Counseling Services:	845-758-7433
Student Health Services:	845-758-7433
BRAVE Counselors (Ask for BRAVE):	845-758-7777
Chaplaincy:	845-758-7335
Employee Assistance Program:	800-272-7255

#### Off Campus Hotlines:

Rape/Sexual Assault (Dutchess)	845-452-7272
Domestic Violence (Dutchess):	845-485-5550
Grace Smith House:	845-471-3033
LGBTQ Antiviolence:	212-714-1141
RAINN:	800-656-4673
Domestic Violence (National):	800-799-7233

Other resources available to persons who report being the victim of sexual assault, domestic violence, dating violence, or stalking include:

Department of Justice:

[www.ovw.usdoj.gov/sexassault.htm](http://www.ovw.usdoj.gov/sexassault.htm)

Department of Education, Office of Civil Rights:

[www2.ed.gov/about/offices/list/ocr/index.html](http://www2.ed.gov/about/offices/list/ocr/index.html)

### Confidentiality

Victims may request that directory information on file with the College be withheld by contacting the Registrar, Peter Gadsby, by email ([gadsby@bard.edu](mailto:gadsby@bard.edu)) or by phone (845-758-7457).

Regardless of whether a victim has opted out of allowing the College to share directory information, personally identifiable information about the victim and other necessary parties will be treated as confidential and only shared on a need-to-know basis with persons investigating or adjudicating the report, or with those involved in providing support services to the victim, including interim measures and accommodations. By only sharing personally identifiable information with individuals on a need-to-know basis, the institution will keep confidential any interim measures or accommodations provided to the victim to the extent that maintaining such confidentiality would not



impair its ability to provide the interim measures or accommodations.

The College does not publish the name of crime victims or other identifiable information regarding victims in the Daily Crime Log or in the annual crime statistics that are disclosed in compliance with the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act*. Furthermore, if a Timely Warning Notice is issued on the basis of a report of domestic violence, dating violence, sexual assault or stalking, the College will withhold the victim's name and other personally identifiable information about the victim.

### **Adjudication of Reports of Domestic Violence, Dating Violence, Sexual Assault, and Stalking**

The College's disciplinary process includes a prompt, fair, and impartial investigation and resolution process. In all instances, the process will be conducted in a manner that is consistent with the institution's policies and that is transparent to the reporting and responding parties. Usually, the resolution of domestic violence, dating violence, sexual assault, and stalking complaints are completed within 90 days of the report. However, proceedings may be extended for good cause with written notice of the delay and the reason for the delay to the reporting and responding parties. College officials involved in the investigation or adjudication of domestic violence, dating violence, sexual assault, and stalking complaints are trained annually on the issues related to domestic violence, dating violence, sexual assault, and stalking as well as how to conduct an investigation and hearing process that protects the safety of the victim and promotes accountability.

### **Disciplinary Proceedings Utilized in Cases of Reported Domestic Violence, Dating Violence, Sexual Assault, and Stalking**

The policy applicable to students accused of domestic violence, dating violence, sexual assault, and stalking is Bard College's [Gender-Based Misconduct Policy](#).

The primary policy applicable to employees for domestic violence, dating violence, sexual assault,

and stalking allegations is Bard College's [Gender-Based Misconduct Policy](#). Depending on the nature of a report, the College's Sexual and Other Unlawful Harassment Policy, Consensual Relations Policy, or Workplace Violence Policy may also apply (these policies may be found in the [Employee Handbook](#)). The Director of Human Resources, in consultation with the Office of Title IX & Nondiscrimination, will determine which employee-related policy will apply, based on the nature of the allegations and the parties involved.

In addition to the reporting options available through the Office of Title IX & Nondiscrimination, employee reports may also be submitted by contacting the Director of Human Resources, either:

- By phone (845-758-7516);
- By email ([kalexand@bard.edu](mailto:kalexand@bard.edu));
- Through campus mail to the Human Resources Office, located in Ludlow; or
- Through the online [Incident Reporting Form](#), available at [www.bard.edu/security/](http://www.bard.edu/security/) by clicking on "Campus Incident Report Form."



### **How to File a Disciplinary Complaint Under Bard College's Gender-Based Misconduct Policy**

#### **Institutional Report**

Any member of the community who wishes to file a report of gender-based misconduct with the College may do so by following the procedures outlined below. Bard College offices and employees who cannot guarantee confidentiality will maintain your privacy to the greatest extent possible. Information you provide to a non-confidential resource at the College will be relayed to the Title IX Coordinator and

the Title IX Coordinator will follow up with you regarding your options on how to proceed.

Any Mandated Reporter with knowledge of gender-based misconduct involving members of the Bard community must notify the Title IX Coordinator of any and all reports of potential gender-based misconduct that they receive. 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.

The College has determined that the following administrators are Officials with Authority (“OWA”) to address and correct harassment, discrimination and/or retaliation so that reports received by any of the following administrators constitute notice to the College: President; Vice President for Administration; Chief of Staff; Director of Security; Vice President for Student Affairs; Dean of Students; Dean of Inclusive Excellence; Dean of the College; Dean of Studies; Title IX Coordinator; Deputy Title IX Coordinator; and Director of Accessibility and Disability Resources.

Upon receiving a report of potential gender-based misconduct, 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 support services. In addition, Mandated Reporters 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 or persons who have questions regarding the reporting procedures for gender-based misconduct may meet in person or talk by telephone with the Title IX Coordinator, to discuss the process, policies, resources, and their institutional rights, as

well as rights for reporting to the local authorities. 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.

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
- Through the online form, available at: [www.tinyurl.com/BardTitleIX/](http://www.tinyurl.com/BardTitleIX/).

### **External Reporting Line**

Any person who feels uncomfortable or otherwise unable to file a complaint through the channels set forth 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, individual identities may be disclosed through the process of investigation.

Alleged violations of this policy will be referred for investigation in accordance with the procedures set forth herein. Any reports received via the Misconduct Reporting Line will be filed for statistical purposes, even if made anonymously. Reports regarding alleged misconduct by the Office of Title IX & Nondiscrimination may be made through this reporting line.

### **Anonymous Report**

Anonymous reports may be submitted online at [www.tinyurl.com/BardTitleIX/](http://www.tinyurl.com/BardTitleIX/).

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



Coordinator will determine if the alleged misconduct falls within the scope of Title IX and/or another College policy.

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.

The Title IX Coordinator may, but is not required to, dismiss a formal complaints in the following circumstances: when the Complainant withdraws a formal complaint; when the Respondent is no longer enrolled in or employed by the College; and, where specific circumstances prevent the College from gathering evidence (such as where a Complainant refuses to cooperate but does not withdraw the formal complaint).

Notice of dismissal of Title IX Category violations will be in writing to the Complainant and Respondent. The Title IX Coordinator may determine at any point in the process that facts have emerged that require the “dismissal” of a Title IX Category violation. A decision to dismiss a Title IX Category violation is immediately appealable by the Complainant pursuant to the appeal process set forth in this policy.

If Title IX Category violations are dismissed, the College may continue to process the allegations as College Category violations, assuming that the allegations, if true, would constitute College Category violations. The Title IX Coordinator may also assess which other College policies may apply to dismissed Title IX Category violations and refer those allegations for resolution under another applicable policy. The Title IX Coordinator also has the discretion to refer College Category violations for resolution under another College policy, if deemed appropriate given the facts of the matter and the circumstances involved.

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

If a Complainant’s identity is unknown or a Complainant declines to sign a formal complaint or

## **Institutional Investigation Processes**

### **A. Initial Assessment for Procedural Options**

Following receipt of notice or a complaint of an alleged violation of this policy, the Title IX Coordinator engages in an initial assessment to determine how to proceed.

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 a formal complaint not be filed, and/or that an investigation not be undertaken. Supportive measures will be available even if the Complainant does not wish to file a formal complaint.

When a formal complaint is made, the Title IX Coordinator works with the Complainant to determine whether the Complainant prefers to pursue an Informal Resolution option or a Formal Grievance Process. If an Informal Resolution option is preferred, the Title IX Coordinator assesses whether the complaint is suitable for Informal Resolution and may seek to determine if the Respondent is also willing to engage in Informal Resolution.

### **Assessment For Eligibility Under This Policy**

When a formal complaint is made, the Title IX

does not wish to participate in the complaint and adjudication process, the Title IX Coordinator will complete a violence risk assessment to determine whether the report indicates a compelling threat to health and/or safety. Declining to consent to an investigation shall be honored unless the College determines in good faith that failure to investigate does not comply with state or federal law, does not adequately mitigate a potential risk of harm to the Complainant or other members of the community, or otherwise impedes the College's ability to provide a safe and nondiscriminatory environment for all community members, including the Complainant. Honoring such a request may limit the College's ability to meaningfully investigate and pursue conduct action against an accused individual. The Title IX Coordinator has the ultimate discretion over whether the College proceeds when the Complainant does not wish to do so. Factors used to determine whether to honor such a request may include, but are not limited to:

- The seriousness and/or severity of the reported gender-based misconduct;
- Whether there have been other reports of gender-based misconduct about the same individual;
- Whether circumstances suggest that there is a risk that the Respondent will commit additional acts of gender-based misconduct, such as history of violent behavior, gender-based misconduct, or an escalation of previously noted behavior;
- Whether available information reveals a pattern of perpetration at a particular location or by a particular group;
- Whether the alleged gender-based misconduct involved multiple perpetrators;
- Whether there was a weapon or force used in the alleged gender-based misconduct;
- Whether the College has other means of obtaining relevant evidence;
- Whether the reporting party is under 17 years of age; and
- The right of the Respondent to receive information about the allegations in an institutional investigation.

If the Title IX Coordinator determines there is sufficient cause to file a formal complaint, the Title IX Coordinator may file a formal complaint to initiate a Formal Grievance Process. In such cases, the Title IX

Coordinator is not considered to be a Complainant or other party under this policy. The Complainant (or their Advisor) 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. The Advisor may be appointed as proxy for the Complainant throughout this process, but this proxy role does not extend to the provision of evidence or testimony.

### **Other Considerations**

Where the Respondent is not enrolled at the College and is not employed by the College, the College may decline to process the complaint through a Formal Grievance Process and take other steps it deems appropriate under the circumstances.

The Title IX Coordinator may determine, with consultation with other College officials, that alleged misconduct that occurred alongside the alleged gender-based misconduct but falls under another College policy may be investigated and adjudicated under this policy.



### *Advisors*

The Complainant and Respondent are entitled to an advisor of their choice to accompany, support, and advise them throughout the reporting, intake, investigation, 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.

Advisors may request to meet with the administrative officials conducting interviews/meetings in advance of interviews and meetings in order to clarify and understand their role and the College's policies and procedures.

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 respect the limits of the advisor role, the advisor will be asked to leave the meeting or interview, and the meeting or interview will typically continue without the 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.

### *Emergency Removal of Student 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 Behavioral Intervention Team (BIT) using its standard objective violence risk assessment (VRA) procedures. If the individualized safety and risk analysis determines that an immediate threat to the physical health or safety of any student, including the student Respondent, or other individual justifies removal, then the student Respondent will be removed.

Emergency removal is not a substitute for reaching a determination as to a Respondent's responsibility for the sexual harassment allegations; rather, emergency removal is for the purpose of addressing imminent threats posed to any person's physical health or safety, which may arise out of the sexual harassment allegations

After determining a student 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 a student 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 burden of proof is on the student Respondent to show that the removal decision was inappropriate.

The Title IX Coordinator will, upon request of the Respondent, 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. As determined by the Title IX Coordinator, these actions could include, but are not limited to: removing a student from a residence hall; temporarily re-assigning an employee; restricting a student's or employee's access to or use of facilities or equipment; allowing a student to withdraw or take grades of incomplete without financial penalty; authorizing an administrative leave; and suspending a student's participation in extracurricular activities, student employment, student organizational leadership, or intercollegiate/intramural athletics.

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 during the pendency of a Title IX Formal Grievance Process.

## **B. Resolution Processes When a Formal Complaint is Filed**

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, discussed below.

### *I. Informal Resolution*

The Title IX Coordinator will offer the Informal Resolution Process to the parties after a Complainant files a formal complaint. Informal Resolution can include three different approaches:

- When the Title IX Coordinator can resolve the matter informally by providing supportive measures to remedy the situation.
- When the parties agree to resolve the matter through an alternate resolution mechanism as described below usually before a formal investigation takes place; see discussion in Section II below.
- 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 III below.

To initiate Informal Resolution, a Complainant needs to submit a formal complaint, as defined above. A Respondent who wishes to initiate Informal Resolution should contact the Title IX Coordinator. The Informal Resolution process is not available if the Respondent in a gender-based misconduct complaint is a faculty or staff member of the College and the Complainant is a student.

It is not necessary to pursue Informal Resolution first in order to pursue a Formal Grievance Process, and any party participating in Informal Resolution can stop the process at any time and begin or resume the Formal Grievance Process.

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 obtain voluntary, written confirmation that all parties wish to resolve the

matter through Informal Resolution before proceeding and will not pressure the parties to participate in Informal Resolution.

## *II. Alternate Resolution Mechanism*

Alternate Resolution is an informal mechanism by which the parties reach a mutually agreed upon resolution of an allegation. All parties must consent to the use of an Alternate Resolution mechanism. 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 either from an external agency or source or from within the College community that is likely to achieve the most successful result for the parties. The facilitator will also be screened to ensure that such person is free from conflicts of interest and bias. Either party can elect to have any meeting occur so that the parties are in different rooms and the facilitator “shuttles” between the parties. The facilitator will not be available as a witness in any hearing that may occur should either party terminate the Informal Resolution process before a resolution. 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 there is no agreement on a resolution, the complaint is returned to the Formal Grievance Process outlined in this policy. If a resolution is reached, the facilitator will draft a document reflecting the agreement between the parties that becomes final once it is signed by both parties. This written and signed resolution indicates that the complaint has been resolved under this policy without the need for further investigation or to pursue the Formal Grievance Process. The ultimate determination of whether alternate resolution is available, successful or appropriate is to be made by the Title IX Coordinator. The Title IX Coordinator maintains records of any resolution that is reached, and failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions. Results of complaints resolved by Informal

Resolution or Alternate Resolution are not appealable.

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

The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the resolution process. If the Respondent indicates intent to accept responsibility for all of the alleged misconduct, the Formal Grievance Process will be paused, and the Title IX Coordinator will determine whether an Informal Resolution can be used.

If Informal Resolution is applicable, the Title IX Coordinator will determine whether all parties and the College are able to agree on responsibility, sanctions, and/or remedies. If so, the Title IX Coordinator implements the accepted finding that the Respondent is in violation of College policy and implements agreed-upon sanctions and/or remedies, in coordination with other appropriate administrator(s), as necessary.

This result is not subject to appeal once all parties indicate their written assent to all agreed upon terms of resolution. When the parties cannot agree on all terms of resolution, the Formal Grievance Process will resume at the same point where it was paused.

When a resolution is accomplished, the appropriate sanction or responsive actions are promptly implemented in order to effectively stop the harassment or discrimination, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the Complainant and the community.



## C. Formal Grievance Process

When a formal complaint is filed, and an informal option is not chosen, the Formal Grievance Process is initiated, meaning an investigation and adjudication.

### *I. The Pool*

The Formal Grievance 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 in a facilitation role in informal resolution, to serve as a decision-maker regarding a formal complaint; and, to serve as an appeal decision-maker. The Pool members are: 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; 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 Formal Grievance Process Pool.

Pool members may recuse themselves if their participation might compromise the integrity of the adjudication process. If a Pool member recuses themselves, the Title IX Coordinator will identify a new Pool member for a particular complaint 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 an external source or from the College administration as Pool members and to appropriately train those appointees as needed.

### *II. 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 Grievance 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 adjudication process;
- A statement of the potential sanctions;
- A statement that the Respondent is presumed not responsible for the alleged misconduct determinations of responsibility are made at the conclusion of the process;
- A statement that, during the inspection and review period, the parties will be given an opportunity to inspect, review, and comment on any evidence obtained in the investigation that is directly related to and/or relevant to the allegations in the complaint;
- A statement about the College's policy on retaliation;
- Information about the privacy of the process;
- Information on the right of each party to have an Advisor of Choice, who may be, but is not required to be, an attorney;
- A statement informing the parties that the College's policy prohibits knowingly making false statements, including knowingly submitting false information during the resolution process;
- Detail on how the party may request disability accommodations during the interview process,
- A link to the College's VAWA Brochure;
- The name(s) of the Investigator(s), along with a process to identify, in advance of the interview process, to the Title IX Coordinator any conflict of interest that the Investigator(s) may have; and
- An instruction to preserve any evidence that is directly related to the allegations. Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various charges. Notice will be made in writing and may be delivered by one or more of the following methods: in person or emailed to the parties' College-issued email or designated accounts. Once mailed, emailed, and/or received



in person, notice will be presumptively delivered.

### *III. Investigation Timeframe*

The College will endeavor to complete each investigation within thirty (30) days. An investigation may be extended for good cause, such as witness unavailability, breaks in the academic schedule, or other similar circumstances.

### *IV. Investigation Procedures*

Once the decision to commence a formal investigation is made, the Title IX Coordinator appoints an individual to conduct an investigation who does not have a conflict of interest. The Investigator is charged with conducting a thorough, impartial, reliable, and prompt investigation. The College may appoint any qualified investigator, who may be a person internal or external to the College. The College may also appoint more than one investigator in the College's sole discretion. The investigation is an impartial fact-finding process.

The Investigator will interview each party and all relevant witnesses, conduct follow-up interviews as necessary, and gather all available relevant evidence.

The Investigator will also provide the parties and witnesses with an opportunity to review and verify the Investigator's summary notes from interviews and meetings with that specific party or witness. Each party will be allowed the opportunity to suggest questions they wish the Investigator(s) to ask of the other party and witnesses.

The Complainant and Respondent will be provided with advance written notice of the date, time, location, participants, and purpose of any meeting or interview in which they are invited to or expected to participate.

The Complainant and the Respondent will be given an equal opportunity to present information. This includes the opportunity to present fact or expert witnesses and other evidence that the party believes tends to prove or disprove the allegations. However, at all times, the burden of gathering evidence remains with the College. The Investigator may decline to interview any witness or to gather

information the Investigator finds to be not relevant or otherwise excludable (e.g., sexual history of the Complainant with a person other than the Respondent, materials subject to a recognized privilege, medical records in the absence of a release by the subject of the records, etc.). The Investigator will determine the order and method of investigation.

The investigation and/or hearing does not allow for questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior 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.

### *V. 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 gathered in the investigation and regardless of whether the information will be relied on in reaching a determination. Prior to the conclusion 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 ten (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.

### *VI. Investigative Report*

At the conclusion of the investigation, the Investigator will complete a written investigative report that fairly summarizes the 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. At least ten (10) days prior to a hearing to determine whether there is responsibility for the allegations, the Complainant and Respondent, and each party's advisor if any, will be provided a copy of the investigative report (which may be sent in hard copy or electronic format or made available through an electronic file sharing platform), subject to redaction permitted and/or required by law.

### *VII. Recording of Interviews*

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.



### *VIII. Referral for a Hearing*

Provided that the complaint is not resolved through Informal Resolution, once the final investigation report is shared with the parties, the Title IX Coordinator will refer the matter for a hearing. The Title IX Coordinator or Deputy Title IX Coordinator can act as a hearing facilitator, which is a non-decision-making role in this process, but will not attend the hearing. The hearing facilitation may assist with administrative issues, such as logistics of rooms for various parties/witnesses as they wait; flow of parties/witnesses in and out of the hearing space; ensuring recording and/or virtual conferencing technology is working as intended; copying and distributing materials to participants, as appropriate, etc.

The hearing cannot be less than ten (10) business

days from the conclusion of the investigation – when the final investigation report is transmitted to the parties and the hearing panel Chair – unless all parties and the Chair agree to an expedited timeline.

### *IX. Hearing Decision-maker Composition*

The College will designate a three-member panel from the Grievance Process Pool. The Title IX Coordinator will appoint one of the three members as Chair. The hearing panel members (i.e. Decision-makers) will not have had any previous involvement with the investigation or resolution process in the complaint in any capacity. The hearing panel members may be members of the community or may be external to the College, as determined by the Title IX Coordinator.

### *X. Participants*

Participants in the hearing will include the members of the hearing panel, the Complainant and the Respondent, their respective advisors, the Investigator(s) who conducted the investigation, 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. Parties and their advisors may not use cell phones or recording devices in the hearing room(s).

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.

### *XI. Evidentiary Consideration & Procedural Issues in the Hearing*

The Chair of the hearing panel is in charge of organizing the presentation of information to be considered at the hearing and addressing any procedural issues. Any evidence that the Chair of the hearing panel determines is relevant will be considered at the hearing. However, consistent with

evidence that is not considered during the investigation, the hearing panel will also not allow for questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior 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.

## *XII. Notice of Hearing*

No fewer than ten (10) business days prior to the hearing, the Title IX Coordinator will send notice of the hearing to the parties. The notice will contain:

- The time, date, and location of the hearing.
- A statement that a party or witness may request from the Title IX Coordinator, at least five (5) days prior to the date of the hearing, alternative arrangements if they prefer to not attend, or cannot attend, the hearing in person. These alternative arrangements will use technology to allow remote testimony that will not compromise the fairness of the hearing.
- Information about the option for the live hearing to occur with the parties located in separate rooms using technology that enables the hearing panel members and parties to see and hear a party or witness answering questions. Such a request must be raised with the Title IX Coordinator at least five (5) days prior to the hearing.
- A list of all those who will attend the hearing, including the names of the hearing panel members. The notice will inform the parties that they may challenge the participation of any hearing panel member 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 two (2) business days prior to the hearing. Bias or conflict of interest will be judged by an objective standard (whether a reasonable person would conclude the Decision-maker 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, and the party's or

witness's testimony and any statements given prior to the hearing by that party or witness will not be considered by the hearing panel for purposes of reaching a decision on responsibility.

- Notification that the parties may have the assistance of an Advisor of Choice at the hearing and will be required to have one present (or be assigned an Institution Advisor) for any questions they may desire to ask of the other party and/or witnesses. The party must notify the Title IX Coordinator at least two (2) days prior to the hearing if they have an Advisor of Choice that will attend the hearing.
- 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 panel for review during any sanction determination. Hearing panel members will only review the impact statements upon a decision of responsibility.
- 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 seven (7) business days prior to the hearing if they have a need for accommodations at the hearing.

Hearings for possible violations that occur near or after the end of an academic term (assuming the Respondent is still subject to this policy) and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by the College and remain within the 90 business day goal for resolution. 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).

## *XIII. Advisors*

The Complainant and the Respondent may each have present with them during the hearing an Advisor of Choice (at the party's expense, if the advisor is a paid advisor). If a party does not have an Advisor of Choice present at the hearing, the College will provide, without fee or charge to that party, an Institution Advisor of the College's choice for the limited purpose of conducting questioning on behalf

of that party as provided in this policy.

Except with respect to questioning as described below, the advisor's role is limited to consulting with their advisee, and the advisor may not present evidence, address the hearing panel during the hearing, object to any aspect of the proceeding, or disrupt the hearing in any way, and any consultation with the advisee while the hearing is in progress must be done in a quiet, nondisruptive manner or in writing. An advisor's questioning of the other party and any witnesses must be conducted in a respectful, nonintimidating, and non-abusive manner.

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 and the hearing will proceed without an opportunity for the party to obtain a replacement advisor; provided, however, that the College will assign an Institution Advisor of the College's choosing, without charge, for the purpose of conducting questioning on behalf of the party as provided below. If an Institutional Advisor refuses to comply with the rules of decorum, the College may provide that party with a different Institution Advisor to conduct cross-examination on behalf of that party.



#### *XIV. Pre-Hearing Preparation*

Any witness scheduled to participate in the hearing must have been first interviewed by the Investigator. Absent extraordinary circumstances as determined by the Chair of the hearing panel, no party may seek to introduce at the hearing any evidence not previously made available during the investigation and/or in response to the investigation report.

During the ten (10) business day period prior to the hearing, the parties have the opportunity for

continued review and comment on the final investigation report and available evidence. That review and comment can be shared with the Chair at the pre-hearing meeting or at the hearing and will be exchanged between each party by the Chair.

#### *XV. Pre-Hearing Meetings*

The Chair may convene a pre-hearing meeting(s) with the parties and/or their advisors to invite them to submit the questions or topics they (the parties and/or their advisors) wish to ask or discuss at the hearing, so that the Chair can provide guidance on their relevance ahead of time to avoid any improper evidentiary introduction in the hearing. However, this advance review opportunity does not preclude advisors from asking a question for the first time at the hearing.

The Chair, only with full agreement of the parties, may decide in advance of the hearing that certain witnesses do not need to be present if their testimony can be adequately summarized by the Investigator in the investigation report or and the parties do not intend to ask those witnesses any cross-examination questions during the hearing. At each pre-hearing meeting with a party and their advisor, the Chair will consider arguments that evidence identified in the final investigation report as relevant is, in fact, not relevant. Similarly, evidence identified as directly related but not relevant by the Investigator may be argued to be relevant. The Chair may rule on these arguments pre-hearing and will exchange those rulings between the parties prior to the hearing to assist in preparation for the hearing. The Chair may consult with legal counsel and/or the Title IX Coordinator regarding these decisions. The pre-hearing meeting(s) will not be recorded.

#### *XVI. Consolidation of Cases and Joint Hearings*

The Title IX Coordinator may determine that where the allegations arise 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 filed by the parties against each other, multiple complaints filed by a single Complainant against a Respondent, or multiple complaints by a single Complainant against

multiple Respondents. In joint hearings, separate determinations of responsibility will be made for each Respondent with respect to each alleged policy violation.

### *XVII. The Order of the Hearing*

Generally, the hearing will begin with an opportunity for Opening Statement by the Complainant followed by an opportunity for an Opening Statement by the Respondent.

The Investigator will then present a summary of the final investigation report and will be subject to questioning by the hearing panel members and then the parties (through their advisors). The Investigator will be present during the entire hearing process, but not during deliberations. Neither the parties nor the hearing panel members should ask the Investigator their opinion on credibility, recommended findings, or determinations.

Once the Investigator presents their report and is questioned, the parties and witnesses may provide relevant information in turn, beginning with the Complainant, who may be questioned by the hearing panel and, if desired, on behalf of the Respondent (through their advisor). The hearing panel may then present questions to the Respondent and, if desired, on behalf of the Complainant (through their advisor). The witnesses will then submit to questioning by the hearing panel and then by the parties through their advisors. At the conclusion of the hearing, the Respondent will be provided an opportunity to make a Closing Statement and then the Complainant will be provided an opportunity to make a Closing Statement.

Formal rules of evidence will not apply. Except as otherwise expressly prohibited by this policy, any information that the Chair of the hearing panel determines is relevant may be considered, including hearsay, history and information indicating a pattern of behavior, and character evidence. All evidence previously made available to the parties for inspection and review prior to completion of the investigative report as described above will be made available at the hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of questioning.

The hearing panel 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; provided that questions that seek disclosure of information protected under a legally recognized privilege will not be permitted unless the person or entity holding the privilege has waived the privilege in writing. Questioning must be conducted by the party's advisor in a respectful, nonintimidating and non-abusive manner, and never by a party personally. If a party does not have an advisor present at the hearing, the Title IX Coordinator will arrange for the College to provide, without fee or charge to that party, an Institution Advisor of the College's choice to conduct cross-examination on behalf of that party.

Only relevant questions may be asked by a party's advisor to a party or witness. Questions that repeat, in sum or substance, questions already asked by the hearing panel prior to cross-examination, or by a party's advisor during cross-examination, may be ruled duplicative, and therefore irrelevant. Before the party or witness answers a question posed by an advisor, the Chair of the hearing panel will first determine whether the question is relevant and explain any decision to exclude a question as not relevant. For example, the Chair may determine that a question is irrelevant because it asks about a detail that does not touch on whether a material fact concerning the allegations is more or less likely to be true. As another example, the Chair may determine that a question is irrelevant because it calls for prior sexual behavior information about the Complainant without meeting one of the two exceptions to the rape shield protections. Such decisions by the Chair are final and not subject to objection or reconsideration during the hearing.

The Chair will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive. The Chair has final say on all questions and determinations of relevance. The Chair may consult with legal counsel on any questions of admissibility.

If the parties raise an issue of bias or conflict of interest of an Investigator or Decision-maker at the hearing, the Chair may elect to address those issues, consult with legal counsel, and/or refer them to the Title IX Coordinator, and/or preserve them for

appeal. If bias is not in issue at the hearing, the Chair should not permit irrelevant questions that probe for bias.

### *XVIII. Refusal to Submit to Cross-Examination and Inferences*

If a party or witness chooses to not submit to cross-examination at the hearing, either because they do not attend the meeting, or they attend but refuse to participate in questioning, then the Decision-makers may not rely on any prior statement made by that party or witness, during the hearing or during the investigation, in the ultimate determination of responsibility. Evidence provided that is something other than a statement by the party or witness may be considered.

The hearing panel members may not draw any inference as to responsibility based on a party's or witness's absence from the hearing or refusal to answer cross-examination questions.

### *XIX. Recording Hearings*

Hearings (but not deliberations) are recorded by the College in a manner determined by the Title IX Coordinator for purposes of review in the event of an appeal. The parties may not record the proceedings and no other unauthorized recordings are permitted.

The hearing recording or transcript will be made available to the parties, upon request, for inspection and review. Prior to obtaining access to the recording or transcript, the parties and their advisors must acknowledge in writing that they will not disseminate any of the testimony heard or evidence obtained in the hearing or use such testimony or evidence for any purpose unrelated to the grievance process. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator.

### *XX. Hearing Determinations*

The hearing panel will deliberate in closed session to determine whether the Respondent is responsible or not responsible for the alleged policy violation(s). A simple majority vote is required to determine the finding. The hearing panel will use the

“preponderance of the evidence” standard of proof. The “preponderance of the evidence” standard requires a determination as to whether it is more likely than not that a policy violation occurred. The hearing facilitator may be invited to attend the deliberation by the Chair, but is there only to facilitate procedurally, not to address the substance of the allegations.

Each party may submit a written personal impact statement to the Title IX Coordinator for consideration by the hearing panel in determining an appropriate sanction if there is a finding of responsibility on one or more of the charges. The parties must submit their statements to the Title IX Coordinator prior to the hearing.

When there is a finding of responsibility on one or more of the allegations, the hearing panel members may then consider the previously submitted impact statements in determining appropriate sanction(s). The Chair will ensure that each of the parties has an opportunity to review any impact statement submitted by the other party(ies). The hearing panel members may – at their discretion – consider the statements, but they are not binding. In addition to the impact statement(s), if any, 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 panel.

### *XXI. Notice of Outcome*

The hearing panel will issue a written determination including the following information:

- A description of the charges that were adjudicated;

- A description of the procedural steps taken from the submission of the formal complaint through the determination, including notifications to the parties, interviews with parties and witnesses, site visits, 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; and
- The procedures and permissible bases for the Complainant and Respondent to appeal.

The Title IX Coordinator will provide the written determination to the parties simultaneously by email or in person.

### **C. Sanctions**

Sanctioning outcomes/parameters may be impacted by information deemed relevant by the Decision-makers which may include the following criteria: 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.

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 Decision-makers including, but not limited to, 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 involving gender-based misconduct awareness, counseling, community restitution, prohibition from certain Bard facilities and/or activities, prohibition from campus, suspension, expulsion, admission revocation, revocation of awards or honors, withholding of degree, degree revocation, demotion, termination, a

combination of these, or any sanction deemed just and proper.

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 sanction stage of the process, and is not shared with the hearing panel members until then.

All Respondents are expected to comply with the assigned sanctions within the timeframe specified by the hearing panel and/or appeal panel. Failure to abide by or complete the sanctions may result in additional sanctions, and may be noted on a student's official transcript.

### *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 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.

### **D. The Appeal Process**

A Respondent or Complainant may appeal: (1) a determination regarding responsibility; and/or (2) the College's dismissal of a formal complaint or any allegations therein. Any party may file a Request for

Appeal in writing to the Title IX Coordinator within seven (7) 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.

The Title IX Coordinator will designate a three-member appeal panel chosen from the Formal Grievance Process Pool, as well as an Appeal Chair. The appeal panelists will not include any of the same individuals who served as hearing panel members that reached the determination regarding responsibility or dismissal, the Investigator(s), or the Title IX Coordinator. 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.

The eligible grounds on which an appeal may be based are:

1. Procedural error that substantially affected the outcome;
2. New evidence that was not reasonably available at the time of the investigation and could substantially affect the outcome; and/or
3. The Title IX Coordinator, Investigator, or Decision-makers 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.

Dissatisfaction with the outcome does not constitute grounds for appeal.

If any of the grounds in the Request for Appeal do not meet the grounds in this policy, that request will be denied by the Appeal Chair and the parties and their advisors will be notified in writing of the denial and the rationale.

When a party submits a written notice of its intent to appeal to the Title IX Coordinator within 7 days of the appealable decision, 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, then the written determination becomes final after the time period to file an appeal (7 days) has expired.

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.

Decisions on appeal are to be deferential to the original decision, making changes to the finding only 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 for the result. 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 Decision-makers (as in cases of bias), the appeal may order a new hearing with new Decision-makers. 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.

### **Notification to Victims of Crimes of Violence**

The College will, upon written request, disclose to the alleged victim of a crime of violence or sex offense the report on the results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as the result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.



## **Campus Sex Crimes Prevention Act**

The College complies with the requirements of the *Violent Crime Control and Law Enforcement Act of 1994* and the federal *Campus Sex Crimes Prevention Act*. Under this act, sex offenders must register with the state in which an institution of higher education is located (even if they do not reside in that state) once they are enrolled or begin employment at that institution of higher education. Changes in enrollment or employment status also must be made known to the state.

Individuals covered by the act include those enrolled at an institution of higher education in any state on a full-time or part-time basis or those with any full-time or part-time employment at an institution of higher education in any state, with or without compensation, for more than 14 days, or for an aggregate period exceeding 30 days in a calendar year.

The law requires institutions of higher education to issue a statement advising their campus community where to obtain law enforcement agency information provided by their state concerning registered sex offenders. The New York State Sex Offender Registry Act (“SORA”) established rules regarding the dissemination of information on sex offenders. Complete information can be obtained at the SORA website: [www.criminaljustice.ny.gov/nsor/index.htm](http://www.criminaljustice.ny.gov/nsor/index.htm).

SORA has four distinct procedures for community notification:

- First, local law enforcement agencies are notified whenever a sex offender moves into their jurisdiction. That agency may notify schools and other “entities with vulnerable populations” (including Bard College) about the presence of a level 2 or level 3 offender if the offender poses a threat to public safety.
- Second, SORA established a for-fee 900-288-3838 information line that citizens can call to determine if an individual is listed in the registry.
- Third, SORA provides for the distribution of the subdirectory of high-risk (level 3) sex offenders to law enforcement agencies throughout the state. Citizens can review the subdirectory at local law enforcement agencies. The subdirectory includes

photographs of all level 3 offenders.

- Fourth, the subdirectory is available online at: [www.criminaljustice.ny.gov/SomsSUBDirectory/se\\_arch\\_index.jsp](http://www.criminaljustice.ny.gov/SomsSUBDirectory/se_arch_index.jsp)

## **Clery Act Definitions of Domestic Violence, Dating Violence, Sexual Assault, and Stalking**

The Clery Act defines the crimes of domestic violence, dating violence, sexual assault, and stalking as follows:

### ***Domestic Violence:***

- A felony or misdemeanor crime of violence 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 in which the crime of violence occurred; 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 the jurisdiction in which the crime of violence 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.

- The existence of such a relationship shall be based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- For the purposes of this definition—
  - Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
  - Dating violence does not include acts covered under the definition of domestic violence.

***Sexual Assault:*** An offense that meets the definition

## New York State Definitions of Domestic Violence, Dating Violence, Sexual Assault, Stalking, and Consent

of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent."

**Rape** is defined as 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** is defined as the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

**Incest** is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Statutory Rape** is defined as sexual intercourse with a person who is under the statutory age of consent.

### **Stalking:**

1. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
  - a. Fear for the person's safety or the safety of others; or
  - b. Suffer substantial emotional distress.
2. For the purposes of this definition—
  - a. *Course of conduct* means two or more acts, including, but not limited to, acts 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.
  - b. *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.
  - c. *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

**Sexual Assault:** New York does not specifically define "sexual assault." However, sexual offenses involving a lack of consent (including rape and sexual abuse) are criminal offenses under New York law. Under New York penal code, in cases with forcible compulsion, incapacity to consent, or no express or implied acquiescence, the offense charged is sexual abuse or forcible touching. In cases where there is a clear expression of non-consent, the offense charged is rape.

New York law states that a person is incapable of consent when he or she is: under the age of 17; mentally disabled; mentally incapacitated; physically helpless; or committed to the care of the state.

**Domestic Violence:** New York defines domestic violence as a pattern of coercive tactics, which can include physical, psychological, sexual, economic, and emotional abuse, perpetrated by one person against an adult intimate partner with the goal of establishing and maintaining power and control over the victim.

**Dating Violence:** New York defines dating violence as included in the Domestic Violence statute (see above).

However, certain domestic relations offenses are violations of the New York penal code, including but not limited to harassment, sexual abuse, stalking, and menacing committed by a family member or intimate partner that have created a substantial risk of physical or emotional harm to a person or a person's child.

**Stalking:** Under New York penal code, stalking is an intentional course of conduct directed at a specific person that causes harm to the mental or emotional distress of that person, fear for their health, safety, or property, or the health, safety, or property of their family or acquaintances, or fear that their employment, business, or career is threatened.

Please see [Appendix #6](#) for relevant New York criminal statutes.

**Consent:** New York’s State Education Law 129-B (“Enough Is Enough”) requires all colleges in New York to adopt a uniform definition of affirmative consent. Affirmative consent as 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. Previous consensual sexual activity and/or consent to one sexual act does not constitute consent to any other sexual act. 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.

Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by a lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. 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 consent<sup>1</sup> cannot consent to sexual activity. Consent cannot be given when it is the result of coercion, intimidation, force, or threat of harm. When consent is withdrawn or can no longer be given, sexual activity must stop.





### **Policies for Possession, Use & Sale of Alcoholic Beverages**

New York law states that no person under the age of 21 years may possess or consume alcoholic beverages. While Bard College complies with New York State Alcohol Beverage Control laws, campus policy goes beyond mere compliance by defining acceptable behavior with regard to alcohol and by placing emphasis on individual responsibility and educational awareness. Violations of the College's alcohol policy are considered infractions of the Bard College Student Handbook and are subject to appropriate campus disciplinary action. Key points of the College alcohol policy are given below:

- No person under the age of 21 shall possess or consume any alcoholic beverage on campus.
- At all College academic, cultural, athletic, and social events, alcohol may be served to those who are 21 years or older. Alcoholic beverages may only be served and consumed within a defined area. Trained Event Hosts will be present to oversee every event at which alcohol is served.
- At all events where alcoholic beverages are served, non-alcoholic beverages shall also be made available throughout the event.
- All mass-consumption containers (kegs, beer

balls, containers of punch, etc.) are permitted only at sponsored all-College events and only in those College facilities where such containers are not banned. Mass containers are not permitted in the Kline dining hall, Campus Center, academic buildings, or in residence halls.

Bard College prohibits the unlawful possession, use, and sale of alcoholic beverages on campus. The Office of Safety and Security is responsible for enforcing campus policies, which includes violations of the law. Local and state law enforcement agencies are responsible for the enforcement of state alcoholic beverage laws.

### **Policies for Possession, Use, and Sale of Illegal Drugs**

The New York State Public Health Law: Article 33, Mental Hygiene Law: Article 81, and Penal Law: Article 220 mandate that it is unlawful for any citizen to sell or possess certain drugs, defined by law as "controlled substances," except as expressly allowed by law. In addition, the Drug-Free Workplace Act (Public Law 100690, 102 Stat. 4304) and the Drug-Free Schools and Communities Act Amendments of 1989 (Public Law 101-226, Section 22) require Colleges and universities to show

good-faith effort toward combating illegal drugs and alcohol abuse in the workplace.

Bard policy states that the manufacture, distribution, dispensation, possession, or use of controlled substances without explicit and current prescription from one's medical doctor, or from a Bard physician, are prohibited. Violation of this policy on Bard College property will result in College sanctions appropriate to the situation and the College will not protect employees or students from arrest or prosecution by local criminal justice authorities for illegal involvement with drugs or alcohol.

The College is prepared to enforce its drug policy vigorously and will bring disciplinary charges against students involved with illegal drug use and distribution. The College also reserves the right to contact police authorities regarding violations of law pertaining to controlled substances. The College may summarily dismiss students found to be selling illegal drugs, pending any appropriate disciplinary hearings. Students who seek medical or psychiatric counseling about drug abuse will be helped and will not be reported by those privileged counselors. However, a student cannot be protected by this privilege if they continue illegal use of drugs and are detected by law enforcement or College authorities.

Since drug abuse is a serious legal and medical problem, all members of the College community are encouraged to seek assistance for themselves or others from appropriate College services.

The [Bard College Student Handbook](#) outlines the full specifics of the College's policies regarding alcoholic beverages and illegal drugs.

Upon enrollment, the College shall provide to each student a separate, clear, and conspicuous written notice that advises the student of the penalties for drug violations and the institution shall provide in a timely manner to each student who has lost eligibility for any grant, loan, or work-study assistance a separate, clear, and conspicuous written notice notifying the student of the loss of eligibility advising the student of the ways in which the student can regain eligibility.

Bard College prohibits the unlawful possession, use, and sale of illegal drugs on campus. The Office of **Bard College** Annual Safety and Security Report and Fire Safety Report

Safety and Security is responsible for enforcing campus policies, which includes violations of the law. Local and state law enforcement agencies are responsible for the enforcement of federal and state drug laws.

## **Drug and Alcohol Counseling and Education**

Students with drug- or alcohol-related problems are encouraged to seek confidential counseling and referral services through the Bard Counseling Center and/or Student Health Services. To assist students, Bard has a substance-abuse prevention educator. Employees with such problems are encouraged to use the confidential referral service offered through the Employee Assistance Program. All medical and rehabilitation records concerning student or employee drug or alcohol use/abuse, including records of the identity, diagnosis, prognosis, or treatment, are confidential and may be disclosed only as authorized by law.

Bard College is committed to sponsoring a full range of educational, training and counseling programs to ensure that all members of the College community know the dangers of drug and alcohol use/abuse, the College's policies regarding drug and alcohol use/abuse, and the availability of its counseling and referral services.

## **Drug Free Schools and Communities Act**

In compliance with the Drug Free Schools and Communities Act, Bard College publishes information regarding the College's educational programs related to drug and alcohol abuse prevention; sanctions for violations of federal, state, and local laws and College policy; a description of health risks associated with alcohol and other drug use; and a description of available treatment programs for Bard College students and employees.

## **Bias-Related Incidents** **(NY State Hate Crimes Act of 2000)**

Bard College is committed to providing a learning and working environment free from discrimination and harassment. The College is an equal opportunity employer committed to treating all individuals equitably, with respect and dignity. The College prohibits harassment and discrimination in

admission, employment, and administration of its programs and activities, on the basis of sex, gender, race (including traits historically associated with race), color, national origin or citizenship, religion, age, disability (including pregnancy-related conditions), gender identity or expression, transgender status, sexual orientation, predisposing genetic characteristics or carrier status, marital or familial status, veteran status, military status, domestic violence victim status, known association or relationship with someone in a protected classification, or any other characteristic protected by federal, state, or local law.

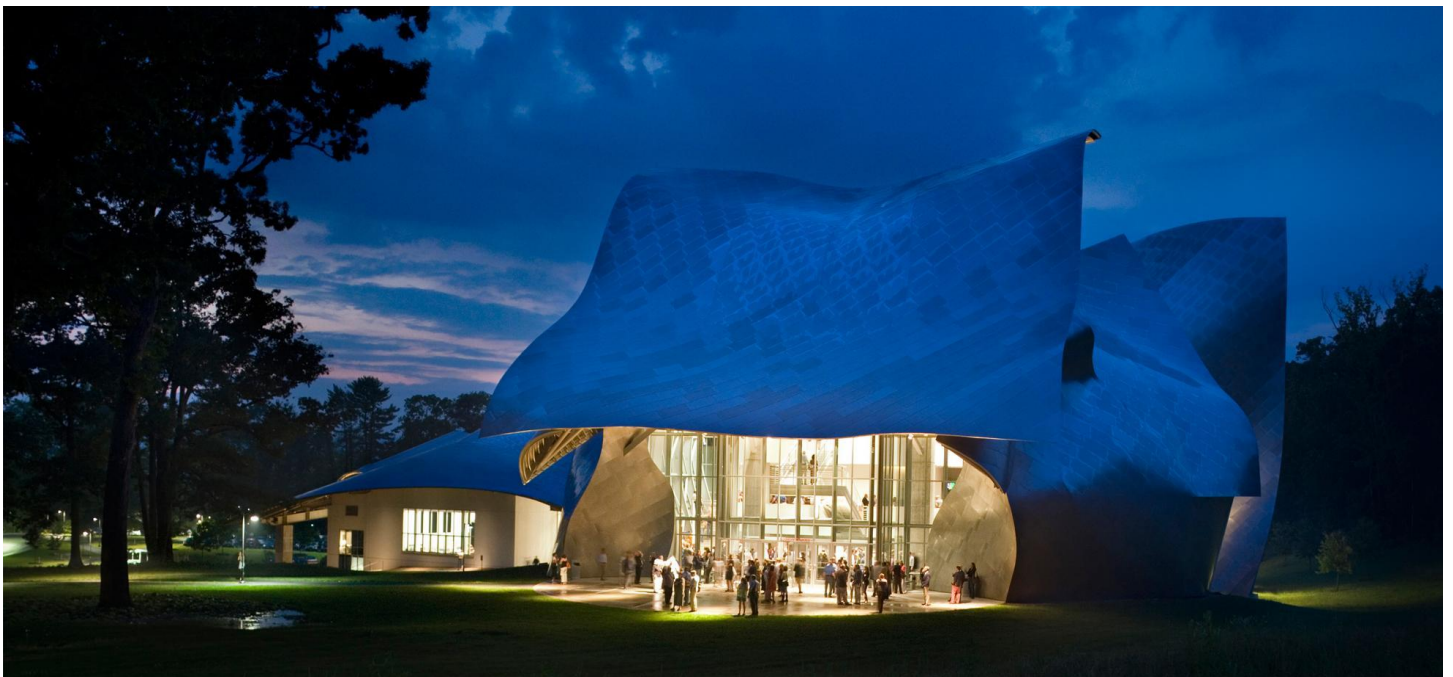
Toward that end, the College will not tolerate any kind of unlawful discrimination or harassment against students, faculty, staff, applicants for employment or admission, visitors, or any other individual providing services to the College. The College is committed to handling complaints of discrimination and harassment in a prompt, equitable, and transparent

manner. Complaints of unlawful discrimination and harassment will be handled according to the Bard College Policy Against Discrimination and Harassment.

The Bard College Policy Against Discrimination and Harassment may be found at the following link: <https://www.bard.edu/nondiscrimination/policies/>.

Bard College informs incoming students about bias-related crime and prevention measures through programs that include workshops, seminars, discussion groups, and orientation sessions. The purpose of these programs is to disseminate information about bias-related crime, promote discussion, encourage reporting of incidents of such crime, and facilitate prevention.

Complete information can be found at the following link: [www.bard.edu/cie/bias/](http://www.bard.edu/cie/bias/)



## Crime Definitions

Bard College reports Clery Act crimes that occurred on or within the College's Clery Geography and were reported to a Campus Security Authority. The following definitions are used for reporting the crimes listed in the Clery Act, in accordance with the Federal Bureau of Investigation's Uniform Crime Reporting (UCR) Program.

### **Crime Definitions from the Summary Reporting System (SRS) User Manual**

**Arson:** Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

#### **Criminal Homicide—Manslaughter by Negligence:**

The killing of another person through gross negligence.

**Criminal Homicide—Murder and Non-negligent Manslaughter:** The willful (non-negligent) killing of one human being by another.

**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.

**Robbery:** The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

**Aggravated Assault:** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)

**Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all

cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned—including joyriding.)

**Burglary:** The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

#### **Weapons: Carrying, Possessing, Etc. Violations:**

The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

#### **Drug Law Violations:**

The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of State and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

#### **Liquor Law Violations:**

The violation of State or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

### **Crime Definitions from the National Incident-Based Reporting System (NIBRS) User Manual**

**Sex Offenses:** Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

**Fondling:** The touching of the private body parts 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 his/her age or because of his/her temporary or permanent mental incapacity.

**Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.



### **Crime Definitions from the Hate Crime Data Collection Guidelines and Training Manual**

**Larceny-Theft (Except Motor Vehicle Theft):** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.

**Simple Assault:** An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

**Intimidation:** To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

**Destruction/Damage/Vandalism of Property:** To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

### **Unfounded Reports**

Bard Safety Security Officers are civilians, not sworn officers of the law. They do not have the power of public arrest and cannot unfounded reports of crimes. Local law enforcement has not unfounded reports for the arrests on campus for any of the violations included in this report. Therefore, no reports were classified as unfounded for 2019, 2020, or 2021.



# Annual Fire Safety Report

## Overview

The Higher Education Opportunity Act requires all United States academic institutions to produce an annual fire safety report outlining fire safety practices, standards, and all fire-related on-campus statistics. Every institution that maintains on-campus student housing shall publish an annual fire safety report. The following report details all information required by this law as it relates to Bard College. Fire statistics for 2019, 2020, and 2021 can be found in [Appendix #2](#).

## Report Availability

By October 1 of each year, Bard College will make the Annual Safety and Security Report and Fire Safety Report available to all students, prospective students, and employees. The report will be available on the Bard website at [www.bard.edu/security/](http://www.bard.edu/security/). The College will also issue a notice of availability to all current students and employees via email. The notice will contain a brief description of report contents. Also, a paper copy will be available upon request at the Office of Safety and Security, located in the Old Gym.

## Recent Improvements in Fire Safety

In 2015, the College completed the installation of sprinkler systems into every residence hall and apartment. In addition, there is a continuous process to assess improvements in fire safety at the College. The Bard Fire Protection Systems department oversees this review process and seeks input and advice from fire safety professionals to this end. A chart showing fire information about the College's residential facilities can be found in [Appendix #2](#).

## Fire Safety Policy for On Campus Residents

- All residents must attend a Fire Safety Workshop during the academic year. Students are responsible for following all fire safety codes and must cooperate in removing any violations or evacuating the building in a timely manner.

- Fire alarm systems and firefighting equipment are in the residence halls and apartments for the occupants' protection. Any tampering with or misuse of this equipment is prohibited and is in violation of the law.
- Firecrackers, gasoline, candles, incense, or other highly combustible items are not permitted in residence halls or apartments.
- Food preparation is permitted in residence hall kitchenettes. The cooking of food and the use of electrical appliances (i.e. toaster ovens, microwave ovens, heating coils, George Foreman grills, etc.) are prohibited in student rooms.
- In instances where electrical outlets are required in addition to those fixed structural outlets within the space, the following definition of an extension cord is acceptable to the College: The extension cord must be a device recognized by a nationally recognized independent testing laboratory such as Underwriters Laboratories, Inc. and be generically referred to as a "temporary power tap." This tap should have no more than six outlets, no less than a 14-gauge supply cord and contain an independent circuit breaker of no greater capacity than 15 amps.
- The use of halogen lamps is strictly prohibited in residence halls and apartments.
- Partitions, room dividers, lofts, and the painting of rooms are prohibited. Under no circumstances should furniture restrict free and easy movement within the room and/or apartment.
- The College may require personal furniture or furnishings to be removed from any residence when the College determines the situation to be a fire, safety, health, or housekeeping hazard (including, but not limited to: ceiling fans; window air conditioner units; and full size refrigerators).
- All residence halls and apartments are subject to periodic fire inspections. Student violators of Fire Safety Codes may be responsible for any and all fines as a result of the violation (i.e. The State of New York's Department of State, Office of Fire Prevention and Control).
- Building evacuation is required when a fire alarm sounds, unless previous notice was provided by a College official indicating that the alarm will be tested and evacuation is not necessary.
- In compliance with New York state law, smoking is

prohibited in all indoor areas of the College. All residence halls and apartments are smoke-free, including on balconies, breezeways, porches, and decks. In addition, bongs and hookahs are not permitted on College property.

- Candles and incense are prohibited on campus.

### **On Campus Fire Drills**

Each semester, the Office of Safety and Security, the Office of Residence Life & Housing, and the Office of Fire Protection Systems conduct fire drills in every residential facility. Fire drills are also conducted for programs that reside on campus during the summer. The College conducts a minimum of four fire drills in all residence halls annually. The College conducts a minimum of three drills for all other buildings.

### **Fire Safety Education for Students and Staff**

Each fall, Residence Life staff members receive thorough fire safety training, including fire extinguisher training and training in the College's fire safety policies. The Director of Safety and Security and the New York State Office of Fire Prevention and Control also conduct fire extinguisher training for individual dormitories throughout the academic year.

The College has also worked to develop a "Fire Safety Day" to expose the Bard Community to training in fire prevention and response education from the Red Hook and Tivoli Fire Departments, New York State Office of Fire Prevention and Control and the Department of Campus Safety. This event allows students and staff to experience crawling through a smoke-filled hall, observe a mock dorm room fire, and learn about the different equipment and detectors that are used on campus to keep them safe from fire.

### **Fire Inspections**

Buildings & Grounds staff and the State Office of Fire Prevention and Control annually inspect every building, including residence halls. In addition, Residential Life staff members inspect campus housing several times throughout the academic year, including opening (September), Thanksgiving break (November), winter break (December), spring break

(March), and closing (May). All spaces are inspected at opening and closing, and most are inspected at the specified breaks. The College provides students with expectations for the condition of their room during each break, and Residence Life staff follows up to confirm completion.

### **Reporting a Fire**

To report an active fire, call 911 or 845-758-7777 to immediately contact the Office of Safety and Security. If the fire is in a building, the fire alarm in the building should be pulled and everyone should evacuate the building to a predetermined assembly location. Everyone is required to exit a building when the fire alarm is activated, and people who refuse to comply will be subject to disciplinary or legal action.

If a member of the Bard community finds evidence of a fire that has been extinguished, and the person is not sure whether the Office of Safety and Security has already responded, the community member should immediately notify them at 845-758-7777 to investigate and document the incident for disclosure in the College's annual fire statistics.

### **Evacuation Procedures**

Emergency procedures and evacuation maps are posted in all buildings on campus, including all residence halls. Procedures include evacuation procedures and assembly points. General evacuation tips include:

- If you hear the fire alarm, immediately evacuate the building using the nearest available exit. **Do not attempt to fight a fire unless you have been trained to do so.**
- Awaken any sleeping roommates or suitemates. Prepare to evacuate by putting on shoes and coat if necessary. Feel the doorknob and the door. If they are hot, do not open the door. If they are cool, open slowly. If heat or heavy smoke rushes in, close the door immediately and remain inside.
- When leaving your room, be sure to take your key in case it is necessary to return to the room, should conditions in the corridor deteriorate. Make sure to close the door tightly when evacuating.
- Residence Life staff members who are present on their floors should facilitate the evacuation of their

floor/section, if possible. When the alarm sounds, shout (Example: "There is an emergency in the building; leave by the nearest exit!") and knock on doors as you make your way to the nearest exit and out of the building.

- When exiting in smoky conditions, keep your hand on the wall and crawl to the nearest exit. Always know more than one path out of your location and the number of doors between your room and the exit.
- **DO NOT USE ELEVATORS.** Elevator shafts may fill with smoke or the power may fail, leaving you trapped. Elevators have features that recall and deactivate the elevator during an alarm. Standing and waiting for an elevator wastes valuable time.
- Residents should report to their assigned assembly area. Residence Life staff should report to their assigned assembly area and make sure that students have cleared the building. Conduct a head count and do not allow re-entry into the building until directed to do so by emergency personnel.

## Fire Log

The Office of Safety and Security, in conjunction with the Fire Protection Systems Department, maintains a Fire Log that includes the nature, date, time and general location of every fire that occurs in an on campus student housing facility. Entries or additions to the log must be made within two business days of receipt of the information. The log is available during business hours for the most recent 60-day period for inspection. Older portions of the log will be made available within two business days of a request for public inspection.

## Definitions

**Fire:** Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

**Fire drill:** A supervised practice of a mandatory evacuation of a building for a fire.

**Fire safety system:** Any mechanism or system related to the detection of a fire, the warning resulting from a fire, or the control of a fire including: sprinkler or other fire extinguishing systems; fire detection devices; standalone smoke alarms; devices that alert one to the presence of a fire, such as horns, bells, or strobe lights; smoke control and

reduction mechanisms; and fire doors and walls that reduce the spread of a fire.

**Fire-related injury:** Any instance in which a person is injured as a result of a fire, including an injury sustained from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of the fire. The term "person" may include students, faculty, staff, visitors, firefighters, or any other individuals. For purposes of this report the injuries sustained must have resulted in treatment at a medical facility, including Bard Health Services.

**Fire-related death:** Any instance in which a person is killed because of a fire, including death resulting from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of a fire, or deaths that occur within 1 year of injuries sustained as a result of the fire.

**Value of Property Damage:** The estimated value of the loss of the structure and contents, in terms of the cost of replacement in like kind and quantity, including: contents damaged by fire, related damages caused by smoke, water, and overhaul, however it does not include indirect loss, such as business interruption.

## Cause Categories of Fires

### **Unintentional Fire**

A fire that is ignited unintentionally, including:

- Cooking
- Hazardous Product
- Smoking Materials
- Machinery/Industrial
- Open Flames
- Natural
- Electrical
- Heating Equipment
- Other

### **Intentional Fire:**

A fire that is ignited, or that results from a deliberate action, in circumstances where the person knows there should not be a fire.

### **Undetermined Fire**

A fire in which the cause cannot be determined.

# Appendices

## Appendix #1: Reported Clery Offenses: Bard College

Annandale-on-Hudson, New York

<p><b>Note:</b></p> <p>Statistics include all reports of Clery crimes occurring within Bard College's Clery Geography.</p> <p>Statistics for Primary Offenses, Sex Offenses, and Violence Against Women Act Offenses reflect the total number of incidents reported, not specifically the number of reporting individuals.</p> <p>Statistics for Liquor, Drug, and Weapons Law Violations reflect the number of individuals involved in reported incidents who were arrested or subject to disciplinary referral.</p>	Geographical Location														
	2019					2020					2021				
	On-Campus Property	On-Campus Student Housing	Non-Campus Property	Public Property	TOTAL	On-Campus Property	On-Campus Student Housing	Non-Campus Property	Public Property	TOTAL	On-Campus Property	On-Campus Student Housing	Non-Campus Property	Public Property	TOTAL
<b>Offense Classification</b>															
<i>Primary Offenses</i>															
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1
Aggravated Assault	2	0	0	0	2	0	0	0	0	0	0	0	0	0	0
Burglary	2	2	0	0	2	5	4	0	0	5	6	4	0	0	6
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Sex Offenses</i>															
Rape	5	4	0	0	5	7	6	0	0	7	12	10	0	0	12
Fondling	11	8	0	0	11	4	4	0	0	4	8	6	0	0	8
Incest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total – Sex Offenses	16	12	0	0	16	11	10	0	0	11	20	16	0	0	20
<i>Violence Against Women Act Offenses</i>															
Stalking	1	1	0	0	1	4	1	0	0	4	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	1	0	1	0	0	0	0	0
Dating Violence	5	4	0	0	5	0	0	0	0	0	1	1	0	0	1
<i>Liquor, Drug, &amp; Weapons Law Violations</i>															
Liquor Law Disciplinary Referrals	23	21	0	0	23	44	36	0	0	44	8	7	0	0	8
Liquor Law Arrests	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Disciplinary Referrals	50	29	0	0	50	18	15	0	0	18	7	5	0	0	7
Drug Law Arrests	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Weapons Law Disciplinary Referrals	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Weapons Law Arrest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Hate Crimes	One case of simple assault characterized by racial bias on campus.					No hate crimes were reported in 2020.					No hate crimes were reported in 2021.				

## Appendix #2: Bard College Fire Statistics and Residence Hall Fire Safety Systems

### **Bard College Fire Statistics: 2019, 2020, 2021**

Summary of Fires as reported to the U.S. Department of Education Office of Postsecondary Education

Name and Addresses of Facility	2019			2020			2021		
	Fires	Injuries	Deaths	Fires	Injuries	Deaths	Fires	Injuries	Deaths
Bartlett 19 Robbins Road Ext.	0	0	0	0	0	0	0	0	0
Bluecher 19 Ravine Road	1	0	0	0	0	0	0	0	0
Bourne 17 Ravine Walk	0	0	0	0	0	0	0	0	0
Briggs House 1262 River Road	0	0	0	0	0	0	0	0	0
Brown 15 Village Lane	0	0	0	0	0	0	0	0	0
Cruger Hall 14 Cruger Island Road	0	0	0	0	0	0	0	0	0
Feitler 1284 Annandale Road	0	0	0	0	0	0	0	0	0
Hirsch 6 Tremblay Lane	0	0	0	0	0	0	0	0	0
Honey House 8 South Ravine Road	0	0	0	0	0	0	0	0	0
Keen North 23 Robbins Road Ext	0	0	0	0	0	0	0	0	0
Keen South 21 Robbins Road Ext.	0	0	0	0	0	0	0	0	0
Leonard 21 Ravine Walk	0	0	0	0	0	0	0	0	0
Manor Annex 64 Manor Avenue	0	0	0	0	0	0	0	0	0
Manor House 64 Manor Road	0	0	0	0	0	0	0	0	0
Maple House 28 Robbins Road Ext.	0	0	0	0	0	0	0	0	0
McCausland 14 Village Walk	0	0	0	0	0	0	0	0	0
McVickar 31 Richard D Griffiths Walk	0	0	0	0	0	0	0	0	0
Mulberry House 29 Robbins Road Ext.	0	0	0	0	0	0	0	0	0
North Hoffman 27 Richard D Griffiths Walk	0	0	0	0	0	0	0	0	0
Oberholzer 15 Robbins Road Ext.	0	0	0	0	0	0	0	0	0
Obreshkove 23 Ravine Walk	0	0	0	0	0	0	0	0	0
Potter 35 Richard D Griffiths Walk	0	0	0	0	0	0	0	0	0
Resnick A 7 Village Walk	0	0	0	0	0	0	0	0	0
Resnick B 6 Village Walk	0	0	0	0	0	0	0	0	0
Resnick C 5 Village Walk	0	0	0	0	0	0	0	0	0

Name and Addresses of Facility	2019			2020			2021		
	Fires	Injuries	Deaths	Fires	Injuries	Deaths	Fires	Injuries	Deaths
Resnick D 8 Village Walk	0	0	0	0	0	0	0	0	0
Resnick E 10 Village Walk	0	0	0	0	0	0	0	0	0
Resnick F 3 Village Walk	0	0	0	0	0	0	0	0	0
Resnick G 1 Village Walk	0	0	0	0	0	0	0	0	0
Resnick H 2 Village Walk	0	0	0	0	0	0	0	0	0
Resnick I 4 Village Walk	0	0	0	0	0	0	0	0	0
Resnick J 10 Tillotson Walk	0	0	0	0	0	0	0	0	0
Resnick K 8 Tillotson Walk	0	0	0	0	0	0	0	0	0
Resnick L 12 Village Walk	0	0	0	0	0	0	0	0	0
Robbins 43 Robbins Road	1	0	0	0	0	0	0	0	0
Robbins Addition 43 Robbins Road	0	0	0	0	0	0	0	0	0
Rovere 22 Blithewood Road	0	0	0	0	0	0	0	0	0
Rueger 1288 Annandale Road	0	0	0	0	0	0	0	0	0
Sands House 15 Campus Road	0	0	0	0	0	0	0	0	0
Shafer 20 Blithewood Road	0	0	0	0	0	0	0	0	0
Shelov 15 Ravine Walk	0	0	0	0	0	0	0	0	0
South Hall 42 Henderson Circle Drive	0	0	0	0	0	0	0	0	0
South Hoffman 29 Richard D Griffiths Walk	0	0	0	0	0	0	0	0	0
Spruce House 27 Robbins Road Ext.	0	0	0	0	0	0	0	0	0
Steinway 4 South Ravine Road	0	0	0	0	0	0	0	0	0
Stephens 25 Robbins Road Ext.	0	0	0	0	0	0	0	0	0
Sycamore House 26 Robbins Road Ext.	0	0	0	0	0	0	0	0	0
Tewksbury 14 Blithewood Avenue	0	0	0	0	0	0	0	0	0
Tremblay 1 Tremblay Lane	0	0	0	0	0	0	0	0	0
Wolff 25 Ravine Walk	1	0	0	0	0	0	0	0	0
<b>Total</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

## Detailed Fire Statistics: 2021

Statistics and Related Information Regarding Fires in Residential Facilities

Residential Facilities (Name and Address)	Number of Fires in Building	Cause of Fire	Injuries Requiring Treatment at a Medical Facility	Fire-Related Deaths	Value of Damaged Property
Bartlett 19 Robbins Road Ext.	0	N/A	0	0	0
Bluecher 19 Ravine Road	0	N/A	0	0	0
Bourne 17 Ravine Walk	0	N/A	0	0	0
Briggs House 1262 River Road	0	N/A	0	0	0
Brown 15 Village Lane	0	N/A	0	0	0
Cruger Hall 14 Cruger Island Road	0	N/A	0	0	0
Feitler 1284 Annandale Road	0	N/A	0	0	0
Hirsch 6 Tremblay Lane	0	N/A	0	0	0
Honey House 8 South Ravine Road	0	N/A	0	0	0
Keen North 23 Robbins Road Ext	0	N/A	0	0	0
Keen South 21 Robbins Road Ext.	0	N/A	0	0	0
Leonard 21 Ravine Walk	0	N/A	0	0	0
Manor Annex 64 Manor Avenue	0	N/A	0	0	0
Manor House 64 Manor Road	0	N/A	0	0	0
Maple House 28 Robbins Road	0	N/A	0	0	0
McCausland 14 Village Walk	0	N/A	0	0	0
McVickar 31 Richard D Griffiths Walk	0	N/A	0	0	0
Mulberry House 29 Robbins Road Ext.	0	N/A	0	0	0
North Hoffman 27 Richard D Griffiths Walk	0	N/A	0	0	0
Oberholzer 15 Robbins Road Ext.	0	N/A	0	0	0
Obreshkove 23 Ravine Walk	0	N/A	0	0	0
Potter 35 Richard D Griffiths Walk	0	N/A	0	0	0
Resnick A 7 Village Walk	0	N/A	0	0	0
Resnick B 6 Village Walk	0	N/A	0	0	0
Resnick C 5 Village Walk	0	N/A	0	0	0



<b>Residential Facilities (Name and Address)</b>	<b>Number of Fires in Building</b>	<b>Cause of Fire</b>	<b>Injuries Requiring Treatment at a Medical Facility</b>	<b>Fire-Related Deaths</b>	<b>Value of Damaged Property</b>
Resnick D 8 Village Walk	0	N/A	0	0	0
Resnick E 10 Village Walk	0	N/A	0	0	0
Resnick F 3 Village Walk	0	N/A	0	0	0
Resnick G 1 Village Walk	0	N/A	0	0	0
Resnick H 2 Village Walk	0	N/A	0	0	0
Resnick I 4 Village Walk	0	N/A	0	0	0
Resnick J 10 Tillotson Walk	0	N/A	0	0	0
Resnick K 8 Tillotson Walk	0	N/A	0	0	0
Resnick L 12 Village Walk	0	N/A	0	0	0
Robbins 43 Robbins Rd.	0	N/A	0	0	0
Robbins Addition 43 Robbins Road	0	N/A	0	0	0
Rovere 22 Blithewood Road	0	N/A	0	0	0
Rueger 1288 Annandale Road	0	N/A	0	0	0
Sands House 15 Campus Road	0	N/A	0	0	0
Shafer 20 Blithewood Road	0	N/A	0	0	0
Shelov 15 Ravine Walk	0	N/A	0	0	0
South Hall 42 Henderson Circle Drive	0	N/A	0	0	0
South Hoffman 29 Richard D Griffiths Walk	0	N/A	0	0	0
Spruce House 27 Robbins Road Ext.	0	N/A	0	0	0
Steinway 4 South Ravine Road	0	N/A	0	0	0
Stephens 25 Robbins Road Ext.	0	N/A	0	0	0
Sycamore House 26 Robbins Road Ext.	0	N/A	0	0	0
Tewksbury 14 Blithewood Avenue	0	N/A	0	0	0
Tremblay 1 Tremblay Lane	0	N/A	0	0	0
Wolff 25 Ravine Walk	0	N/A	0	0	0

## Residence Hall Fire Safety Systems

All on campus residence halls and apartments have heat sensors, smoke detectors and fire extinguishers. See the table below for additional information.

Building Name/Address	Age	Occupancy	Square Feet	Construction Frame Material	Stories	Sprinklered Percentage	Fire Alarms	Fire Drills	Wet/Dry	Roof Material
Bartlett 19 Robbins Road Ext.	1968	Dormitory	2048	Frame	1	YES-100%	YES	4	W	Asphalt Shingle
Bluecher 19 Ravine Road	2003	Dormitory	6737	Masonry/Non Comb	3	YES-100%	YES	4	W	Asphalt Shingle
Bourne 17 Ravine Walk	2003	Dormitory	6737	Masonry/Non Comb	3	YES-100%	YES	4	W	Asphalt Shingle
Briggs House 1262 River Road	1950	Dormitory	2200	Frame	3	YES-100%	YES	4	W	Asphalt Shingle
Brown 15 Village Lane	2015	Dormitory	8000	Wood/Metal	3	YES-100%	YES	4	W	Asphalt Shingle
Cruger Hall 14 Cruger Island Road	1999	Dormitory	16138	Wood Frame	2B	YES-100%	YES	4	W	Asphalt Shingle
Feitler 1284 Annandale Road	1940	Dormitory	2835	Wood Frame	2B	YES-100%	YES	4	W	Asphalt Shingle
Hirsch 6 Tremblay Lane	2003	Dormitory	7659	Masonry/Non Comb	2	YES-100%	YES	4	W	Asphalt Shingle
Honey House 8 South Ravine Road	1988	Dormitory	1231	Masonry/Non Comb	2	YES-100%	YES	4	W	Asphalt Shingle
Keen North 23 Robbins Road Ext.	1989	Dormitory	7786	Wood Frame	2B	YES-100%	YES	4	W	Asphalt Shingle
Keen South 21 Robbins Road Ext.	1989	Dormitory	7786	Wood Frame	3	YES-100%	YES	4	W	Asphalt Shingle
Leonard 21 Ravine Walk	2003	Dormitory	6737	Masonry/Non Comb	3	YES-100%	YES	4	W	Asphalt Shingle
Manor House/Annex 64 Manor Road	1926	Dormitory	21061	Joisted Masonry	3B	YES-100%	YES	4	W	Slate
Maple House 28 Robbins Road Ext.	2003	Dormitory	2280	Wood Frame	1	YES-100%	YES	4	W	Asphalt Shingle
McCausland 14 Village Walk	2015	Dormitory	8000	Wood/Metal	3	YES-100%	YES	4	W	Asphalt Shingle
McVickar 31 Richard D Griffiths Walk	1891	Dormitory	2900	Joisted Masonry	3B	YES-100%	YES	4	W	Slate
Mulberry House 29 Robbins Road Ext.	2003	Dormitory	2280	Wood Frame	1	YES-100%	YES	4	W	Asphalt Shingle
North Hoffman 27 Richard D Griffiths Walk	1891	Dormitory	2997	Joisted Masonry	3B	YES-100%	YES	4	W	Slate
Oberholzer 15 Robbins Road Ext.	1990	Dormitory	10862	Wood Frame	3	YES-100%	YES	4	W	Asphalt Shingle
Obreshkove 23 Ravine Walk	2003	Dormitory	6737	Masonry/Non Comb	3	YES-100%	YES	4	W	Asphalt Shingle
Potter 35 Richard D Griffiths Walk	1891	Dormitory	2997	Joisted Masonry	3B	YES-100%	YES	4	W	Slate
Rueger 1288 Annandale Road	1988	Dormitory	3182	Fire Resistant	3	YES-100%	YES	4	W	Asphalt Shingle
Resnick A 7 Village Walk	2003	Dormitory	6000	Wood Frame	3	YES-100%	YES	4	W	Asphalt Shingle
Resnick B 6 Village Walk	2003	Dormitory	2500	Wood Frame	2	YES-100%	YES	4	W	Asphalt Shingle

Building Name/Address	Age	Occupancy	Square Feet	Construction Frame Material	Stories	Sprinklered Percentage	Fire Alarms	Fire Drills	Wet/Dry	Roof Material
Resnick C 5 Village Walk	2003	Dormitory	6000	Wood Frame	2	YES-100%	YES	4	W	Asphalt Shingle
Resnick D 8 Village Walk	2003	Dormitory	2500	Wood Frame	2	YES-100%	YES	4	W	Asphalt Shingle
Resnick E 10 Village Walk	2003	Dormitory	2500	Wood Frame	2	YES-100%	YES	4	W	Asphalt Shingle
Resnick F 3 Village Walk	2003	Dormitory	2500	Wood Frame	2	YES-100%	YES	4	W	Asphalt Shingle
Resnick G 1 Village Walk	2003	Dormitory	6000	Wood Frame	2	YES-100%	YES	4	W	Asphalt Shingle
Resnick H 2 Village Walk	2003	Dormitory	2500	Wood Frame	2	YES-100%	YES	4	W	Asphalt Shingle
Resnick I 4 Village Walk	2003	Dormitory	2500	Wood Frame	2	YES-100%	YES	4	W	Asphalt Shingle
Resnick J 10 Tillotson Walk	2003	Dormitory	2500	Wood Frame	2	YES-100%	YES	4	W	Asphalt Shingle
Resnick K 8 Tillotson Walk	2003	Dormitory	2500	Wood Frame	2	YES-100%	YES	4	W	Asphalt Shingle
Resnick L 12 Village Walk	2011	Dormitory	2500	Wood Frame	2	YES-100%	YES	4	W	Asphalt Shingle
Robbins/Robbins Addition 43 Robbins Road	1932, 2006	Dormitory	67250	Fire Resistant	3B	YES-100%	YES	4	W	Asphalt Shingle
Rovere 22 Blithewood Road	1988	Dormitory	3182	Fire Resistant	3	YES-100%	YES	4	W	Asphalt Shingle
Sands House 15 Campus Road	1890	Dormitory	4859	Wood Frame	2B	YES-100%	YES	4	W	Asphalt Shingle
Shafer 20 Blithewood Road	1988	Dormitory	3182	Fire Resistant	3	YES-100%	YES	4	W	Asphalt Shingle
Shelov 15 Ravine Walk	2003	Dormitory	6737	Masonry/Non Comb	3	YES-100%	YES	4	W	Asphalt Shingle
South Hall 42 Henderson Circle Drive	1940	Dormitory	6910	Wood Frame	2	YES-100%	YES	4	W	Asphalt Shingle
South Hoffman 29 Richard D Griffiths Walk	1891	Dormitory	2012	Jointed Masonry	3B	YES-100%	YES	4	W	Slate
Spruce House 27 Robbins Road Ext.	2003	Dormitory	2280	Wood Frame	1	YES-100%	YES	4	W	Asphalt Shingle
Steinway 4 South Ravine Road	1988	Dormitory	3182	Fire Resistant	3	YES-100%	YES	4	W	Asphalt Shingle
Stephens 25 Robbins Road Ext.	1968	Dormitory	2049	Wood Frame	1	YES-100%	YES	4	W	Asphalt Shingle
Sycamore House 26 Robbins Road Ext.	2003	Dormitory	2280	Wood Frame	1	YES-100%	YES	4	W	Asphalt Shingle
Tewksbury 14 Blithewood Avenue	1958	Dormitory	19476	Fire Resistant	3B	YES-100%	YES	4	W	Asphalt Shingle
Tremblay 1 Tremblay Lane	2003	Dormitory	2729	Masonry/Non Comb	2	YES-100%	YES	4	W	Asphalt Shingle
Wolff 25 Ravine Walk	2003	Dormitory	6737	Masonry/Non Comb	3	YES-100%	YES	4	W	Asphalt Shingle

### Appendix #3: Emergency Notification Systems and Community Communication

System to Use	Primary Message Creator	Backup Message Creator	Authority for Approving & Sending Messages	Primary Message Sender/Distributor	Backup Message Sender/Distributor
<b>PRIMARY</b>	Director of Safety and Security, Dean of Students, or designees	Assistant Director for Safety and Security, Vice President for Student Affairs, or designees	Vice President for Administration, Senior Vice President, or designees	Director of Safety and Security, Dean of Students, or designees	Assistant Director of Safety and Security
<b>SECONDARY</b>	Vice President for Administration, or designee	Senior Vice President or designee	President of Bard College, Dean of the Faculty, or designee	Administrative staff as designated	Administrative staff as designated

### Appendix #4: Rights of Victims and the Institution’s Responsibilities for Orders of Protection, No Contact Orders, Restraining Orders, or Similar Lawful Orders Issued by a Criminal, Civil, or Tribal Court or by the Institution

Type of Order	Rights of Victims	Institution’s Responsibilities
Orders of Protection	Victims have the right to petition for an Order of Protection through the Dutchess County Family Court in Poughkeepsie, NY.	Bard College will assist with connecting members of the College community to the Family Court to obtain a temporary or permanent Order of Protection. Upon receipt of the Order, the College will issue a persona non grata to non-students or a no contact order, if appropriate, to current students to facilitate the safety of the reporting student.
No contact orders	Students who are subject to repeated intentional contact from others that they have asked to stay away may request and receive a no contact order issued by the College to promote safety and civility. No contact orders can be obtained from the Title IX Administrator, the Dean of Students, or the Director of Safety and Security.	Bard College will enforce all no contact orders issued. Students found in violation of a no contact order may be temporarily suspended from the College pending investigation.

#### **Orders Available in New York State**

The victim of a crime is required to apply directly for these services through the Dutchess County Family Court in Poughkeepsie, NY.

Type of Order	Who Can File For One	Court	Based On
<b>Intimate Partner Violence, Sexual Offenses, Stalking Civil Protection Orders – up to 2 years, can be renewed</b>	Family or household members including: <ul style="list-style-type: none"> <li>• Spouses, former spouses</li> <li>• Parent, child, foster parent</li> <li>• People who have children together</li> <li>• Intimate partners who lived together in the last 5 years</li> <li>• Same sex couples</li> </ul>	Family Court where victim lives, where abuser lives or has a business, or where incident(s) occurred.	Causing or trying to cause injury or placing someone in fear of imminent serious harm.
<b>Juvenile Protection Order (Person in Need of Supervision) – until the age 18</b>	Issued to a child under the age of 18 who does not attend school, or behaves in a way that is dangerous or out of control, or often disobeys his or her parents, guardians, or other authorities.	Family Court where victim lives.	Assault, stalking, sexual offenses, threats of harm, or other dangerous or criminal activities.

# BGIA

## Bard Globalization and International Affairs Program

**Bard Globalization and International Affairs Program (BGIA)  
New York City, New York**

### **Reporting a Crime**

Crimes in progress and emergencies should be reported to 911. The New York Police Department provides emergency and non-emergency assistance as requested and appropriate. Additionally, the Director of Student Affairs can assist any member of the Bard community with filing a non-emergency police report.

### **Timely Warning and Emergency Communication**

The Deputy Director of BGIA or the Director of Student Affairs or their designees make decisions to issue a timely warning or emergency notification. The Director of Student Affairs or designees distributes notifications via email or text messages.

### **Access to and Security of Facilities**

BGIA campus facilities are open to the public during regular business hours. BGIA has a doorman at the classroom/office building and security guards are present at the residence hall. Posted guards are stationary at the classroom/office building and patrol at the residence hall. The New York Police Department does not patrol the campus.

### **Residential Facilities**

BGIA provides non-campus housing for students. No fires were reported in these facilities in 2019,

2020, or 2021.

### **Title IX and VAWA Reporting and Resources**

All students receive an orientation that includes an overview of Bard's Title IX Policy, appropriate behavior, reporting mechanisms, and resources.

A student may discuss their concerns or make a report to the Director of Student Affairs, the Deputy Director, or the BGIA Director, who can assist them in contacting Bard College's Title IX Coordinator. Any member of the BGIA community may contact the Title IX Coordinator directly. Employees may also contact Human Resources.

Any member of the community who wishes to file a report of gender-based misconduct may do so by contacting Lauren Gretina, J.D., Title IX Coordinator, who can discuss options for reporting and assist with numerous other resources to offer support and assistance. Reports can be submitted to the Title IX Coordinator by email ([titleix@bard.edu](mailto:titleix@bard.edu)), phone (845-758-7542), or the online form ([www.tinyurl.com/BardTitleIX](http://www.tinyurl.com/BardTitleIX)).

Bard College strongly recommends reading its full Gender-Based Misconduct Policy, found online at [www.bard.edu/nondiscrimination/policies/](http://www.bard.edu/nondiscrimination/policies/).

## Clery Offenses Reporting Table: Bard Globalization and International Affairs (BGIA)

<p><b>Note:</b></p> <p>Statistics include all reports of Clery crimes occurring within Bard College's Clery Geography.</p> <p>Statistics for Primary Offenses, Sex Offenses, and Violence Against Women Act Offenses reflect the total number of incidents reported, not specifically the number of reporting individuals.</p> <p>Statistics for Liquor, Drug, and Weapons Law Violations reflect the number of individuals involved in reported incidents who were arrested or subject to disciplinary referral.</p>	Geographical Location														
	2019					2020					2021				
	On-Campus Property	On-Campus Student Housing	Non-Campus Property	Public Property	TOTAL	On-Campus Property	On-Campus Student Housing	Non-Campus Property	Public Property	TOTAL	On-Campus Property	On-Campus Student Housing	Non-Campus Property	Public Property	TOTAL
Offense Classification															
<i>Primary Offenses</i>															
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0	2	1	3
Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Sex Offenses</i>															
Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total – Sex Offenses	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Violence Against Women Act Offenses</i>															
Stalking	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Liquor, Drug, &amp; Weapons Law Violations</i>															
Liquor Law Disciplinary Referrals	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Arrests	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Disciplinary Referrals	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Arrests	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Weapons Law Disciplinary Referrals	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Weapons Law Arrest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Hate Crimes	No hate crimes were reported in 2019.					No hate crimes were reported in 2020.					No hate crimes were reported in 2021.				



**Bard Graduate Center (BGC)  
New York City, New York**

**Reporting a Crime**

Crimes in progress and emergencies should be reported to 911. The New York Police Department 20<sup>th</sup> Precinct provides both emergency and non-emergency assistance as requested and appropriate. Additionally, non-emergency crimes may be reported to the BGC Security Director, who can assist any member of the Bard community with filing a police report.

**Timely Warning and  
Emergency Communication**

The Chief Operating Officer (COO) or designee makes decisions to issue a timely warning or emergency notification. They are distributed by the COO or the Security Director or designees. Notifications are made via email or text messages, if the community member provides text information. Voice directives over a PA system, bells, sirens, signage, or strobe lights may be activated.

**Access to and Security of Facilities**

The Bard Graduate Center campus facilities are open to the public during regular business hours. BGC has security guards that are both posted and patrolling. Posted guards are located at security stations at the entrance of all BGC buildings; routine patrols are made during assigned work

tours. The New York Police Department does not patrol the campus, except at the request of the Security Director.

**Residential Facilities**

There are no residential facilities affiliated with the Bard Graduate Center.

**Title IX and VAWA Reporting and Resources**

All graduate students complete a Sexual Assault Prevention online training module, which includes information on consent, the role of drugs and alcohol, domestic and dating violence, bystander intervention, resources, and the Bard College Gender-Based Misconduct Policy.

Any member of the community who wishes to file a report of gender-based misconduct may do so by contacting Lauren Gretina, J.D., Title IX Coordinator, who can discuss options for reporting and assist with numerous other resources to offer support and assistance. Reports can be submitted to the Title IX Coordinator by email ([titleix@bard.edu](mailto:titleix@bard.edu)), phone (845-758-7542), or the online form ([www.tinyurl.com/BardTitleIX](http://www.tinyurl.com/BardTitleIX)).

Bard College strongly recommends reading its full Gender-Based Misconduct Policy, found online at [www.bard.edu/nondiscrimination/policies/](http://www.bard.edu/nondiscrimination/policies/).

## Clery Offenses Reporting Table: Bard Graduate Center (BGC)

<b>Note:</b>  Statistics include all reports of Clery crimes occurring within Bard College's Clery Geography.  Statistics for Primary Offenses, Sex Offenses, and Violence Against Women Act Offenses reflect the total number of incidents reported, not specifically the number of reporting individuals.  Statistics for Liquor, Drug, and Weapons Law Violations reflect the number of individuals involved in reported incidents who were arrested or subject to disciplinary referral.	Geographical Location														
	2019					2020					2021				
	On-Campus Property	On-Campus Student Housing	Non-Campus Property	Public Property	TOTAL	On-Campus Property	On-Campus Student Housing	Non-Campus Property	Public Property	TOTAL	On-Campus Property	On-Campus Student Housing	Non-Campus Property	Public Property	TOTAL
Offense Classification															
<i>Primary Offenses</i>															
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Sex Offenses</i>															
Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total – Sex Offenses	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Violence Against Women Act Offenses</i>															
Stalking	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Liquor, Drug, &amp; Weapons Law Violations</i>															
Liquor Law Disciplinary Referrals	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Arrests	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Disciplinary Referrals	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Arrests	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Weapons Law Disciplinary Referrals	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Weapons Law Arrest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Hate Crimes	No hate crimes were reported in 2019.					No hate crimes were reported in 2020.					No hate crimes were reported in 2021.				



# Longy

School of Music

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## of Bard College

### Longy School of Music of Bard College Cambridge, Massachusetts

#### Reporting a Crime

Crimes in progress and emergencies should be reported to 911. The Cambridge Massachusetts Police Department provides both emergency and non-emergency assistance as requested and appropriate. Additionally, non-emergency crimes may be reported to the Facilities Manager who can assist any member of the Bard community with filing a police report.

#### Timely Warning and Emergency Communication

The Longy School of Music of Bard College uses the Rave Security Alert system to issue timely warnings and emergency notifications. Notifications go out on all electronic devices and are sent by the Facilities Manager and IT Manager.

#### Access to and Security of Facilities

Campus facilities are open to the public during regular business hours. Staff members are expected to report any unusual circumstances. The Cambridge Massachusetts Police Department does not patrol or provide security for the Longy campus.

#### Residential Facilities

There are no residential facilities affiliated with the Bard College Longy School of Music.

#### Immediate Medical Attention

Every victim has the option to seek treatment for

injuries sustained during an incident of sexual misconduct, preventative treatment for sexually transmitted diseases, and other health services. A medical exam is also an important way for a health provider to properly collect and preserve evidence of sexual misconduct.

The Sexual Assault Nurse Examiner (SANE) program delivers the highest level of care to sexual assault victims accessing hospital emergency departments, 24 hours a day. They are currently available at designated hospitals in all regions of the state. In the Cambridge area, they may be available at Boston Medical Center, Massachusetts General Hospital, Beth Israel, Brigham and Women's Hospital, Newton-Wellesley Hospital, Cambridge Hospital and Children's Hospital Boston. For information on SANE hospitals, contact the Boston Area Rape Crisis Center hotline at 617-492-RAPE (7273) or 800-841-8371. For immediate medical attention, Longy community members also may contact any of the following:

- Dial 911 for local emergency services
- Cambridge Hospital, 1493 Cambridge Street, Cambridge, 617-665-1000
- Mt. Auburn Hospital, 330 Mt. Auburn Street, Cambridge, 617-499-5025
- Somerville Hospital, 230 Highland Avenue, Somerville, 617-591-4500

### **Resources Available for Victim Assistance**

Any member of the Longy community who believes he or she has been the victim of domestic violence, dating violence, sexual assault, or stalking is encouraged to seek immediate assistance through at least one of the resources listed below.

### **Confidential Resources**

The following resources are required by law to keep all communications confidential without an individual's express consent to release information or as otherwise required by law.

Alison Mamatey LCMHC-10  
Concord Avenue  
Cambridge MA 02138  
617-207-4048  
[alisonmtherapy@gmail.com](mailto:alisonmtherapy@gmail.com)

### **Other Longy Resources**

Longy offers several resources that, while not legally bound by confidentiality, will endeavor to maintain individual privacy.

- Title IX Coordinator
- Dean of the Conservatory
- Acting Human Resources Manager

### **Other Off-Campus Resources**

- Battered Women's Legal Assistance Project, (617) 367-8544
- Boston Area Rape Crisis Center- 617-492-RAPE (7273) or 800-841-8371
- SafeLink Statewide Domestic Violence Hotline- (877) 785-2020
- National Domestic Violence Hotline- (800) 799-SAFE (7233)
- Victim Resource Center of Cambridge Health Alliance- (617) 665-2992

### **Title IX and VAWA Reporting and Resources**

Any member of the community who wishes to file a report of domestic violence, dating violence, stalking, or sexual assault among members of the Longy community may do so by following the procedures outlined below. Any Longy administrator, faculty, or staff member with knowledge of sexual misconduct occurring among members of the Longy community must contact

the Title IX Coordinator to file a report. Individuals who wish to submit a report, or have questions regarding the reporting procedures for sexual misconduct, may meet in person or talk by telephone with the Title IX Coordinator, or 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 Longy 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 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. However, this does not mean a formal investigation is automatically initiated.

Reports can be submitted by contacting the Title IX Coordinator or Human Resources:

Sarah Walsh  
Acting Human Resources Manager  
Longy School of Music of Bard College  
27 Garden Street  
Cambridge, MA 02138  
617-831-1802  
[swalsh@longy.edu](mailto:swalsh@longy.edu)

Ann Welch  
Title IX Coordinator  
Chief Operating Officer  
Longy School of Music of Bard College  
27 Garden Street  
Cambridge, MA 02138  
617-831-1805  
[awelch@longy.edu](mailto:awelch@longy.edu)

### **Anonymous Reporting**

Anonymous reports may be submitted to Human Resources through campus or regular mail. Due to restricted identifying information, Longy's ability to investigate and respond to anonymous complaints may be limited.

## **Criminal Reporting**

Individuals have the right to decide whether or not to file a report with the Massachusetts State Police or the local enforcement agency where the misconduct occurred. 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. Longy's internal system and the 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:

- Massachusetts State Police- (508) 820-2300
- Cambridge Police Department- (617) 349-3300
- Title IX Coordinator- (617) 876-0956 x1793
- Any other appropriate law enforcement agency

If sexual assault occurs, it is important to seek medical care to preserve as much evidence as possible. Preserving evidence of the assault through examination is critical to supporting a criminal prosecution. Victims are encouraged to seek treatment through the SANE program. For information on SANE hospitals, contact the Boston Area Rape Crisis Center hotline at 617-492-RAPE (7273) or 800-841-8371.

## **State Definitions of Domestic and Dating Violence**

Massachusetts law prohibits "abuse" between "family or household members". "Abuse" includes attempting to cause or causing physical harm, placing another in fear of imminent serious physical harm, or causing another to engage involuntarily in sexual relations by force, threat, or duress. "Family or household members" are persons who are or were married to one another, are or were residing together in the same household, are or were related by blood or marriage, having a child in common, or are or have been in a substantive dating or engagement relationship, which shall be adjudged by a district, probate, or Boston municipal court. In determining whether a dating relationship renders participants

"family or household members," courts will consider the length of time of the relationship, the type of relationship, the frequency of interaction between the parties, and, if the relationship has been terminated by either person, the length of time elapsed since the termination of the relationship.

## **State Definition of Stalking**

Massachusetts law defines stalking as willfully and maliciously engaging in a knowing pattern of conduct or series of acts over a period of time directed at a specific person which seriously alarms or annoys that person and would cause a reasonable person to suffer substantial emotional distress and makes a threat with the intent to place the person in imminent fear of death or bodily injury. Stalking may include conduct, acts, or threats conducted by mail, telephone, facsimile, electronic mail, internet communications, instant messages, or in any other manner by telephonic or telecommunication device or electronic communication device.

## **State Definition of Consent**

In Massachusetts, it is illegal to have sex under any circumstances with someone who is incapable of giving consent due to incapacity or impairment. Incapacity or impairment may be caused by intoxication or drugs, or because a victim is underage, mentally impaired, unconscious or asleep. For purposes of this policy, consent is a clear, unambiguous, knowing, informed, and voluntary agreement between all participants to engage in sexual activity. Consent is active, not passive. Silence or lack of resistance cannot be interpreted as consent. Seeking and having consent accepted is the responsibility of the person(s) initiating each specific sexual act regardless of whether the person initiating the act is under the influence of drugs or alcohol. Consent to any sexual act or prior consensual sexual activity between or with any party does not constitute consent to any other sexual act. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression. Consent may be initially given but withdrawn at any time. When consent is withdrawn or cannot be given, sexual

activity must stop. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.

### **Institutional Investigation Procedures**

Employee reports of domestic violence, dating violence, stalking, and sexual assault 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 Longy, 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 Longy's policy and procedures and the parties' respective rights. The Title IX Coordinator is available for communication and review of the process throughout the investigation.

Both the complainant and the respondent may have an advisor of their choice, including an attorney, guiding them and present throughout the complaint process, during the investigation, and during the appeal process, as applicable. No party's advisor, however, may speak on that party's behalf during the investigation.

The Title IX Coordinator, or designee, serving as the initial intake officer, will document the statements of both the complainant and the respondent. The complainant and respondent will be afforded at least three (3) business days' advance notice of these initial intake meetings. These statements will then be 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 who are not employees of Longy, but who are retained by Longy to conduct a full and complete investigation. 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 Longy. This report will discuss the evidence submitted and the investigator's opinion as to whether or not the preponderance of the evidence supports a determination that there was a violation of the Longy's sexual 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 Judy Bose, Dean of the Conservatory, Title IX Coordinator, counsel, or others with specific knowledge or expertise. The President's determination will be shared with the Title IX Coordinator, who will share the outcome with both parties.

### **Institutional Investigation Notice Procedures**

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 when a complaint or report is being formally investigated and will be told the nature of the allegations being investigated, and if the alleged violations are modified or changed. Both parties will be notified when the investigation interviews conclude and the report has been sent to the President, or designee. Both parties will be notified in writing of the outcome, and of any sanctions or directives that are imposed, as well as the right to appeal the outcome and the procedures for such appeal.

### **Potential Outcomes of Institutional Investigation**

An individual who has been found to have violated Longy's sexual misconduct policy may be subject to outcomes including, but not limited to, reprimand/warning, disciplinary probation, educational programming involving sexual misconduct awareness, community restitution,

prohibition from certain Longy 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, without limitation: severity of violation, motivation of behavior, disciplinary record, and impact of safety concerns to the greater campus community. Longy's ability to sanction or otherwise discipline visitors, guests, and contractors may be limited. Longy will endeavor to respond to such violations to the extent possible, practical, and reasonable.

### **Institutional Investigation Appeals 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 now available, which was unavailable at the time of the investigation, which could impact the outcome.

The appeal request should be submitted to the Title IX Coordinator 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 Governors, or designee. If the appeal is denied, the parties will be notified and the matter closed. If the Board of Governors, 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 Governors, or designee. If the appeal is granted, the committee from the Board of Governors, 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 Longy, or designee, for reconsideration. The Title IX Coordinator will notify the complainant and the respondent, in writing, of the decisions involving the appeal as well as the disposition.

## Clery Offenses Reporting Table: Longy School of Music of Bard College

<p><b>Note:</b></p> <p>Statistics include all reports of Clery crimes occurring within Bard College's Clery Geography.</p> <p>Statistics for Primary Offenses, Sex Offenses, and Violence Against Women Act Offenses reflect the total number of incidents reported, not specifically the number of reporting individuals.</p> <p>Statistics for Liquor, Drug, and Weapons Law Violations reflect the number of individuals involved in reported incidents who were arrested or subject to disciplinary referral.</p>	Geographical Location														
	2019					2020					2021				
	On-Campus Property	On-Campus Student Housing	Non-Campus Property	Public Property	TOTAL	On-Campus Property	On-Campus Student Housing	Non-Campus Property	Public Property	TOTAL	On-Campus Property	On-Campus Student Housing	Non-Campus Property	Public Property	TOTAL
<b>Offense Classification</b>															
<i>Primary Offenses</i>															
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Sex Offenses</i>															
Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total – Sex Offenses	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Violence Against Women Act Offenses</i>															
Stalking	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Liquor, Drug, &amp; Weapons Law Violations</i>															
Liquor Law Disciplinary Referrals	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Arrests	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Disciplinary Referrals	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Arrests	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Weapons Law Disciplinary Referrals	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Weapons Law Arrest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Hate Crimes	No hate crimes were reported in 2019.					No hate crimes were reported in 2020.					No hate crimes were reported in 2021.				

# Bard College Berlin

## A LIBERAL ARTS UNIVERSITY

Bard College Berlin  
Berlin, Germany

### Reporting a Crime

Crimes in progress and emergencies should be made by contacting the Police at the central telephone number 110 or directly with the local Police Department (*Direktion 1 - Abschnitt 13*) in Berlin-Pankow at 030 4664113700. The address of the local police department is Hadlichstraße 37-42, 13187 Berlin. The Student Life Assistant – or in case of absence, a designee – would assist if a student or employee needed assistance making a police report.

### Timely Warning and Emergency Communication

In the event that timely warnings or emergency notifications need to be made, members of the campus community are contacted via email. The Managing Director decides to issue the notification and sends it out via email. In the Managing Director's absence, the Dean, the Associate Dean, or a member of Student Life staff decides to issue the notification and sends it out via email. In addition, wherever possible, members of the campus community receive a text message. Cell phone numbers for participation in the text message alert system are collected via an electronic questionnaire during orientation. The Head of IT or designee sends out the text message, after communicating with the person sending out the email correspondence.

Essential Fire and Safety Information: Information on evacuation procedures and on all fire and safety regulations is provided in the orientation given by the Site Manager at the beginning of the academic year. Any questions concerning these procedures should be addressed to [i.koehler@berlin.bard.edu](mailto:i.koehler@berlin.bard.edu) or +49 178 3564295. Evacuation and basic safety

information is also posted in the dormitories and in each Bard College Berlin building.

### Access to and Security of Facilities

Bard College Berlin campus facilities can be entered by all community members with the use of a magnetic chip key during normal business hours. These chip keys are programmed so that – outside of these business hours – each person only has access to the facilities they have been granted permission to enter (e.g. dorms for students, administrative facilities for administrative staff). Overnight guests do not receive a chip key and only get access to the residential facilities via their host.

During the night and on weekends, campus grounds are regularly patrolled by security guards belonging to an independent security company (Securitas). In cases of burglary or trespassing, Securitas can be reached at 0800-10-66245 (24 hours). The local police department patrols the campus. The patrolling schedule cannot be controlled by or known to Bard College Berlin.

### Residential Facilities

Bard College Berlin owns five residential buildings in total used as student dormitories and can house approximately 120 students. The dorm buildings are all located on the Bard College Berlin campus in Niederschönhausen, 13156 Berlin: Treskowstraße 25 (front building), Treskowstraße 25 (back building), Waldstraße 15, Waldstraße 16, and Kuckhoffstraße 24.

These can only be entered by the Residential Life staff, cleaning staff and the students living in these dormitories or those who have been granted

access to its facilities. All overnight guests have to be registered to the Residential Life team (including their passport number) 72 hours prior to their arrival. Guests may not stay on campus for more than 7 days. Registered guests are only granted access to the residential facilities by their respective host students.

### **Title IX and VAWA Reporting and Resources**

Student orientation for each new student cohort (including visiting and transfer students) includes information on Title IX reporting procedures and local resources for victims of dating violence, domestic violence, sexual assault or stalking, and the Bard College Gender-Based Misconduct policy.

Bard College Berlin has incorporated its own, site-specific Title IX policy into the Student Handbook. The handbook is distributed to all new students via email and is available online at [www.berlin.bard.edu/for-students/studenthandbook/](http://www.berlin.bard.edu/for-students/studenthandbook/). Further, the college publishes a Title IX and Gender-Based Misconduct brochure, which is distributed during orientation and widely available on campus.

In addition to publishing information about the Title IX Office at Bard College in Annandale, to which all incidents of Dating Violence, Domestic Violence, Sexual Assault, or Stalking should be reported, Bard College Berlin introduced the role of a designated staff member who acts as local Title IX Liaison. This staff member at Bard College Berlin acts as the link between staff, faculty, and students who wish to report incidents of gender-based misconduct at Bard College Berlin and the Title IX Office at Bard College in Annandale. The Title IX Liaison is also responsible for coordinating gender-based misconduct-related trainings and providing information on local resources in Berlin.

Any member of the community who wishes to file a

report of gender-based misconduct may do so by contacting the local Title IX Liaison at Bard College Berlin ([titleix@berlin.bard.edu](mailto:titleix@berlin.bard.edu)) or the Title IX Coordinator at Bard College in Annandale ([titleix@bard.edu](mailto:titleix@bard.edu)). Should a report be made to the local Title IX Liaison at Bard College Berlin, the Liaison provides the reporting student or employee with information on their rights to file a criminal report and the importance to seek medical care at a hospital or doctor's office within 96 hours of a sexual assault. Further, the Title IX Liaison provides the victim with information on confidential physical and mental health resources on campus and off campus in Berlin. The Liaison may share the report with the Title IX Coordinator in Annandale.

If a student or employee chose to report to both the Title IX Liaison/Coordinator and Student Life staff, the Student Life staff members whom the student chose to report to would also offer their assistance in contacting or accompanying the student to physical and mental health providers or the local police, should the student decide to file a criminal report.

Interim Measures: Individuals who have been involved in an incident of gender-based misconduct, including Dating Violence, Domestic Violence, Sexual Assault, or Stalking, 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.

Bard College strongly recommends reading its full Gender-Based Misconduct Policy, found online at [www.bard.edu/nondiscrimination/policies/](http://www.bard.edu/nondiscrimination/policies/).



## Clery Offenses Reporting Table: Bard College Berlin

<p><b>Note:</b></p> <p>Statistics include all reports of Clery crimes occurring within Bard College's Clery Geography.</p> <p>Statistics for Primary Offenses, Sex Offenses, and Violence Against Women Act Offenses reflect the total number of incidents reported, not specifically the number of reporting individuals.</p> <p>Statistics for Liquor, Drug, and Weapons Law Violations reflect the number of individuals involved in reported incidents who were arrested or subject to disciplinary referral.</p>	Geographical Location														
	2019					2020					2021				
	On-Campus Property	On-Campus Student Housing	Non-Campus Property	Public Property	TOTAL	On-Campus Property	On-Campus Student Housing	Non-Campus Property	Public Property	TOTAL	On-Campus Property	On-Campus Student Housing	Non-Campus Property	Public Property	TOTAL
Offense Classification															
<i>Primary Offenses</i>															
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Sex Offenses</i>															
Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total – Sex Offenses	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Violence Against Women Act Offenses</i>															
Stalking	0	0	0	0	0	2	0	0	0	2	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Liquor, Drug, &amp; Weapons Law Violations</i>															
Liquor Law Disciplinary Referrals	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Arrests	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Disciplinary Referrals	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Arrests	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Weapons Law Disciplinary Referrals	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Weapons Law Arrest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Hate Crimes	No hate crimes were reported in 2019.					No hate crimes were reported in 2020.					No hate crimes were reported in 2021.				

# Bard College at **SIMON'S ROCK** *the Early College*



**Bard College at Simon's Rock**  
**Great Barrington, Massachusetts**

Bard College at Simon's Rock publishes a full Annual Safety and Fire Report. This report can be found at:  
[www.simons-rock.edu/why-simons-rock/contact-us/offices-and-departments/security/clery-act.php/](http://www.simons-rock.edu/why-simons-rock/contact-us/offices-and-departments/security/clery-act.php/)

## Appendix #6: New York Penal Law – Sex Offenses

Section	Offense	Class
130.05	Sex offenses; lack of consent.	
130.10	Sex offenses; limitation; defenses.	
130.16	Sex offenses; corroboration.	
130.20	Sexual misconduct.	A MISD
130.25	Rape in the third degree.	E FELONY
130.30	Rape in the second degree.	D FELONY
130.35	Rape in the first degree.	B FELONY
130.40	Criminal Sexual Act in the third degree.	E FELONY
130.45	Criminal Sexual Act in the second degree.	D FELONY
130.50	Criminal Sexual Act in the first degree.	B FELONY
130.52	Forcible touching.	A MISD
130.53	Persistent sexual abuse.	E FELONY
130.55	Sexual abuse in the third degree.	B MISD
130.60	Sexual abuse in the second degree.	A MISD
130.65	Sexual abuse in the first degree.	D FELONY
130.65a	Aggravated sexual abuse in the fourth degree.	E FELONY
130.66	Aggravated sexual abuse in the third degree.	D FELONY
130.67	Aggravated sexual abuse in the second degree.	C FELONY
130.70	Aggravated sexual abuse in the first degree.	B FELONY
130.75	Course of sexual conduct against a child in the first degree.	B FELONY
130.80	Course of sexual conduct against a child in the second degree.	D FELONY
130.85	Female genital mutilation.	E FELONY
130.90	Facilitating a sex offense with a controlled substance.	D FELONY
130.91	Sexually motivated felony.	
130.92	Sentencing.	
130.95	Predatory sexual assault.	A-II FELONY
130.96	Predatory sexual assault against a child.	A-II FELONY

### S 130.00 **Sex offenses; definitions of terms.**

The following definitions are applicable to this article:

1. "Sexual intercourse" has its ordinary meaning and occurs upon any penetration, however slight.
2. (a) "Oral sexual conduct" means conduct between persons consisting of contact between the mouth and the penis, the mouth and the anus, or the mouth and the vulva or vagina.  
(b) "Anal sexual conduct" means conduct between persons consisting of contact between the penis and anus.
3. "Sexual contact" means any touching of the sexual or other intimate parts of a person for the purpose of gratifying sexual desire of either party. It includes the touching of the actor by the victim, as well as the touching of the victim by the actor, whether directly or through clothing, as well as the emission of ejaculate by the actor upon any part of the victim, clothed or unclothed.
4. For the purposes of this article "married" means the existence of the relationship between the actor and the victim as spouses which is recognized by law at the time the actor commits an offense proscribed by this article against the victim.
5. "Mentally disabled" means that a person suffers from a mental disease or defect which

renders him or her incapable of appraising the nature of his or her conduct.

6. "Mentally incapacitated" means that a person is rendered temporarily incapable of appraising or controlling his conduct owing to the influence of a narcotic or intoxicating substance administered to him without his consent, or to any other act committed upon him without his consent.
7. "Physically helpless" means that a person is unconscious or for any other reason is physically unable to communicate unwillingness to an act.
8. "Forcible compulsion" means to compel by either:
  - (a) Use of physical force; or
  - (b) A threat, express or implied, which places a person in fear of immediate death or physical injury to himself, herself or another person, or in fear that he, she or another person will immediately be kidnapped.
9. "Foreign object" means any instrument or article which, when inserted in the vagina, urethra, penis, rectum or anus, is capable of causing physical injury.
10. "Sexual conduct" means sexual intercourse, oral sexual conduct, anal sexual conduct, aggravated sexual contact, or sexual contact.
11. "Aggravated sexual contact" means inserting, other than for a valid medical purpose, a foreign object in the vagina, urethra, penis, rectum or anus of a child, thereby causing physical injury to such child.
12. "Health care provider" means any person who is, or is required to be, licensed or registered or holds himself or herself out to be licensed or registered, or provides services as if he or she were licensed or registered in the profession of medicine, chiropractic, dentistry or podiatry under any of the following: article one hundred thirty-one, one hundred thirty-two, one hundred thirty-three, or one hundred forty-one of the education law.
13. "Mental health care provider" shall mean a licensed physician, licensed psychologist, registered professional nurse, licensed clinical social worker or a licensed master social worker under the supervision of a physician, psychologist or licensed clinical social worker.

#### S 130.05 Sex offenses; lack of consent.

1. Whether or not specifically stated, it is an element of every offense defined in this article that the sexual act was committed without consent of the victim.
2. Lack of consent results from:
  - (a) Forcible compulsion; or
  - (b) Incapacity to consent; or
  - (c) Where the offense charged is sexual abuse or forcible touching, any circumstances, in addition to forcible compulsion or incapacity to consent, in which the victim does not expressly or impliedly acquiesce in the actor's conduct; or
  - (d) Where the offense charged is rape in the third degree as defined in subdivision three of section 130.25, or criminal sexual act in the third degree as defined in subdivision three of section 130.40, in addition to forcible compulsion, circumstances under which, at the time of the act of intercourse, oral sexual conduct or anal sexual conduct, the victim clearly expressed that he or she did not consent to engage in such act, and a reasonable person in the actor's situation would have understood such person's words and acts as an expression of lack of consent to such act under all the circumstances.
3. A person is deemed incapable of consent when he or she is:
  - (a) Less than seventeen years old; or
  - (b) Mentally disabled; or
  - (c) Mentally incapacitated; or
  - (d) Physically helpless; or
  - (e) Committed to the care and custody or supervision of the state department of corrections and community supervision or a hospital, as such term is defined in subdivision two of section four hundred of the correction law, and the actor is an employee who knows or reasonably should know that such person is committed to the care and custody or supervision of such department or hospital. For purposes of this paragraph, "employee" means
    - (i) an employee of the state department of corrections and community supervision who, as part of his or her employment, performs

duties: (A) in a state correctional facility in which the victim is confined at the time of the offense consisting of providing custody, medical or mental health services, counseling services, educational programs, vocational training, institutional parole services or direct supervision to inmates; or (B) of supervising persons released on community supervision and supervises the victim at the time of the offense or has supervised the victim and the victim is still under community supervision at the time of the offense; or (ii) An employee of the office of mental health who, as part of his or her employment, performs duties in a state correctional facility or hospital, as such term is defined in subdivision two of section four hundred of the correction law in which the inmate is confined at the time of the offense, consisting of providing custody, medical or mental health services, or direct supervision to such inmates; or (iii) a person, including a volunteer, providing direct services to inmates in a state correctional facility in which the victim is confined at the time of the offense pursuant to a contractual arrangement with the state department of corrections and community supervision or, in the case of a volunteer, a written agreement with such department, provided that the person received written notice concerning the provisions of this paragraph; or

(f) Committed to the care and custody of a local correctional facility, as such term is defined in subdivision two of section forty of the correction law, and the actor is an employee, not married to such person, who knows or reasonably should know that such person is committed to the care and custody of such facility. For purposes of this paragraph, "employee" means an employee of the local correctional facility where the person is committed who performs professional duties consisting of providing custody, medical or mental health services, counseling services, educational services, or vocational training for inmates. For purposes of this paragraph, "employee" shall also mean a person, including a volunteer or a government employee of the state department of corrections and community

supervision or a local health, education or probation agency, providing direct services to inmates in the local correctional facility in which the victim is confined at the time of the offense pursuant to a contractual arrangement with the local correctional department or, in the case of such a volunteer or government employee, a written agreement with such department, provided that such person received written notice concerning the provisions of this paragraph; or

(g) Committed to or placed with the office of children and family services and in residential care, and the actor is an employee, not married to such person, who knows or reasonably should know that such person is committed to or placed with such office of children and family services and in residential care. For purposes of this paragraph, "employee" means an employee of the office of children and family services or of a residential facility in which such person is committed to or placed at the time of the offense who, as part of his or her employment, performs duties consisting of providing custody, medical or mental health services, counseling services, educational services, vocational training, or direct supervision to persons committed to or placed in a residential facility operated by the office of children and family services; or

(h) A client or patient and the actor is a health care provider or mental health care provider charged with rape in the third degree as defined in section 130.25, criminal sexual act in the third degree as defined in section 130.40, aggravated sexual abuse in the fourth degree as defined in section 130.65-a, or sexual abuse in the third degree as defined in section 130.55, and the act of sexual conduct occurs during a treatment session, consultation, interview, or examination; or

(i) A resident or inpatient of a residential facility operated, licensed or certified by (i) the office of mental health; (ii) the office for people with developmental disabilities; or (iii) the office of alcoholism and substance abuse services, and the actor is an employee of the facility not married to such resident or inpatient. For purposes of this paragraph, "employee" means

either: an employee of the agency operating the residential facility, who knows or reasonably should know that such person is a resident or inpatient of such facility and who provides direct care services, case management services, medical or other clinical services, habilitative services or direct supervision of the residents in the facility in which the resident resides; or an officer or other employee, consultant, contractor or volunteer of the residential facility, who knows or reasonably should know that the person is a resident of such facility and who is in direct contact with residents or inpatients; provided, however, that the provisions of this paragraph shall only apply to a consultant, contractor or volunteer providing services pursuant to a contractual arrangement with the agency operating the residential facility or, in the case of a volunteer, a written agreement with such facility, provided that the person received written notice concerning the provisions of this paragraph; provided further, however, "employee" shall not include a person with a developmental disability who is or was receiving services and is also an employee of a service provider and who has sexual contact with another service recipient who is a consenting adult who has consented to such contact.

#### **S 130.10 Sex offenses; limitation; defenses.**

1. In any prosecution under this article in which the victim's lack of consent is based solely upon his or her incapacity to consent because he or she was mentally disabled, mentally incapacitated or physically helpless, it is an affirmative defense that the defendant, at the time he or she engaged in the conduct constituting the offense, did not know of the facts or conditions responsible for such incapacity to consent.
2. Conduct performed for a valid medical or mental health care purpose shall not constitute a violation of any section of this article in which incapacity to consent is based on the circumstances set forth in paragraph (h) of

subdivision three of section 130.05 of this article.

3. In any prosecution for the crime of rape in the third degree as defined in section 130.25, criminal sexual act in the third degree as defined in section 130.40, aggravated sexual abuse in the fourth degree as defined in section 130.65-a, or sexual abuse in the third degree as defined in section 130.55 in which incapacity to consent is based on the circumstances set forth in paragraph (h) of subdivision three of section 130.05 of this article it shall be an affirmative defense that the client or patient consented to such conduct charged after having been expressly advised by the health care or mental health care provider that such conduct was not performed for a valid medical purpose.
4. In any prosecution under this article in which the victim's lack of consent is based solely on his or her incapacity to consent because he or she was less than seventeen years old, mentally disabled, a client or patient and the actor is a health care provider, or committed to the care and custody or supervision of the state department of corrections and community supervision or a hospital and the actor is an employee, it shall be a defense that the defendant was married to the victim as defined in subdivision four of section 130.00 of this article.

#### **S 130.16 Sex offenses; corroboration.**

A person shall not be convicted of any offense defined in this article of which lack of consent is an element but results solely from incapacity to consent because of the victim's mental defect, or mental incapacity, or an attempt to commit the same, solely on the testimony of the victim, unsupported by other evidence tending to:

- (a) Establish that an attempt was made to engage the victim in sexual intercourse, oral sexual conduct, anal sexual conduct, or sexual contact, as the case may be, at the time of the occurrence; and
- (b) Connect the defendant with the commission of the offense or attempted offense.

**S 130.20 Sexual misconduct.**

A person is guilty of sexual misconduct when:

1. He or she engages in sexual intercourse with another person without such person's consent; or
2. He or she engages in oral sexual conduct or anal sexual conduct with another person without such person's consent; or
3. He or she engages in sexual conduct with an animal or a dead human body.

**S 130.25 Rape in the third degree.**

A person is guilty of rape in the third degree when:

1. He or she engages in sexual intercourse with another person who is incapable of consent by reason of some factor other than being less than seventeen years old;
2. Being twenty-one years old or more, he or she engages in sexual intercourse with another person less than seventeen years old; or
3. He or she engages in sexual intercourse with another person without such person's consent where such lack of consent is by reason of some factor other than incapacity to consent.

**S 130.30 Rape in the second degree.**

A person is guilty of rape in the second degree when:

1. Being eighteen years old or more, he or she engages in sexual intercourse with another person less than fifteen years old; or
2. He or she engages in sexual intercourse with another person who is incapable of consent by reason of being mentally disabled or mentally incapacitated. It shall be an affirmative defense to the crime of rape in the second degree as defined in subdivision one of this section that the defendant was less than four years older than the victim at the time of the act.

**S 130.35 Rape in the first degree.**

A person is guilty of rape in the first degree when he or she engages in sexual intercourse with another person:

1. By forcible compulsion; or
2. Who is incapable of consent by reason of being physically helpless; or
3. Who is less than eleven years old; or
4. Who is less than thirteen years old and the actor is eighteen years old or more.

**S 130.40 Criminal sexual act in the third degree.**

A person is guilty of criminal sexual act in the third degree when:

1. He or she engages in oral sexual conduct or anal sexual conduct with a person who is incapable of consent by reason of some factor other than being less than seventeen years old;
2. Being twenty-one years old or more, he or she engages in oral sexual conduct or anal sexual conduct with a person less than seventeen years old; or
3. He or she engages in oral sexual conduct or anal sexual conduct with another person without such person's consent where such lack of consent is by reason of some factor other than incapacity to consent.

**S 130.45 Criminal sexual act in the second degree.**

A person is guilty of criminal sexual act in the second degree when:

1. Being eighteen years old or more, he or she engages in oral sexual conduct or anal sexual conduct with another person less than fifteen years old; or
2. He or she engages in oral sexual conduct or anal sexual conduct with another person who is incapable of consent by reason of being mentally disabled or mentally incapacitated. It shall be an affirmative defense to the crime of criminal sexual act in the second degree as defined in subdivision one of this section that the defendant was less than four years older than the victim at the time of the act.

**S 130.50 Criminal sexual act in the first degree.**

A person is guilty of criminal sexual act in the first degree when he or she engages in oral sexual conduct or anal sexual conduct with another person:

1. By forcible compulsion; or
2. Who is incapable of consent by reason of being physically helpless; or
3. Who is less than eleven years old; or
4. Who is less than thirteen years old and the actor is eighteen years old or more.

**S 130.52 Forcible touching.**

A person is guilty of forcible touching when such person intentionally, and for no legitimate purpose:

1. Forcibly touches the sexual or other intimate parts of another person for the purpose of degrading or abusing such person, or for the purpose of gratifying the actor's sexual desire; or
2. Subjects another person to sexual contact for the purpose of gratifying the actor's sexual desire and with intent to degrade or abuse such other person while such other person is a passenger on a bus, train, or subway car operated by any transit agency, authority or company, public or private, whose operation is authorized by New York state or any of its political subdivisions. For the purposes of this section, forcible touching includes squeezing, grabbing or pinching.

**S 130.53 Persistent sexual abuse.**

A person is guilty of persistent sexual abuse when he or she commits the crime of forcible touching, as defined in section 130.52 of this article, sexual abuse in the third degree, as defined in section 130.55 of this article, or sexual abuse in the second degree, as defined in section 130.60 of this article, and, within the previous ten year period, excluding any time during which such person was incarcerated for any reason, has been convicted two or more times, in separate criminal

transactions for which sentence was imposed on separate occasions, of forcible touching, as defined in section 130.52 of this article, sexual abuse in the third degree as defined in section 130.55 of this article, sexual abuse in the second degree, as defined in section 130.60 of this article, or any offense defined in this article, of which the commission or attempted commission thereof is a felony.

**S 130.55 Sexual abuse in the third degree.**

A person is guilty of sexual abuse in the third degree when he or she subjects another person to sexual contact without the latter's consent; except that in any prosecution under this section, it is an affirmative defense that (a) such other person's lack of consent was due solely to incapacity to consent by reason of being less than seventeen years old, and (b) such other person was more than fourteen years old, and (c) the defendant was less than five years older than such other person.

**S 130.60 Sexual abuse in the second degree.**

A person is guilty of sexual abuse in the second degree when he or she subjects another person to sexual contact and when such other person is:

1. Incapable of consent by reason of some factor other than being less than seventeen years old; or
2. Less than fourteen years old.

**S 130.65 Sexual abuse in the first degree.**

A person is guilty of sexual abuse in the first degree when he or she subjects another person to sexual contact:

1. By forcible compulsion; or
2. When the other person is incapable of consent by reason of being physically helpless; or
3. When the other person is less than eleven years old; or



4. When the other person is less than thirteen years old and the actor is twenty-one years old or older.

**S 130.65-a Aggravated sexual abuse in the fourth degree.**

1. A person is guilty of aggravated sexual abuse in the fourth degree when:
  - (a) He or she inserts a foreign object in the vagina, urethra, penis, rectum or anus of another person and the other person is incapable of consent by reason of some factor other than being less than seventeen years old; or
  - (b) He or she inserts a finger in the vagina, urethra, penis, rectum or anus of another person causing physical injury to such person and such person is incapable of consent by reason of some factor other than being less than seventeen years old.
2. Conduct performed for a valid medical purpose does not violate the provisions of this section.

**S 130.66 Aggravated sexual abuse in the third degree.**

1. A person is guilty of aggravated sexual abuse in the third degree when he or she inserts a foreign object in the vagina, urethra, penis, rectum or anus of another person:
  - (a) By forcible compulsion; or
  - (b) When the other person is incapable of consent by reason of being physically helpless; or
  - (c) When the other person is less than eleven years old.
2. A person is guilty of aggravated sexual abuse in the third degree when he or she inserts a foreign object in the vagina, urethra, penis, rectum or anus of another person causing physical injury to such person and such person is incapable of consent by reason of being mentally disabled or mentally incapacitated.
3. Conduct performed for a valid medical purpose does not violate the provisions of this section.

**S 130.67 Aggravated sexual abuse in the second degree.**

1. A person is guilty of aggravated sexual abuse in the second degree when he or she inserts a finger in the vagina, urethra, penis, rectum or anus of another person causing physical injury to such person:
  - (a) By forcible compulsion; or
  - (b) When the other person is incapable of consent by reason of being physically helpless; or
  - (c) When the other person is less than eleven years old.
2. Conduct performed for a valid medical purpose does not violate the provisions of this section.

**S 130.70 Aggravated sexual abuse in the first degree.**

1. A person is guilty of aggravated sexual abuse in the first degree when he or she inserts a foreign object in the vagina, urethra, penis, rectum or anus of another person causing physical injury to such person:
  - (a) By forcible compulsion; or
  - (b) When the other person is incapable of consent by reason of being physically helpless; or
  - (c) When the other person is less than eleven years old.
2. Conduct performed for a valid medical purpose does not violate the provisions of this section.

**S 130.75 Course of sexual conduct against a child in the first degree.**

1. A person is guilty of course of sexual conduct against a child in the first degree when, over a period of time not less than three months in duration:
  - (a) He or she engages in two or more acts of sexual conduct, which includes at least one act of sexual intercourse, oral sexual conduct, anal sexual conduct or aggravated sexual contact, with a child less than eleven years old; or
  - (b) He or she, being eighteen years old or more, engages in two or more acts of sexual conduct,

which include at least one act of sexual intercourse, oral sexual conduct, anal sexual conduct or aggravated sexual contact, with a child less than thirteen years old.

2. A person may not be subsequently prosecuted for any other sexual offense involving the same victim unless the other charged offense occurred outside the time period charged under this section.

#### **S 130.80 Course of sexual conduct against a child in the second degree.**

1. A person is guilty of course of sexual conduct against a child in the second degree when, over a period of time not less than three months in duration:
  - (a) He or she engages in two or more acts of sexual conduct with a child less than eleven years old; or
  - (b) He or she, being eighteen years old or more, engages in two or more acts of sexual conduct with a child less than thirteen years old.
2. A person may not be subsequently prosecuted for any other sexual offense involving the same victim unless the other charged offense occurred outside the time period charged under this section.

#### **S 130.85 Female genital mutilation.**

1. A person is guilty of female genital mutilation when:
  - (a) A person knowingly circumcises, excises, or infibulates the whole or any part of the labia majora or labia minora or clitoris of another person who has not reached eighteen years of age; or
  - (b) Being a parent, guardian or other person legally responsible and charged with the care or custody of a child less than eighteen years old, he or she knowingly consents to the circumcision, excision or infibulation of whole or part of such child's labia majora or labia minora or clitoris.
2. Such circumcision, excision, or infibulation is not a violation of this section if such act is:
  - (a) Necessary to the health of the person on whom it is performed, and is performed by a

person licensed in the place of its performance as a medical practitioner; or

- (b) Performed on a person in labor or who has just given birth and is performed for medical purposes connected with that labor or birth by a person licensed in the place it is performed as a medical practitioner, midwife, or person in training to become such a practitioner or midwife.
3. For the purposes of paragraph (a) of subdivision two of this section, no account shall be taken of the effect on the person on whom such procedure is to be performed of any belief on the part of that or any other person that such procedure is required as a matter of custom or ritual.

#### **S 130.90 Facilitating a sex offense with a controlled substance.**

A person is guilty of facilitating a sex offense with a controlled substance when he or she:

1. Knowingly and unlawfully possesses a controlled substance or any preparation, compound, mixture or substance that requires a prescription to obtain and administers such substance or preparation, compound, mixture or substance that requires a prescription to obtain to another person without such person's consent and with intent to commit against such person conduct constituting a felony defined in this article; and
2. Commits or attempts to commit such conduct constituting a felony defined in this article.

#### **S 130.91 Sexually motivated felony.**

1. A person commits a sexually motivated felony when he or she commits a specified offense for the purpose, in whole or substantial part, of his or her own direct sexual gratification.
2. A "specified offense" is a felony offense defined by any of the following provisions of this chapter: assault in the second degree as defined in section 120.05, assault in the first degree as defined in section 120.10, gang assault in the second degree as defined in section 120.06, gang assault in the first degree

as defined in section 120.07, stalking in the first degree as defined in section 120.60, strangulation in the second degree as defined in section 121.12, strangulation in the first degree as defined in section 121.13, manslaughter in the second degree as defined in subdivision one of section 125.15, manslaughter in the first degree as defined in section 125.20, murder in the second degree as defined in section 125.25, aggravated murder as defined in section 125.26, murder in the first degree as defined in section 125.27, kidnapping in the second degree as defined in section 135.20, kidnapping in the first degree as defined in section 135.25, burglary in the third degree as defined in section 140.20, burglary in the second degree as defined in section 140.25, burglary in the first degree as defined in section 140.30, arson in the second degree as defined in section 150.15, arson in the first degree as defined in section 150.20, robbery in the third degree as defined in section 160.05, robbery in the second degree as defined in section 160.10, robbery in the first degree as defined in section 160.15, promoting prostitution in the second degree as defined in section 230.30, promoting prostitution in the first degree as defined in section 230.32, compelling prostitution as defined in section 230.33, disseminating indecent material to minors in the first degree as defined in section 235.22, use of a child in a sexual performance as defined in section 263.05, promoting an obscene sexual performance by a child as defined in section 263.10, promoting a sexual performance by a child as defined in section 263.15, or any felony attempt or conspiracy to commit any of the foregoing offenses.

#### **S 130.92 Sentencing.**

1. When a person is convicted of a sexually motivated felony pursuant to this article, and the specified felony is a violent felony offense as defined in section 70.02 of this chapter, the sexually motivated felony shall be deemed a violent felony offense.
2. When a person is convicted of a sexually motivated felony pursuant to this article, the

sexually motivated felony shall be deemed to be the same offense level as the specified offense the defendant committed.

3. Persons convicted of a sexually motivated felony as defined in section 130.91 of this article, must be sentenced in accordance with the provisions of section 70.80 of this chapter.

#### **S 130.95 Predatory sexual assault.**

A person is guilty of predatory sexual assault when he or she commits the crime of rape in the first degree, criminal sexual act in the first degree, aggravated sexual abuse in the first degree, or course of sexual conduct against a child in the first degree, as defined in this article, and when:

1. In the course of the commission of the crime or the immediate flight therefrom, he or she:
  - (a) Causes serious physical injury to the victim of such crime; or
  - (b) Uses or threatens the immediate use of a dangerous instrument; or
2. He or she has engaged in conduct constituting the crime of rape in the first degree, criminal sexual act in the first degree, aggravated sexual abuse in the first degree, or course of sexual conduct against a child in the first degree, as defined in this article, against one or more additional persons; or
3. He or she has previously been subjected to a conviction for a felony defined in this article, incest as defined in section 255.25 of this chapter or use of a child in a sexual performance as defined in section 263.05 of this chapter.

#### **S 130.96 Predatory sexual assault against a child.**

A person is guilty of predatory sexual assault against a child when, being eighteen years old or more, he or she commits the crime of rape in the first degree, criminal sexual act in the first degree, aggravated sexual abuse in the first degree, or course of sexual conduct against a child in the first degree, as defined in this article, and the victim is less than thirteen years old.