

Bard College at
SIMON'S ROCK



2024 ANNUAL SECURITY AND FIRE SAFETY REPORT

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MESSAGE FROM THE DIRECTOR OF CAMPUS SAFETY AND EMERGENCY PLANNING

As the Director of Campus Safety and Emergency Planning of Bard College at Simon's Rock, I am responsible for the leadership and management of the Campus Safety Department. While the Campus Safety Department serves in a leadership role for safety on campus, each individual member of the Simon's Rock community maintains primary responsibility for personal safety and crime prevention. Always keep in mind: If you see something, say something.

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the "Clery Act") is a federal law that requires colleges and universities to prepare, publish, and distribute an annual report about campus crime and security policies, as well as campus crime and fire statistics. Each year, the Department oversees preparation and publication of this report, based on the Department's own records, as well as communications with local law enforcement and various campus security authorities.

The Clery Act annual report and 2023 statistics for Bard College at Simon's Rock may be found below. Simon's Rock disseminates a notice of the availability of this report via an email to all current students, faculty, and staff. Prospective students are provided notification of availability of the report via the admissions website, and prospective employees are provided notification of where they may access the report on the Simon's Rock Job Opportunities website. This report is also available online at <https://simons-rock.edu/early-college/contact-us/offices-and-departments/campus-safety/clery-act.php>. Requests for paper copies can be made in person at the Campus Safety Department in Livingston Hall Student Union, or via email to CampusSafety@simons-rock.edu or kcournoyer@simons-rock.edu.

Please review the information in this report and contact the Campus Safety Department with any questions. Familiarity with the programs and services provided by the College will help all community members become involved in the College's ongoing efforts to keep Simon's Rock's campus and community safe. We believe that campus security is a collective responsibility, and the Campus Safety staff asks that everyone play an active role, immediately reporting suspicious activity, emergencies, and potentially unsafe conditions to Campus Safety.

On behalf of the Campus Safety Department, we wish you the best for a safe and successful year and look forward to a continued partnership with the entire community.

Kellie Cournoyer
Director of Campus Safety and Emergency Planning
Livingston Hall Student Union
kcournoyer@simons-rock.edu
413-528-7680

CONTACT INFORMATION AND RESOURCES

EMERGENCY NUMBERS

Campus Safety Department	
• Any phone	413-528-7291
• On-campus phone	'0' or 7291
Great Barrington Police Department	911
Great Barrington Fire Department	911

CAMPUS SAFETY DEPARTMENT

Campus Safety Department website and information	https://simons-rock.edu/student-life/living-on-campus/campus-safety/
Director of Campus Safety, Kellie Cournoyer	413-528-7680

OTHER COLLEGE RESOURCES

Main Switchboard	413-644-4400
Campus Life (general inquiries)	413-528-7693
Dean of Students	413-644-4711
Director of Residence Life & Housing	413-528-7619
Physical Plant	413-528-7208
Win Student Resource Commons	413-528-7444
Provost's Office	413-528-7239
The Wellness Center - Health and Counseling Services (students only)	413-528-7353
ComPsych Guidance Resources (employees only)	800-272-7255
Title IX Coordinator	413-644-4252
Deputy Title IX Coordinator	413-528-7465

LOCAL RESOURCES OFF CAMPUS

Fairview Hospital	413-528-0790
Berkshire Medical Center	413-447-2000
North Adams Regional Hospital	413-664-5000
Mental Health Crisis Team 24/7:	413- 499-0412 or 800-252-0227 (toll free)

RAPE CRISIS/DOMESTIC VIOLENCE RESOURCES

Elizabeth Freeman Center	866-401-2425 (toll free), 413-499-2425 (office), 413-4992425 (TTY)
Jane Doe Inc. (Massachusetts Coalition Against Sexual Assault and Domestic Violence)	877-785-2020 (hotline), 877- 521-2601 (TTY)
SafeLink (domestic violence hotline)	877-785-2020

NOTICE OF NONDISCRIMINATION

Bard College at Simon's Rock does not discriminate in admission, employment, education or services on the basis of race, color, sex, creed, age, gender identity or expression, sexual orientation, religion, national or ethnic origin, disability, marital status, genetic information, previous military service, or any other class protected under state or federal law. College policies are consistent with state mandates as well as federal statutes and regulation, including but not limited to Executive Orders 11246 and 11375 as amended, Massachusetts Executive Order 74, Section 504 of the federal Rehabilitation Act of 1973, the Americans with Disabilities Act, Title IX of the Education Amendments of 1972, and Titles VI and VII of the Civil Rights Act of 1964.

Please address all inquiries or grievances to the Title IX Coordinator (titleIX@simons-rock.edu), who also serves as a contact for Title VI and VII; the Vice Provost (slyon@simons-rock.edu), who serves as the Section 504 and the Americans with Disabilities Act Coordinator for students; or the Director of Finance and Administration (pmorrison@simons-rock.edu), who serves as the Section 504 and the Americans with Disabilities Act Coordinator for employees and a contact for Title VII.

PREPARATION OF ANNUAL SECURITY REPORT

The Clery Act

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the “Clery Act”) is a federal law that was championed by Howard & Connie Clery after their daughter Jeanne was murdered at Lehigh University in 1986. Signed into law in 1990, the Clery Act requires colleges and universities to disclose certain timely and annual information about safety on campus. All postsecondary public and private institutions participating in federal student aid programs must adhere to these regulations.

To ensure compliance with the Clery Act, Bard College at Simon’s Rock must meet certain obligations required by federal law. They include: certain policy disclosures; records collection and retention; information dissemination; and disclosure of certain crime statistics, safety related policies and procedures, fire safety information, and fire statistics in an annual security report (“ASR”). The Clery Act mandates that institutions publish their ASRs by October 1st each year. The Clery Act statistics and safety information for Bard College at Simon’s Rock for the preceding three years are found in this report and updated annually.

As a result of amendments made to the Clery Act by passage of the Reauthorization of the Violence Against Women Act (“VAWA”), educational institutions are now required to collect crime statistics for three new crimes: domestic violence, dating violence, and stalking. Bard College at Simon’s Rock began collecting and reporting crime statistics for the three new crimes for the year 2013. VAWA now additionally requires educational institutions to revise prior crime statistic disclosures to delete the categories of non-forcible and forcible sex offenses, and to replace those categories with four types of sex offenses: rape, fondling, incest, and statutory rape. Institutions must also revise their statistical disclosures by the category of “Unfounded” to reflect all Clery Act crimes which were determined by police agencies to be “unfounded” and not included in statistical crime disclosures for the three most recent years. In addition, two new categories of bias are now required as part of collection and reporting of data for hate crimes: gender identity and national origin.

Data Collection and Policy Review

This report is prepared by the Director of Campus Safety and Emergency Planning, with cooperation from certain local law enforcement and state agencies surrounding the College’s main campus, the Campus Life Office, Title IX Office, and the Wellness Center. Collection of the information and data necessary for the preparation of this report requires ongoing and annual efforts involving outside law enforcement agencies as well as other College departments, and includes gathering crime statistics from reports of crimes disclosed to and reported by those identified in the law as “campus security authorities” and local law enforcement agencies. In addition to collection of crime statistics, the process of preparing the ASR requires a review of College policies and procedures concerning campus safety, as well as disclosure of those policies and procedures in this report.

BARD COLLEGE AT SIMON’S ROCK CAMPUS SAFETY DEPARTMENT

Overview

The Bard College at Simon’s Rock Campus Safety Department is staffed by trained personnel. These officers respond to emergencies and maintain a regular patrol of the campus. Campus Safety Department staff are trained as first responders, and all officers receive annual recertification in CPR and the use of the department's Automatic External Defibrillators. One officer is a trained Emergency Medical Technician, and all officers participate in ongoing security and safety training programs. The Campus Safety Director and officers work closely with the community directors, the Director of Residence Life and Housing, Health Services, Counseling Services, and Physical Plant, as well as the Dean of Students, and other members of the faculty and staff to maintain 24-hour coverage of the campus, with Campus Safety Officers patrolling campus 24/7.

Authority

Campus Safety Officers have the authority to ask persons for identification and to determine whether individuals have lawful business on campus. Campus Safety Officers also have the authority to issue parking citations, which are billed to financial accounts of students, faculty, and staff. Campus Safety Officers do not possess arrest power. Criminal incidents are referred to the local police, who have jurisdiction over the campus.

Inter-Agency Relationships

The Campus Safety Department is responsible for maintaining a cooperative relationship with local, state, and federal law enforcement authorities, and for assisting them, on request, in the investigation of crimes. The Department is in regular contact with the Great Barrington Police and Fire Departments on matters of emergency preparation and planning. The College also maintains a relationship with the regional emergency planning committee, coordinating efforts to support the safety of the surrounding community as well as the College. The College is working on a written memorandum of understanding with the Great Barrington Police Department for investigation of alleged criminal offenses.

Criminal Activity Off-Campus

The Campus Safety Department and Office of Campus Life are in regular contact with local law enforcement agencies, working closely on issues or situations that affect the College and the local community. The College regularly collaborates with local law enforcement on situations involving our students, and recognizes that it is in the best interest of the College and the surrounding community to inform local law enforcement of concerns or violations of law that affect either community. Bard College at Simon’s Rock has no off-campus student organizations.

Daily Crime Log

The Simon's Rock Campus Safety Department maintains a daily crime log that is open to the general public. The log contains information about reported criminal incidents occurring on the College's Clery geography and related patrol jurisdiction, including the location of the incident reported, the time and date of the report (and incident if known), the resulting action(s) by the Department or Great Barrington Police officers, a brief description of the incident reported, and the disposition of the report to the extent it can be ascertained. Limited information may be temporarily withheld from the daily crime log if Campus Safety determines release of the information would jeopardize an ongoing investigation or the safety of an individual.

The Campus Safety Department updates the daily crime log each business day with information concerning reports of crime made to the Department the prior day. Reports received on weekends and College holidays are recorded in the log on the next business day. Entries made within the last sixty days are updated as information becomes available. Portions of the log older than sixty days will be made available to the public within two business days of a written request.

REPORTING CRIMES AND EMERGENCIES

Accurate and Prompt Reporting

Students, faculty, staff, and guests are encouraged to promptly report suspected criminal actions and other public safety-related incidents to the Campus Safety Department by dialing 413-528-7291 or x7291 from any campus phone, or to the local police by dialing 911 (9-911 from campus phones). Simon's Rock has a Campus Safety Officer available by phone at all times to receive reports, which can also be made in person to any Safety Officer or to the Campus Safety Department in Livingston Hall Student Union. Students can also make an initial report to their Community Director.

If you witness a crime or other emergency, get to a safe place right away and call the Campus Safety Department if the incident occurred on-campus, or 911 if the incident occurred off-campus. When you call, make sure to tell the dispatcher everything you can remember about the circumstances and/or suspect (details of what happened, clothing, appearance, and physical description of suspect, vehicle, direction of travel, and anything else that may be helpful to police in their effort to apprehend the suspect).

Always remember, quickly and accurately reporting crimes helps in preventing them from happening again. When police arrive at the scene of a crime-in-progress within the first two minutes of receiving a call, the chances of apprehending a suspect are greatly increased, and the odds of making an arrest decrease quickly as time passes. The Campus Safety Department uses the information provided by reporters of crimes to track incidents and related trends to develop specific ways to combat crime.

Members of the Simon's Rock community receive information and instructions about how to report crimes, security procedures and practices, as well as safety and crime prevention guidance, from this report, the Student Handbook, orientations of new students and employees, in house meetings in each residence hall, postings around campus, and the College's website.

Post-Incident Follow-up

In response to a call, the Campus Safety Department will, depending on circumstances, investigate a matter, refer it to local law enforcement and provide related support, and/or refer it to the College for administrative review and potential action. The Campus Safety Department will assist a reporting party in securing the appropriate law enforcement resources.

Other Emergencies

Medical Emergencies

Call the Campus Safety Department by dialing 413-528-7291 or x7291, local emergency services at 911 (9-911 from campus phones), or report to the Community Director on duty, who will notify the

appropriate personnel, e.g. the on-call nurse, the emergency room, Macony Pediatrics, or an ambulance. Emergency contact information is posted in each residence hall.

Fire Emergencies

All fire emergencies are handled by the Great Barrington Fire Department. In the event of a fire emergency, members of the community should contact the Fire Department directly by calling 911 (9-911 from campus phones), as well as notifying Campus Safety and the Community Directors on duty.

Maintenance Emergencies

Maintenance emergencies should be reported to the Community Director or Campus Safety staff at 413-528-7291 or x7291. A member of Physical Plant can be reached if necessary at 413-528-7208 7am-3:30pm, on call staff after hours.

Voluntary and Confidential Reporting

Occasionally, victims of crime wish to report a crime but do not want to give their name and/or do not want to pursue action through the criminal justice or College judicial systems. Professional counselors who receive confidential reports are not required to report these crimes to the Dean of Students or Campus Safety for inclusion into the annual disclosure of crime statistics or for the purpose of a timely warning. A professional counselor is a person whose official responsibilities include providing mental health counseling to members of the institution's community and who is functioning within the scope of his or her license or certification. Professional counselors, if and when they deem it appropriate, are encouraged to inform the persons they are counseling of the procedures to report a crime to campus authorities for inclusion in the annual disclosure of crime statistics.

ACCESS TO AND SECURITY OF CAMPUS FACILITIES

Most academic buildings are openly accessible to members of the campus community, guests, and visitors during normal business hours. All visitors and guests of current students who are on campus any time between 6 pm and 10 am must sign-in at the Campus Safety Office in the Livingston Hall Student Union. During the 2020-2021 academic year this section was changed due to COVID protocols set in place by the institution.

Residence Halls

Residence halls are secured 24 hours a day and accessible only to authorized resident students with activated Simon's Rock identification cards. Each student is also issued a room key and instructed to keep their room locked when unoccupied. Any person who is not a currently enrolled student must register with Campus Safety and provide photo identification before entering a residential building. Students must register their guests in person at the Campus Safety Office, accompanied by the host. All residence halls are, at minimum, partially equipped with intrusion alarms that detect doors that are forced or held open.

During the academic school year, under the College's parietal system, Crosby, Dolliver, and Kendrick House close to nonresidents at midnight Sunday through Thursday, and at 1 am on weekends. All nonresidents must vacate these buildings when they are closed. During this time, only occupants of each residence are authorized to have access to that building, using their key cards. Allowing or enabling others to enter – for example, by propping open a door – jeopardizes safety and may result in an infraction. Community Directors explain to first-year students the importance of cooperating with parietals and denying access to residential buildings to those they do not recognize, and to those who live in other dormitories. During all breaks, College residence halls close and students are expected to leave campus. International students, students who live more than 750 miles away, and legally emancipated students can petition the Director of Residence Life and Housing to stay on campus during certain breaks.

Access Inspections

Campus Safety Officers regularly inspect exterior doors to campus buildings to confirm that their automatic closing and locking units are working properly, not on all doors. Exterior doors to all campus buildings are either automatically set to lock by an electronic system, or secured by officers when appropriate. These officers, along with Physical Plant and Student Affairs staff, also report door and security hardware operating deficiencies to coordinate prompt repairs. Livingston Student Union is open 24/7.

Maintenance of Campus Facilities

The College's Campus Safety, Physical Plant, and Campus Life staff make daily rounds in College buildings, checking and monitoring life safety systems, and maintaining order. The College, through collaboration between Campus Safety, Physical Plant, and Campus Life, undertakes to ensure that common areas, pedestrian walkways, and building exteriors are well-lit to reduce the likelihood of criminal activity and enhance safety. Physical Plant staff gives priority to repairs related to security concerns. Community members are encouraged to report any security-related maintenance concerns to the Campus Safety Department at 413-528-7291 (x7291) or the Physical Plant at 413-528-7208 (x7208).

SECURITY AWARENESS, CRIME PREVENTION PROGRAMS, AND WELLNESS PROGRAMS

Bard College at Simon's Rock is committed to the goal of providing a safe campus environment for its students, faculty, staff, and visitors. Below is a list of programs, services, and technologies designed to raise security awareness and increase prevention efforts. Please see the list of programs sponsored by Title IX, Campus Life, and Wellness Center on the last page.

New Student and Employee Orientation

Matters concerning the safety of the community are regularly discussed at orientations of new students and employees. These matters are addressed with new students through an online program they complete prior to their arrival, and then discussed with students during their annual orientation week and at periodic house meetings held in each residence hall throughout the academic year within the first 45 days.

First-Year Experience

The FYE sequence (FYE 100 and FYE 101) supports students holistically in their transition to the academic, leadership, and social terrains of Simon's Rock. It is designed to help students develop skills that will enable them to thrive during their time on campus. Students explore a variety of topics, including self-care, substance use and abuse, consent, and preventing harassment and discrimination. FYE 100 is a graduation requirement of all first year students.

Sexual Violence Prevention

Simon's Rock provides sexual violence prevention education to its campus community each year. To this end, all incoming students are required to participate in mandatory educational programs about consent, preventing sexual harassment and assault, and promoting a culture of caring for and respecting one another. This includes an online program that students complete before arriving on campus and a presentation during New Student Orientation. Through co-curricular activities, workshops, and information campaigns, opportunities are provided for all students throughout the year to increase awareness of and reduce the incidence of sexual misconduct, domestic violence, dating or intimate partner violence, stalking and sexual harassment. All responsible employees also receive regular training.

Emergency Alert System

The Bard College at Simon's Rock Emergency Alert System allows the College to contact the community in the event of an emergency by sending messages via: voice message (mobile and land-line), email, or SMS Text messaging. When an emergency occurs that requires community attention or action, the Emergency Alert System will be activated.

Safety Escort Service

Simon's Rock community members may request a safety escort whenever there is a concern for their safety and security. Personal safety escorts are available 24 hours a day and may be requested by calling the Campus Safety Department at 413-528-7291 (x7291). The service is subject to availability of officers and is limited to areas on or near Great Barrington Center.

Drug and Alcohol Abuse Programs

The College's drug and alcohol abuse education program is conducted through its annual series of required health lectures for new students, and through various programs offered through its campus life office, counseling services, and health services. Employees can also seek assistance and support through the Employee Assistance Program (ComPsych Guidance Resources) if they or a family member are struggling with addiction issues.

Fire Safety Education and Training Programs

Fire safety education programs for all students living in on-campus student housing and all employees that have any association with on-campus student housing are held at the beginning of each semester. These programs are designed to: familiarize everyone with the fire safety system in each housing facility, train everyone on the procedures to be followed in case there is a fire, and distribute information on the College's fire safety policies. During these programs, trainers emphasize that participating in fire drills is mandatory. Students and employees with disabilities discuss individualized evacuation plans with the director of Campus Safety. The information provided during the fire safety programs is also available online at any time on the Campus Safety Department webpage.

EMERGENCY COMMUNICATIONS

The Clery Act requires the College to issue “timely warnings” to the campus community regarding any Clery Act crime that is (i) reported to a campus security authority, or to local law enforcement where law enforcement informs the College of the incident; (ii) occurs within the College’s Clery geography; and (iii) is deemed to represent a serious or continuing threat to the College community. The Clery Act also requires the College to issue “emergency notifications” to the campus community upon confirmation of a significant emergency or dangerous situation (i) occurring on campus; and (ii) involving an immediate threat to the health or safety of employees or students.

The Campus Safety Department receives information through offices and departments on campus, individuals, local law enforcement, and various media sources. Upon receiving a report that may result in the issuance of a timely warning or emergency notification, the Director of Campus Safety and/or Campus Safety Department staff will analyze the incident and, when necessary, consult with local law enforcement and/or other College departments. The decision to issue a timely warning or emergency notification is made by the Director of Campus Safety or his/her designee and will depend on all known circumstances, such as the nature of the crime or incident reported, whether there is a continuing danger to the campus community, and whether there is a possible risk of compromising law enforcement efforts.

Timely Warnings

In the event that a situation arises within the College’s Clery geography that, in the judgment of the Director of Campus Safety, constitutes an ongoing or continuing threat, a campus wide “timely warning” will be issued to the campus community. The warning will be issued through the College email system to all students and employees when pertinent information becomes available. These warnings may also be supplemented by the College’s Emergency Alert System, explained below, or communicated via voicemail message sent directly to all voicemail accounts, posted signs on campus, or the College website’s emergency information page at:

<https://simons-rock.edu/student-life/living-on-campus/campus-safety/emergency-procedures/index.php>

The decision to issue a timely warning is made on a case by case basis in light of all known circumstances surrounding a crime, including factors such as the nature of the crime reported, whether there exists a continuing danger to the campus community, and the possible risk of compromising law enforcement efforts. A “timely warning” may not be issued if the subject(s) is apprehended and the threat of imminent danger to the community has been mitigated; if a report was not filed with the Department; or the Department was not notified in a manner that would allow it to post a “timely” warning to the community.

All crime victims and witnesses, or anyone with information warranting a timely warning are strongly encouraged to immediately report crimes to the Campus Safety office and the appropriate police agency. Prompt reporting assists in issuing timely warning notices on-campus, and in providing timely response

to crimes. All reports of crimes to the Department may be made on a confidential, anonymous basis. The College does not release the names of victims when issuing timely warnings.

Emergency Notifications

The College will issue an emergency notification when there is an immediate need to impart emergency information to the entire campus. For example, an event such as an approaching tornado, an explosion, or an outbreak of a serious illness may constitute an immediate threat requiring an emergency notification.

If the Campus Safety Department confirms, based on information received from any source that there is an emergency or dangerous situation that poses an immediate threat to the health or safety of the College campus, the College will, through the Campus Safety Department, without delay and taking into account the safety of the community, determine the content of an emergency notification and activate some or all of the systems described below to communicate an appropriate warning (i.e., an emergency notification), unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate an emergency.

In determining an appropriate communication, the College will take into account several factors, including, but not limited to, the building or segment of the population threatened, the nature of the threat, and the credibility of the information received. The message will contain information regarding the event, as well as instructions as to what steps to take to enhance safety. Such notifications will be sent through the Emergency Alert System and, depending on circumstances, may also be communicated via College email, voicemail message, posted signs on campus, the College website's emergency information page, TEXT message, or word of mouth.

An emergency notification will typically be the initial communication in a campus-wide emergency situation that requires an immediate response from all those on campus, and may trigger one or more of the emergency response or evacuation procedures explained below. Follow up messages are sent to the College community using some or all of the above-listed communication systems when such instructions are required and/or emergency conditions have abated.

Emergency Alert System

The Bard College at Simon's Rock Emergency Alert System allows the College to contact the community in the event of an emergency by sending messages via:

- Voice message (mobile and land-line)
- Email
- SMS Text messaging

When an emergency occurs that requires community attention or action, the emergency notification system will be activated and students and employees will be notified by the methods noted above. Situations for which The Emergency Alert System will be used may include but are not limited to:

- Facility Emergencies
- Potential life-threatening situations on campus
- Extreme Weather Conditions

The Emergency Alert System will be tested once a semester while class is in session. Additional testing may be conducted as part of drills and exercises, or as necessary.

EMERGENCY RESPONSE AND EVACUATION PROCEDURES

Emergency Evacuation Plan

Specific Emergency Evacuation Plans are created for various buildings on campus, including all new and renovated buildings, which provide guidelines for occupants to follow during an evacuation. Each plan contains floor plans that show egress paths, stairwells, and exits, and are posted on each floor of the specific building.

Drills/Testing

The Campus Safety Department coordinates and oversees unannounced evacuation drills at least once per calendar year for residential facilities and other buildings to the extent appropriate. The purpose of evacuation drills is to prepare building occupants for an organized evacuation. The process also provides the College an opportunity to evaluate efficiency of evacuation procedures and to test emergency notification system components.

Sheltering in Place

If an incident occurs and the buildings or areas in or near your location become unstable, or if the outdoor air becomes dangerous due to airborne toxins or irritating substances, it is usually safer to remain indoors because leaving your immediate location may expose you to the danger outside.

A shelter in place notification can come from several sources, including the Campus Safety Department, the Great Barrington Fire Department, or the Great Barrington Police Department. In addition, notification of a need to shelter in place may come over the radio or television or by any of the communication methods mentioned above.

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

- If you are inside, stay where you are.
- Collect any emergency shelter in place supplies and a telephone to be used in case of emergency.
- If you are outdoors, proceed into the closest building quickly or follow instructions from emergency personnel on the scene.

- Locate a room to shelter inside. It should be an interior room above ground level without windows (or with the least number of windows).
- Shut, lock, and tightly seal windows and exterior doors.
- Turn off air conditioners, heaters, and fans.
- Close vents to ventilation systems as you are able.
- Turn on a radio or TV, listen for further instructions, and to the extent possible, monitor the internet from a computer or phone.
- If an incident occurs and the building you are in is not damaged, stay inside and seek an interior room until you are informed by emergency responders that it is safe to exit. If the building in which you are located is damaged, 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 the building, immediately seek shelter in the nearest safe campus building. If the Campus Safety Department, local law enforcement, or fire department are on scene, follow their directions.

MISSING PERSONS POLICY

The College's missing persons policy has been developed to assist in locating students who reside in on-campus housing and who have been determined by the College to be missing. All community members are encouraged to notify the Campus Safety Department immediately when they believe a student is missing. The Campus Life staff and Campus Safety will take appropriate steps to locate the student, including but not limited to:

- Attempt to make contact with students via email, cell phone, and visit to room.
- Seek information from House Leaders/Proctors, roommate, floor-mates, and friends.
- Verify student ID card use for residence hall doors within the last 24 hours.
- Verify student ID card use in the Dining Hall within the last 24 hours.
- Contact Academic Affairs to determine class attendance.
- Seek information from Physical Plant for any information from their staff.
- Seek information from facility managers in the Kilpatrick Athletic Center and Daniel Arts Center.
- Seek information from faculty or staff.

A student may register with the Campus Safety Department a confidential contact person to be notified when that student is determined to be missing. The Campus Life Office will notify the appropriate emergency contacts within 24 hours following an official determination that a student is missing. It is important to note that confidential missing persons contact information registered pursuant to this policy will be accessible only by authorized campus officials, and it may not be disclosed except to law enforcement in furtherance of a missing persons investigation.

If the College officially determines that the student is missing, it will notify appropriate external law enforcement agencies and the missing student's emergency contact within 24 hours of reaching such determination, unless the local law enforcement agency was the entity that made the determination that the student is missing. If the missing student is under the age of 18 and is not an emancipated minor, the College will notify the student's custodial parent or legal guardian immediately in addition to notifying any additional contact person designated by the student within 24 hours. If no such individual has been provided, the Campus Life Office will determine who must be informed.

The Campus Safety Department will be responsible for filing all related missing person reports with other agencies as may be required. The Dean of Students, or designee, will contact appropriate College administrators and offices on a need-to-know basis.

ALCOHOL AND OTHER DRUGS

Simon's Rock is a "dry" campus and the possession, use, or distribution of alcohol or illegal substances is strictly prohibited regarding the Drug Free Schools Act. In an effort to raise awareness of substance abuse issues, as well as educate and support the community on such issues, the College offers various substance abuse prevention programming. Following are some examples of the College's available substance abuse resources:

First-Year Experience

All new students are required to attend and complete a series of required health lectures, including substance use and abuse education.

Community Director Training

Community Directors are trained in basic assistance with alcohol-related problems and issues.

Wellness Center

In addition to the above programs and trainings, Wellness Center provides assessment and referral services to students.

Drug and Alcohol Policies

Students in possession of, under the influence of, or distributing in any way, alcohol or illegal substances are subject to disciplinary action, regardless of their age or where the substance was consumed. The misuse, abuse, or sale of prescription medication is also prohibited. The College also prohibits possession, consumption, or distribution of illegal substances by employees, and prohibits consumption of alcoholic beverages on campus by employees, except at special events sponsored by the College. Community members are responsible for ensuring their guests adhere to the College's drug and alcohol policies and, when appropriate, may be held accountable for violations committed by their guests. Simon's Rock's full policy statements on these matters are published in the current editions of its Student Handbook, Faculty Handbook, and Employee Handbook.

The College's Campus Life and Campus Safety staff have the authority to enforce these policies and ensure the campus is safe and free of alcohol and/or illegal drugs, to the best of their abilities. Any employee or student who violates these policies may be subject to disciplinary action, up to and including termination of employment suspension, or expulsion, and may also be subject to other penalties under state and/or federal law.

Massachusetts and federal law prohibits possession, transportation, and/or distribution of illegal drugs by any person. Massachusetts law also prohibits individuals under the age of twenty-one (21) years from purchasing, possessing, and/or transporting alcoholic beverages. Violations under either set of laws may result in fines, imprisonment, and loss of certain privileges (for example, driving). College policy is

consistent with Massachusetts law and further prohibits students from becoming intoxicated both on and off-campus at College-related activities.

In compliance with the Drug Free Schools and Communities Act, the College's Drug and Alcohol policies can be found in the Student Handbook, which can be accessed at:

<https://simons-rock.edu/students-families/student-handbook.php>

CAMPUS SECURITY AUTHORITIES

The Clery Act requires the College to disclose statistics concerning the occurrence of certain crimes that occur within the College's Clery geography and that are reported to College campus security authorities ("CSAs"). Under the law, CSAs include any member of the Security Department; any individual who has responsibility for campus security, but who is not a member of the Department; any individual identified by the College as someone to whom a crime should be reported; and any College official who has significant responsibility for student and campus activities. Examples of the College's CSAs include, but are not limited to, the following:

- Campus Safety Department staff;
- Dean of Students;
- Director of Campus Life;
- Title IX Coordinator;
- Deputy Title IX Coordinator;
- Community Directors;
- Assistant Director of Campus Life;
- Director of Student Activities;
- Director of Athletics.

A CSA is not required to disclose to the Department confidential information concerning an incident, such as information that would identify a victim of a crime who wishes for his or her identity to remain confidential. However, CSAs are required to inform the Department of the existence of all known incidents, including confidential incidents, so that those incidents can be recorded as statistics, and, where appropriate, disclosed in the College's Annual Security Report.

If a reporting party does not consent to the disclosure of his or her identity to the Department, CSAs are expected to inform the Department of the reporting party's wish for confidentiality and to report the incident for statistical purposes only without disclosing identifying information. Simon's Rock will maintain confidentiality under this framework to the extent permissible under law and consistent with the College's obligation to investigate allegations and provide accommodations.

Professional counselors acting in those roles are not campus security authorities, and the law specifically exempts them from the responsibility to report crimes disclosed to them. However, professional counselors are encouraged, if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion into the annual crime statistics.

The College urges all community members who are not CSAs to report any criminal incident to the Campus Safety Department or law enforcement for the geographical jurisdiction in which an incident occurs, particularly where a victim is unable to do themselves. In the event an individual chooses not to report to the Department, the College urges the person to at least disclose the occurrence of the

incident to a campus security authority so it may be counted, as appropriate, in the College's Annual Security Report.

SEXUAL MISCONDUCT

Statement of Policy on Sexual Misconduct

Bard College at Simon's Rock's policies expressly prohibit sexual and gender-based misconduct of any type, including sexual discrimination, sexual harassment, sexual assault, dating and domestic violence, and stalking. Such acts have no place at Simon's Rock and offend the College's mission and values. As such, they are strictly prohibited by the College. Simon's Rock's policies regarding sexual misconduct have three main goals:

- Stop behavior that constitutes sexual misconduct;
- Remedy the effects of the behavior;
- Take appropriate action to prevent future behavior.

The policy is also intended to:

- Identify resources and support for community members;
- Identify the Title IX Coordinator and Deputy Coordinator, and define their roles;
- Provide information about obtaining support or resources in a confidential manner;
- Provide information about how to make a report or file a complaint; and
- Provide information about how a report or complaint will be investigated, evaluated, and resolved.

Simon's Rock adheres to all federal and state civil rights laws barring discrimination, including but not limited to Title IX and Title VI of the Education Amendments of 1972, Title VII of the Civil Rights Act, Massachusetts General Laws Chapter 151B, and other applicable state and federal statutes. The College is committed not only to compliance with these mandates, but to creating and maintaining a safe, healthy, and respectful learning, living, and working environment for all of its community members.

The College, as well as state and federal law, also prohibits retaliation against any person who reports, assists in reporting, or participates in an investigation of possible sexual misconduct.

This report contains selected portions of the Bard College at Simon's Rock Title IX and Equity 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 supportive 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. The full Sexual Misconduct Policy can be found at <https://simons-rock.edu/title-ix>

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

Simon's Rock 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 and all new employees, regarding its policy, resources, institutional assistance, and consequences and sanctions for individuals who commit these violations.

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.

Simon's Rock's primary prevention and awareness programs include Sexual Assault, Domestic Violence, Dating Violence and Stalking Awareness and Prevention. Simon's Rock provides sexual violence prevention education to its campus community each year. The College educates the community about sexual assaults through various programs, including mandatory freshman orientations each fall when all incoming students are required to participate in mandatory educational programs about consent, preventing sexual harassment and assault, and promoting a culture of caring for and respecting one another.

Our orientation program also includes an online program students complete before arriving on campus and a presentation during New Student Orientation. Sessions are also provided for all students throughout the year to increase awareness of and reduce the incidence of sexual misconduct, domestic violence, dating or intimate partner violence, stalking and sexual harassment. All responsible employees also receive regular training. Literature on date rape education, risk reduction, and Simon's Rock response is available through the office of campus life, the Title IX Office, and the wellness center. Further, it is the policy of the College to provide the following types of programs or training:

Campus Security Authority

All Campus Security Authorities are required to complete RAPID (Responsible Authority Proficiency in Incident Disclosure) training, a customized high quality training provided by SUNY designed for colleges and universities to quickly, efficiently, and accurately train responsible authorities under the Clery Act, Title IX, and campus policy.

Community Director Training

Community Directors are trained regarding the law, the College's sexual misconduct policy and investigation procedures, date rape, drugs, sexual assault reporting and protocol, and supporting affected students.

House Leaders and Academy Proctors Training

House Leaders, Academy Proctors, and other student members of the residence life staff, receive training on sexual misconduct, the College's investigation procedures, and responding to affected students.

Campus Safety Staff Training

Campus Safety staff members receive training on the College's sexual misconduct policy and investigation procedures, sexual misconduct reporting, and collaborating with residence life and health services staff in response to affected students annually.

Responsible Employee Training

Responsible employees receive regular training on sexual misconduct response and reporting issues. Bystander Intervention Awareness The College encourages all members of the community to foster a safe environment on campus, and expects that all community members will take reasonable and prudent actions to prevent and stop acts of sexual misconduct. Taking action may include direct intervention if safe, enlisting the assistance of friends, contacting law enforcement or the Campus Safety Department, or seeking assistance from a person in authority.

First Year Experience (FYE) Program

As part of the FYE program, students can attend and participate in College-sponsored activities and programming each of their first three semesters, including programming related to making responsible social choices while at Simon's Rock.

Health Services Support

In addition to the above programs and training, Health Services provides information, support, counseling and medical care in cases of sexual misconduct.

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 programming offered to all students and employees, events and workshops to address relevant issues, printed materials for educational and reference purposes, and numerous other face-to-face and indirect opportunities 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 non exhaustive list of some ways to be an active bystander:

- Watch out for your friends and fellow students and employees. If you see someone who 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):

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 packages or bags, 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.

Counseling

All students are advised during orientation and through ongoing awareness campaigns of counseling resources available on campus through our Wellness Center and off campus through the Elizabeth Freeman Center.

Reporting Harassment, Discrimination, and Sexual Misconduct

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Mandated Reporter Obligations

Members of the Simon's Rock community who hold certain positions are considered "mandated reporters" under state law and required by law to report suspected abuse of minors, including sexual abuse, to the Massachusetts Department of Children and Families (DCF). These positions include, but are not limited to, teachers, educational administrators, police officers, physicians, nurses, medical treatment providers, social workers, preschool and after-school program staff, child care providers, clergy, and guidance or family counselors.

Reporting Obligations

Any employee with knowledge of sexual harassment or sexual misconduct involving members of the Bard College at Simon's Rock community must notify the Title IX Coordinator. In addition, employees must provide the following information to the reporting individual at the first instance of disclosure of sexual assault, domestic violence, dating violence, or stalking:

- You have the right to make a report to campus safety, 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 at Simon's Rock.
- You have the right to be protected by Simon's Rock from retaliation for reporting an incident.
- You have the right to receive supportive measures, assistance and resources from Simon's Rock.

Prohibited Conduct: Title IX Sexual Harassment

Applicability and Scope

Who This Policy Applies To: All members of the Simon's Rock community, including students, faculty, staff, and applicants for admission or employment, regardless of sexual orientation or gender identity; and third parties (i.e., visitors, independent contractors, and others who are neither students nor

employees), where their conduct is directed toward or otherwise affects Simon's Rock community members.

Where This Policy Applies To: Conduct that occurs within Simon's Rock's educational program or activities (as defined below). This includes conduct that occurs on campus, including online or electronic conduct initiated or received on campus or through use of campus computing or network resources; and conduct that occurs off campus, including online or electronic conduct, when Simon's Rock has control over the location or activity.

Title IX Sexual Harassment

- i. An employee of Simon's Rock conditioning the provision of an aid, benefit, or service of Simon's Rock on an individual's participation in unwelcome sexual conduct;
- ii. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to Simon's Rock's education program or activity;
- iii. A single instance of Sexual Assault (rape, fondling, incest or statutory rape), Domestic Violence, Dating Violence, or Stalking.

1. Sexual Assault: Any sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent including:

a. 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. Attempts or assaults to commit rape are also included; however, statutory rape and incest are excluded. This definition of rape includes: i. The slightest penetration of the vagina by a penis without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity; ii. Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity; or iii. To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity. An "object" or "instrument" is anything used by the offender other than the offender's genitalia, e.g., a finger, bottle, stick etc.

b. Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

c. Sexual Assault, Non-Forcible: Unlawful, non-forcible sexual intercourse including:

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

e. Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent, 16 in Massachusetts, in which there is no force or coercion used. Sexual intercourse with a person who is under the statutory age of consent which is 16 in Massachusetts. There is no force or coercion used in Statutory Rape.

2. Domestic Violence: An act of violence committed: a. By a current or former spouse or intimate partner of the victim; b. By a person with whom the victim shares a child in common; c. By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; d. 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; e. 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 act of violence occurred.

3. 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. For the purposes of this definition: a. The existence of such a relationship shall be determined 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. b. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. c. Dating violence does not include acts covered under the definition of domestic violence.

4. Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress. For the purposes of this definition: a. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. 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.

Retaliation

Retaliation constitutes any action that would intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by this policy, or because the

individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing. Such action will constitute a violation of this policy regardless of whether or not the action itself constitutes discrimination or harassment. Because Simon's Rock is obligated to ensure that the grievance process is not abused for retaliatory purposes, when a counterclaim is filed Simon's Rock will assess whether the allegations in the counterclaim are made in good faith or made for purposes of retaliation. Acts of Sexual Harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved.

Prohibited Conduct: Equity Policy

Applicability and Scope

Who This Policy Applies To: All members of the Simon's Rock community, including students, faculty, staff, and applicants for admission or employment, regardless of sexual orientation or gender identity; and third parties (i.e., visitors, independent contractors, and others who are neither students nor employees), where their conduct is directed toward or otherwise affects Simon's Rock community members.

Where This Policy Applies To: Conduct that occurs on campus, including online or electronic conduct initiated or received on campus or through use of College computing or network resources; and Conduct that occurs off campus, including online or electronic conduct, when the conduct: occurs in the context of an employment or education program or activity of Simon's Rock; has, or may have, the effect of continuing adverse effects on campus, including adverse impact on any 93 member of the Simon's Rock community; has continuing adverse effects in an off campus employment or education program or activity, such as travel abroad, research, or internship programs; or has, or may have, the effect of contributing to a hostile environment in a Simon's Rock program or activity.

Sexual Misconduct

Sexual misconduct is a broad term encompassing any unwelcome behavior of a sexual nature that is committed without consent or by force, intimidation, coercion, or manipulation. Sexual misconduct can be committed by a person of any gender, and it can occur between people of the same or different gender. Sexual Misconduct does not include acts covered under the Title IX Sexual Harassment policy. Examples of Sexual Misconduct may include but are not limited to:

1. **Sexual Exploitation:** Sexual exploitation refers to a person taking sexual advantage of another, for their own benefit or for the benefit of anyone other than the person being exploited, without that person's consent. Examples of behavior that could rise to the level of sexual exploitation include: Invasion of sexual privacy; Prostituting or soliciting another person or causing the prostitution of another person; Causing, or attempting to cause, a person to become incapacitated in order to take sexual advantage; Exposing one's genitals outside of consensual circumstances, or compelling another to expose their genitals; Viewing, video-recording, audio-recording or photographing sexual activity without consent of the all persons engaged in

the sexual activity or enabling the same; Allowing third parties to observe consensual or non-consensual sexual acts; Knowingly infecting another person with a sexually transmitted infection or disease; Engaging in voyeurism; Distributing intimate or sexual information about another person without their explicit permission or consent.

2. Non-consensual Sexual Contact: Non-consensual sexual contact involves intentional and unwelcome sexual touching, however slight, usually but not necessarily involving contact with genitals, breasts, groin, or buttocks by a body part or object, that is without consent. This definition includes making someone touch you or themselves on these same body parts or making intentional physical contact in a sexual manner, even if it does not involve contact with or by these body parts.
3. Instances of Sexual Assault Rape; Fondling; Sexual Assault, Non-Forcible; Dating Violence; Domestic Violence; or Stalking as defined in the Title IX Sexual Harassment policy when such conduct occurs off-campus or against a person not in the United States, but nonetheless has the impact of effectively denying a person equal access to Simon's Rock's educational programs or activities.

Retaliation

Retaliation constitutes any action that would intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by this policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing. Such action will constitute a violation of this policy regardless of whether or not the action itself constitutes discrimination or harassment. Because Simon's Rock is obligated to ensure that the grievance process is not abused for retaliatory purposes, when a counterclaim is filed Simon's Rock will assess whether the allegations in the counterclaim are made in good faith or made for purposes of retaliation.

Responding to Reports

Supportive Measures

Simon's Rock will provide supportive measures to the complainant whether or not a formal grievance process is initiated. In the case that a formal grievance is filed, these supportive measures will also be offered to the Respondent if known. Supportive measures are non-disciplinary, non-punitive individualized services designed to restore or preserve equal access without unreasonably burdening the other party. Confidentiality as to any supportive measures provided will be provided to the extent that maintaining such confidentiality would not impair the ability of Simon's Rock to provide the supportive measures. Simon's Rock will determine the necessity and scope of any supportive measure and has the discretion to issue, modify, or remove any supportive measure or accommodation due to new information or change in circumstances. Supportive measures may be offered at Simon's Rock's discretion regardless of whether or not the alleged conduct would constitute a violation of the Title IX and/or Equity policy. The range of supportive measures may include but are not limited to:

- Restorative response through the Bias Response Team if appropriate;
- Mutual No-Contact Directives;
- Academic accommodations, including a change in class schedule, taking an incomplete, dropping a course without penalty, attending a class via Skype or other alternative means, providing an academic tutor, or extending deadlines for assignments;
- Change of residence hall assignment;
- Change in work assignment or schedule;
- Counseling available to students through our Wellness Center;
- Safety Planning

Confidential Resource Providers

Confidential Resource Providers (CRPs) are designated individuals who can connect students with supportive measures and information about the policies and processes within the Title IX Office. If you report an incident to a CRP, that individual will not contact the Title IX Office without your permission. A CRP will:

- Provide required information to the reporting party, including the reporting options and information on the disciplinary process and legal processes.
- Review a reporting party's rights and the institution's responsibilities regarding a protection order, no-contact order and any other lawful orders issued by the institution or court.
- Coordinate on-campus or off-campus sexual assault crisis service center or domestic violence program.
- Arrange possible interim school-based supportive measures to allow the reporting party to change academic, living, campus transportation, or working arrangements in response to the alleged sexual misconduct.

Students may submit a request to meet with a CRP at the Wellness Center via the request form located at portal.simons-rock.edu.

Preserving Evidence

Regardless of whether or not a victim opts to pursue a SANE exam, the College encourages all individuals to preserve evidence relating to reports of sexual harassment, sexual assault, domestic violence, dating violence, or stalking. Examples of evidence may include text messages, emails, social media communications, phone records, photographs, documents, clothing, bedding, and medical information.

Amnesty

The health and safety of every student is of utmost importance. Bard College and Bard Academy at Simon's Rock recognize that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to domestic violence, dating violence, stalking, or sexual assault occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. Bard College and Bard Academy at Simon's Rock strongly

encourage students to report any potential domestic violence, dating violence, stalking, or sexual assault to institution officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking, or sexual assault to Bard College and Bard Academy at Simon's Rock's officials or law enforcement will not be subject to Bard College and Bard Academy at Simon's Rock's code of conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.

Further, such amnesty will be additionally extended 1) to protect any bystander acting in good faith or a reporting individual acting in good faith that discloses a potential violation of any other provision contained within the Title IX or Equity policy and 2) to provide amnesty for any other minor policy violations of the Student Code of Conduct or Employee handbook as deemed appropriate by the Title IX Coordinator.

Simon's Rock may, however, initiate an educational discussion or pursue other educational remedies regarding alcohol or other drugs. The amnesty policy applies to Simon's Rock's student conduct process and processes pursuant to the Employee Handbook. The Title IX Coordinator, Deputy, or designee will determine what policy violations will be considered "minor" and therefore eligible for amnesty in this context.

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Confidential Resource Providers (CRPs) are designated individuals who can connect students with supportive measures and information about the policies and processes within the Title IX Office. If you report an incident to a CRP, that individual will not contact the Title IX Office without your permission. A CRP will: Provide required information to the reporting party, including the reporting options and information on the disciplinary process and legal processes; Review a reporting party's rights and the institution's responsibilities regarding a protection order, no-contact order and any other lawful orders issued by the institution or court; Coordinate on-campus or off-campus sexual assault crisis service center or domestic violence program; Arrange possible interim school-based supportive measures to allow the reporting party to change academic, living, campus transportation, or working arrangements in response to the alleged sexual misconduct. Students may submit a request to meet with a CRP at the Wellness Center via the request form located at portal.simons-rock.edu.

Filing a Formal Complaint

In cases where Students, Faculty, or Staff have experienced misconduct prohibited under the Title IX Policy and/or the Equity Policy they may file a Formal Complaint by: Meeting in person with the Title IX Coordinator and submitting a written and signed Formal Complaint, Meeting with the Title IX Coordinator and dictating a Formal Complaint, which they then sign, Emailing a written and signed Formal Complaint to the Title IX Coordinator, Mailing a written and signed Formal Complaint to the Title

Interim Title IX Coordinator, Lauren Gretina, J.D. Bard College. Email: lgretina@bard.edu, Phone Number:1-845-758-7542

Simon's Rock has determined that the following administrators are Officials with Authority who may also accept Formal Complaints on behalf of the Title IX Coordinator: Deputy Title IX Coordinator, Director of Finance and Administration, Dean of Faculty, Dean of Students.

In instances where the person who has experienced the alleged conduct is enrolled in the Academy or seeking to access the educational programs of the Academy, Simon's Rock recognizes that the parent or legal-guardian of that student may file a Formal Complaint on behalf of their student and represent their student during any investigation or proceedings.

Any Formal Complaint must be explicitly labeled as a Formal Complaint regardless of the form of transmission. When submitting a Formal Complaint, the Formal Complaint should take care to describe the incident in as much detail as possible including full names (when known), dates, times and locations. Simon's Rock does not limit the timeframe for filing a Formal Complaint. Individuals may come forward at any time, including after they are no longer enrolled or employed. Simon's Rock may pursue a report made at any time; however, the passage of time may limit Simon's Rock's ability to investigate and respond.

In light of the known circumstances, the Title IX Coordinator may determine that a formal grievance process is necessary even when the Complainant does not want such a formal grievance process. In such cases, the Title IX Coordinator will sign the complaint. The Complainant will still be treated as a party in the grievance process. Factors used in this determination will include: Whether there have been other reports about the same individual; Whether circumstances suggest that there is a risk that the responding party will commit additional acts of harassment or discrimination; Whether there was a weapon or force used in connection with the alleged act; Whether Simon's Rock has other means of obtaining relevant evidence; Whether the reporting party is a minor; Whether available information reveals a pattern of perpetration at a particular location or by a particular group; The seriousness and/or severity of the reported misconduct; and the right of the responding party to receive information about the allegations in an institutional investigation.

Filing a Criminal Report

Formal Grievance proceedings under this policy are not criminal proceedings. To file a criminal report, individuals may contact: Great Barrington Police Department 465 Main Street Great Barrington, MA 01230 Business Line: (413) 528-0306 For emergencies, dial 911 Massachusetts State Police Phone: (508) 820-2300 470 Worcester Road, Framingham, MA 01702.

Institutional personnel *will* assist any student in notifying authorities, if the student requests the assistance of these personnel. Students are advised of this right during first-year orientation and in a physical pamphlet delivered to all first-years concerning resources provided by the Title IX office, which is also publicly available on our website.

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 treated 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 policy violations are committed, or should have acted in a different manner to avoid such policy 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 from retaliation by the institution, any student, the accused and/or the respondent, and/or their friends, family and acquaintances within the jurisdiction of the institution;
- 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 institution.
- Be presumed not responsible for the alleged conduct until a determination of responsibility is made at the conclusion of the grievance process.

Emergency Removal

Simon's Rock retains the authority to remove a Respondent from Simon's Rock's program or activity on an emergency basis, where Simon's Rock (1) undertakes an individualized safety and risk analysis and (2) determines that an immediate threat to the physical health or safety of any student or other individual, including the Respondent, arising from the allegations of covered sexual harassment justifies a removal. This safety and risk analysis may be performed by or in consultation with Title IX Coordinator, the Director of Wellness, the Dean of Students, the Director of Campus Safety, or any of their designees. Emergency removals include but are not limited to: Restricting a student's access to campus as a whole; Restricting access to Simon's Rock's campus and educational program as a whole, Restricting participation in extracurricular activities, student employment, student organizational leadership, or athletics. When an emergency removal is performed in response to a report of sexual misconduct, the Complainant will be informed of the emergency removal of the Respondent.

Safety and Risk Analysis

When performing a safety and risk analysis, Simon's Rock will consider many factors relevant to the individual circumstances. These factors may include but are not limited to: The existence of an immediate threat to the physical health or physical safety of one or more individuals, including threats of physical self-harm; The Respondent's propensity, opportunity, and ability to effectuate a stated or potential threat; Risk and protective factors; Objective evidence; Current medical knowledge or information provided by a licensed evaluator.

The determination will be fact-specific and nuanced, subject to a careful evaluation whether appropriate supportive measures are a more appropriate and less restrictive means to negate or sufficiently minimize the likelihood of a threat's occurrence. If Simon's Rock determines such Emergency Removal is necessary, the Respondent will be provided notice and an opportunity to challenge the decision immediately following the Emergency Removal. When the Respondent is given notice of the Emergency Removal, such notice will include a written summary of the basis for the emergency removal and the opportunity to appeal the emergency removal through a meeting with the Title IX Coordinator where the Respondent will be given the opportunity to show cause as to why the removal should not be implemented. 107 In order to avoid conflicts of interest or bias, the appeal will not be heard by the same individual who made the determination of emergency removal. Neither 1) the individual who hears the appeal of the emergency removal determination nor 2) the individual who made the original determination of emergency removal will serve as a Decision-Maker on any hearing resulting from the same circumstances which led to these decisions.

Administrative Leave

Simon's Rock retains authority to place a non-student employee Respondent on administrative leave during any Formal Grievance Process, consistent with the Employee Handbook.

Disciplinary Procedure

Preliminary Review and Notification

All Formal Complaints will be reviewed by the Title IX Coordinator. At their discretion, the Title IX Coordinator may convene a panel to consider whether or not a Formal Complaint describes a potential violation of either the Title IX policy and/or the Equity policy. Members of this panel may include but are not limited to: the Deputy Title IX Coordinators, the Director of Finance and Administration, the Vice Provost, the Dean of Students, the Dean of Studies, the Dean of Faculty, and the Dean of Equity and Inclusion. Any member of this panel who is also an eligible Decision-Maker would not be eligible for such an appointment in regards to that matter.

Acceptance of a Formal Complaint

If the Title IX Coordinator determines that a Formal Complaint describes a potential violation of the Title IX and/or Equity Policy, the Title IX Coordinator will notify both the Complainant and Respondent. This notification will include: Notice of Simon's Rock's Title IX and Equity Policy and Formal Grievance Process; Notice of the allegations and sufficient details known at the time the notice is issued, such as the identities of the parties involved in the incident, if known, including the Complainant and the date and location of the alleged incident, if known; A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process; A statement that the parties may have an Advisor of their choice, who may be, but is not required to be, an attorney; A statement that before the conclusion of the investigation, the parties may inspect and review evidence obtained as

part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which Simon's Rock does not intend to rely in reaching a determination regarding responsibility, and evidence that both tends to prove or disprove the allegations, whether obtained from a party or other source; A statement that Simon's Rock prohibits knowingly making false statements or knowingly submitting false information during the grievance process; Notice of the grievance process; Notice that if during the course of the investigation additional allegations give rise to additional Formal Complaints, the parties will be notified in writing.

Ongoing Notice

If, in the course of an investigation, Simon's Rock decides to investigate allegations about the Complainant or Respondent that are not included in the Notice of Allegations or a new Formal Complainant is submitted in relation to the same matter, the College will notify the parties whose identities are known of the additional allegations. The parties will be provided sufficient time to review the additional allegations to prepare a response before any initial interview regarding those additional charges.

All notices provided throughout the process will be delivered by campus email. Students are therefore expected to remain diligent in checking their campus email each day. Failure to check a campus email account will in and of itself not constitute a reasonable cause for delay.

Dismissal of Formal Complaint

Any Formal Complaint in which the alleged conduct does not constitute a violation of these policies will be dismissed but may be addressed under the student code of conduct or employee handbook. Simon's Rock may dismiss any Formal Complaint if at any time: The Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein; The Respondent is no longer enrolled or employed by Simon's Rock, or If specific circumstances prevent Simon's Rock from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

Further, a complaint alleging Title IX Sexual Harassment (as defined below) will be dismissed for the purposes of Title IX if: The alleged conduct did not occur in Simon's Rock's education program or activity; The alleged conduct did not occur against a person in the United States; or The Complainant is not currently attempting to participate in Simon's Rock's academic program.

Such a dismissal does not preclude action under another provision of the employee handbook, the student code of conduct, or the equity policy.

Upon a dismissal, written notice of the dismissal and reason(s) will be provided simultaneously to the parties and will contain written notice of their right to appeal.

In the interest of preserving a fair process for all involved and the timely resolution of Formal Complaints, instances where a Formal Complaint is dismissed in response to a request to withdraw the Formal Complaint by the Complainant, the Formal Complaint may not be reinstated at a latter date if the matter has already proceeded to investigation at the time that the request to withdraw the Formal Complaint was submitted.

Advisors of Choice

Both the Respondent and the Complainant have the right to one Advisor of their choice. An Advisor serves as a support person for the parties during investigative meetings and undertakes cross-examination in the case of a live hearing. If requested, the Title IX Coordinator will work with the Complainant and the Respondent to connect each with a faculty or staff member who can act as an Advisor. Advisors are not permitted to advocate for their party or speak on their behalf during any meeting with the investigator or the Title IX Coordinator. During the hearing process. Advisors may not interject, coach, advocate for, or otherwise speak on behalf of the party they represent while that party is being questioned.

Simon's Rock will not intentionally schedule meetings or hearings on dates where the Advisors for all parties are not available, provided that the Advisers act reasonably in providing available dates and work collegially to find dates and times that meet all schedules. Simon's Rock's obligations to investigate and adjudicate in a prompt timeframe under Title IX and other campus policies apply to matters governed under this Policy, and Simon's Rock cannot agree to extensive delays solely to accommodate the schedule of an Advisor. The determination of what is reasonable shall be made by the Title IX Coordinator or designee.

Simon's Rock will not be obligated to delay a meeting or hearing under this process more than five (5) business days due to the unavailability of an Advisor, and may offer the party the opportunity to obtain a different Advisor or utilize one provided by Simon's Rock. The Title IX Coordinator will consider requests made to delay or reschedule a meeting or

other proceedings and will make the final determination with respect to that request.

The Advisor's name and relationship to a party (e.g., student, faculty member, family member, attorney, etc.) will be disclosed to the investigator or Decision-Maker 24 hours prior to any meeting with the investigator or Decision-Maker.

Formal Investigation

When a Formal Complaint is accepted, Simon's Rock will open a Formal Investigation. Investigations will be conducted by a trained, impartial investigator who may, at times, be assisted by one other investigator. The investigator(s) will either be an employee of Bard College or Bard College at Simon's Rock trained to conduct such investigations; the Title IX Coordinator or Deputy Title IX Coordinator themselves; or a neutral third party selected by the Title IX Coordinator. The investigator will speak with the parties, as well as all relevant witnesses, and will gather and review all information and evidence. After speaking with each individual, the investigator will document the conversations for the record. 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. Conversations with the investigator are not confidential and information disclosed to the investigator may be incorporated into the investigative report regardless of whether or not the witness or party participates in the review process. While the decision to participate in any interview with the investigator is voluntary, requests to withdraw testimony once provided to the investigator will not be granted. The investigator will also gather any available physical or medical evidence, including documents, communications between the parties, and other electronic records each as provided by the parties or witnesses, as appropriate. In gathering such information, the investigator will comply with applicable laws, regulations, and campus policies. As part of the investigation, Simon's Rock will provide an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. The investigation will be thorough, impartial, and fair, and all individuals will be treated with appropriate sensitivity and respect.

Notice

Parties whose participation is invited or expected will be given written notice of the date, time, and location of any

meeting with the investigator with sufficient time for the party to prepare.

Evidence Review

Prior to the completion of the investigation, the parties will have an equal opportunity to inspect and review evidence obtained through the investigation. The purpose of the inspection and review process is to allow each party the equal opportunity to meaningfully respond to the evidence prior to conclusion of the investigation.

Evidence that will be available for inspection and review by the parties will be any evidence that is directly related to the allegations raised in the Formal Complaint. It will include any: Evidence that is relevant, even if that evidence does not end up being relied upon by Simon's Rock in making a determination regarding responsibility; Inculpatory or exculpatory evidence (i.e. evidence that tends to prove or disprove the allegations) that is directly related to the allegations, whether obtained from a party or other source.

All parties must submit any evidence they would like the investigator to consider prior to when the parties' time to inspect and review evidence begins.

Simon's Rock will provide the evidence to each party and each party's Advisor, if any, to inspect and review through an electronic format or a hard copy. Simon's Rock is not under any obligation to use any specific process or technology to provide the evidence and shall have the sole discretion in terms of determining format and any restrictions or limitations on access.

The parties will have ten (10) business days to inspect and review the evidence and submit a written response by email to the investigator. The investigator will consider the parties' written responses before completing the Investigative Report. Simon's Rock will provide copies of the parties' written responses to the investigator to all parties and their advisors, if any.

Evidence obtained in the investigation that is determined in the reasoned judgment of the investigator not to be directly related to the allegations in the Formal Complaint will not be disclosed, or may be appropriately redacted before the parties' inspection to avoid disclosure of personally identifiable information of other students.

Follow-up Interviews

If additional evidence is proposed by either party in response to the Evidence Review or if new witnesses are

identified, the investigator may determine that it is necessary to interview further witnesses or that it is necessary to re-interview witnesses and parties involved in the investigation. Summaries of additional interviews will be provided to both parties and they will have ten (10) business days to submit a written response which the investigator will consider prior to completion of the Investigative Report.

Final Report

The investigator will create an Investigative Report that fairly summarizes relevant evidence. At least ten (10) business days prior to a formal adjudication, the Title IX Coordinator will provide to both Complaint and Respondent and their Advisors the Investigative Report in an electronic format or a hard copy for their review and written response.

The Investigative Report is not intended to catalog all evidence obtained by the investigator, but only to provide a fair summary of that evidence. Only relevant evidence (including both inculpatory and exculpatory – i.e. tending to prove and disprove the allegations) will be referenced in the Investigative Report. All related and relevant evidence will be included in the report's appendices.

The investigator may redact irrelevant information from the Investigative Report when that information is contained in documents or evidence that is/are otherwise relevant.

Formal Adjudication: Indirect Hearing

Except for cases involving allegations of Title IX Sexual Harassment affecting participation in the undergraduate educational program at Simon's Rock, adjudication of Formal Complaints will proceed under an indirect hearing process. Simultaneous with the ten (10) days in which they are reviewing the final Investigative Report, the parties will have ten (10) days to submit (i) a written adjudication statement; and (ii) additional written, relevant questions that a party would like to want asked of any party, witness, or investigator to a Decision-Maker (the "Equity Decision-Maker"). The Equity Decision-Maker, joined by two non-voting panelists from the Code of Conduct Committee or from the Adjudicatory Pool (the "Equity Hearing Panel") will then conduct follow up interviews and pose any questions asked by the parties that are determined to be relevant by the Equity Decision-Maker during a live meeting. In most cases, parties and their advisors will be provided with written summaries of answers simultaneous with the delivery of the determination regarding responsibility. In extraordinary circumstances where the content of such answers warrants further review, the

decision-maker may determine that it is necessary to provide such written summaries simultaneously with a limited opportunity for follow-up questions from each party may be permitted. A reasonable timeline for such an exchange will be determined at the sole discretion of the Decision-Maker. Both the Equity Decision-Maker and the Title IX Coordinator each have the discretion to shift the adjudication to a live hearing. In the event of such a shift, the Equity Decision-Maker will act as the Title IX Decision-Maker in the live hearing model described below.

Appointment of the Equity Decision-Maker

For every case that proceeds to an indirect hearing, the Title IX Coordinator or their designee will designate an Equity Decision-Maker. The Equity Decision-Maker will either be an employee of Simon's Rock trained in adjudications of misconduct, or, at the discretion of the Title IX Coordinator, a neutral third party selected by the Title IX Coordinator or their designee. The Equity Decision-Maker will not be the Title IX Coordinator or the investigator assigned to the same matter.

Should a party wish to object to the Equity Decision-Maker or any of the panelists on the grounds of bias or conflict-of-interest, such notice must be delivered to the Title IX Coordinator within five (5) business days of the hearing

Evidentiary Standard

In any formal adjudication under either the Title IX Policy or the Equity Policy, the Respondent's responsibility will be determined by a preponderance of the evidence standard, which is whether the information provided supports a finding that it is "more likely than not" that the Respondent is responsible for the alleged violation(s).

Notice of Hearing

At least ten (10) business days prior to the hearing, the Title IX Coordinator or the Chair will send notice of the hearing to the parties including: Notice of Simon's Rock's Title IX and Equity Policy and Formal Grievance Process; The time, date, and location of any meeting conducted as part of the hearing; A list of all those who will attend any meeting conducted as part of the hearing, including the names of the Equity Decision-Maker and panelists; A statement that if any party or witness does not appear at a meeting conducted as part of this hearing, the hearing may continue in their absence at the Title IX Coordinator's discretion; Instructions on how to arrange for disability accommodations in regards to the hearing.

Determination of Relevance

Only relevant questions may be asked of a party or witness. In determining whether a question is relevant, the Decision-Maker will focus on evidence pertinent to proving whether facts material to the allegations under investigation are more or less likely to be true.

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless (1) 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 (2) 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. This bar on questions and evidence about a Complainant's sexual predisposition or prior sexual behavior does not apply to Respondents, and any such questions, if deemed relevant, may be asked.

Similarly, evidence and information is not relevant if (a) the information protected by a legally recognized privilege; or (b) relates to any party's medical, psychological, and similar records unless the party has given voluntary, written consent. Questions that are duplicative or repetitive may fairly be deemed not relevant and thus excluded.

Formal Adjudication: Live Hearing

In cases involving allegations of Title IX Sexual Harassment in the undergraduate program at Simon's Rock, the matter will proceed straight to the hearing panel model for adjudication. Hearing panels will be chaired by a Title IX Decision-Maker appointed by the Title IX Coordinator or designee. The Title IX Decision-Maker will either be an employee of Simon's Rock trained in adjudications of Title IX Sexual Harassment under these policies, or, at the discretion of the Title IX Coordinator, a neutral third party selected by the Title IX Coordinator or their designee

The Title IX Decision-Maker, joined by two non-voting panelists from the Code of Conduct Committee or from the Adjudicatory Pool, will convene a hearing. The Title IX Decision-Maker will permit each party's Advisor to ask the other party and any witnesses (including the investigator) all relevant questions and follow-up questions, including those challenging credibility. Cross-examination will never be conducted by a party personally.

Appointment of Decision-Maker

For every case that proceeds to a live hearing, the Title IX Coordinator or their designee will designate a Title IX

Decision-Maker. The Title IX Decision-Maker will either be an employee of Simon's Rock or Bard College at Simon's Rock trained in adjudications of misconduct, or, at the discretion of the Title IX Coordinator, a neutral third party selected by the Title IX Coordinator or their designee. The Title IX Decision-Maker will not be the Title IX Coordinator or the investigator assigned to the same matter.

Should a party wish to object to the Title IX Decision-Maker or any panelist on the grounds of bias or conflict-of-interest, such notice must be delivered to the Title IX Coordinator within five (5) business days of the hearing;

Evidentiary Standard

In any formal adjudication under either the Title IX Policy or the Equity Policy, the Respondent's responsibility will be determined by a preponderance of the evidence standard, which is whether the information provided supports a finding that it is "more likely than not" that the Respondent is responsible for the alleged violation(s).

Notice of Hearing

At least ten (0) business days prior to the hearing, prior to the hearing, the Title IX Coordinator or the Chair will send notice of the hearing to the parties including: Notice of Simon's Rock's Title IX and Equity Policy and Formal Grievance Process; The time, date, and location of the hearing; Any necessary instructions pertaining to the use of any technology that will be used to conduct the hearing; Information about the right to request that the hearing be conducted virtually to the extent that parties may remain in separate rooms for the duration of the hearing; A list of all those who will attend the hearing, including the names of the Decision-Maker and panelists; A statement that the hearing will be recorded; A statement that if any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence at the Title IX Coordinator's discretion; A statement that cross examination may only be performed by an Advisor and never by the party directly; and Instructions on how to arrange for disability accommodations in regards to the hearing.

Live Hearing Procedure

All live hearings will be conducted according to the following: Title IX Decision-Maker will open and establish rules and expectations for the hearing; The parties will each be given the opportunity to provide opening statements of no more than five minutes; Direct examination of parties by their own Advisors will not be permitted; Decision-Maker will ask questions of the parties and Witnesses (including the Investigator); Each party's advisor will be given the

opportunity for live cross-examination after the Title IX Decision-Maker conducts its initial round of questioning; During this live-cross examination the Advisor will ask the other party or parties and witnesses relevant questions and follow-up questions, including those challenging credibility directly, orally, and in real time; During the parties' cross-examination, the Title IX Decision-Maker will have the authority to pause cross-examination at any time for the purposes of asking the Decision-Maker's own follow up questions; and any time necessary in order to enforce the established Rules of Decorum (Appendix A); Should a Party or the Party's Advisor choose not to cross-examine a party or Witness, the Party shall affirmatively waive cross-examination through a written or oral statement to the Title IX Decision-Maker. A party's waiver of cross-examination does not eliminate the ability of the Title IX Decision-Maker to use statements made by the Party; Anyone appearing at the hearing to provide information will respond to questions on their own behalf. No Advisor may answer a question on behalf of a party.

Determination of Relevance

Only relevant cross-examination and other questions may be asked of a party or witness. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the Decision-Maker will first hear the question and determine whether the question is relevant and explain any decision to exclude a question as not relevant. For the purposes of a timely hearing, parties are encouraged but not required to present relevant questions that a party wants asked of any party or witness to the Title IX Decision-Maker in advance of the hearing. Advisors will not, however, be limited to any list of questions submitted in advance.

In determining whether a question is relevant, the Decision-Maker will focus on evidence pertinent to proving whether facts material to the allegations under investigation are more or less likely to be true. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless (1) 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 (2) 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. This bar on questions and evidence about a Complainant's sexual predisposition or prior sexual behavior does not apply to Respondents, and any such questions, if deemed relevant, may be asked.

Similarly, evidence and information is not relevant if (a) the information protected by a legally recognized privilege; or (b) relates to any party's medical, psychological, and similar records unless the party has given voluntary, written consent. Cross-examination questions that are duplicative of those already asked, including by the Decision-Maker may be deemed irrelevant if they have been asked and answered

Explaining Relevance Decision

Decision-Makers are not required to give lengthy or complicated explanations in support of a relevance determination. Rather, it is sufficient, for example, for a Decision-Maker to explain that a question is irrelevant because the question calls for prior sexual behavior information without meeting one of the two exceptions, or because the question asks about a detail that is not probative of any material fact concerning the allegations.

New Evidence

No new evidence, including new witness testimony, may be presented at the hearing. Any evidence or witnesses who were not included in the investigation must be brought to the attention of the investigator prior to the hearing. In the event that such new evidence or new witness is presented, the investigator will re-open the investigation for the limited purpose of including such evidence or witness testimony, which each party shall have the opportunity to review.

Advisor for the Purposes of Cross-Examination

Parties may opt to have the same Advisor during investigatory meetings and during cross-examination or may opt for a different Advisor during cross-examination. If a party does not have an Advisor present at the live hearing, Simon's Rock will provide without fee or charge to that party an Advisor to conduct cross-examination on behalf of that party. For the purposes of conducting cross-examination, an Advisor need only be a person willing to conduct this function on behalf of the party. Should a party wish for Simon's Rock to provide such an Advisor, they must inform the Title IX Coordinator five (5) business days before the hearing is scheduled to commence. If a party has not chosen an Advisor or asked that Simon's Rock provide an advisor within (2) business days of a hearing, Simon's Rock will appoint an Advisor for the party.

The Advisor is not prohibited from having a conflict of interest or bias in favor of or against Complainants or Respondents generally, or in favor or against the parties to the particular case. The Advisor is not prohibited from being

a witness in the matter. If a party does not attend the live hearing, the party's Advisor may appear and conduct cross-examination on their behalf. If neither the party's Advisor nor the party appear at the hearing, Simon's Rock will provide an Advisor to conduct cross-examination of the other party and any witnesses.

Failure to Appear

The parties cannot waive the right to a live hearing. Simon's Rock will not threaten, coerce, intimidate or discriminate against any party or witness in an attempt to secure the party's participation in the hearing. Simon's Rock may still proceed with the live hearing in the absence of a party, and may reach a determination of responsibility in their absence.

The Title IX Decision-Maker cannot draw an inference about the determination regarding responsibility based solely on a party's absence from the live hearing or refusal to answer cross examination or other questions.

Virtual Hearings

Upon a party's request, the live hearing will be conducted with the parties located in separate rooms with technology enabling participants to see and hear each other. Upon the decision of the Title IX Coordinator, any hearing may be conducted virtually via audio and visual conferencing software.

Recording

An audio recording of any live hearing will be made available to the parties for review.

Participant Conduct

Participants in the live hearing, including Advisors, must conduct themselves appropriately and respectfully towards all other participants. Participants may not act, and Advisors may not question parties or witnesses in a way that may be considered by a reasonable person to be abusive, intimidating, harassing, or disrespectful. Advisors, witnesses, and parties shall be subject to Simon's Rock's Rules of Decorum (Appendix A), and may be removed upon violation of those Rules. The Title IX Decision-Maker, in their sole and absolute discretion, may respond to violations of the Rules of Decorum (Appendix A) by adjourning the hearing and excluding the offending person. Repeat offenders of such conduct may face additional sanctions under other campus policies.

Time Limitations

Questioning by a party Advisor of a witness or party may not last longer than two (2) hours. The Decision-Maker, in

their sole and reasonable discretion, may allow the Advisor to continue questioning past the two (2) hour mark for any party or witness. Any such extension of time will similarly be granted to the other party's Advisor.

Determination of Responsibility

The Decision-Maker will reach a determination of responsibility by a preponderance of the evidence standard. Once they have reached a determination, they will provide written notice to both parties including: Identification of the allegations potentially constituting harassment or discrimination; A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and method of adjudication; Findings of fact supporting the determination; Conclusions regarding the application this policy to the facts; For each allegation, a statement of, and rationale for, a determination regarding responsibility; A statement of, and rationale for, any disciplinary sanctions Simon's Rock imposes on the Respondent; A statement of, and rationale for, whether remedies designed to restore or preserve equal access to Simon's Rock's education program or activity will be provided by Simon's Rock to the Complainant; Procedures for appeal

Notice of the determination regarding responsibility will be provided to the parties simultaneously. The determination regarding responsibility becomes final either on the date that Simon's Rock provides the parties with the written determination of the result of an appeal if an appeal is filed. If an appeal is not filed, the determination becomes final on the date by which an appeal would no longer be considered timely. Any remedies or sanctions provided in the determination of responsibility will not take effect until the determination of responsibility becomes final. The Title IX Coordinator is responsible for effective implementation of any remedies.

Timeline of Determination Regarding Responsibility: If there are no extenuating circumstances, the determination regarding responsibility will be issued by Simon's Rock within fifteen (15) business days of the completion of the hearing.

Sanctions

The following sanctions may be imposed following a formal adjudication in regards to a student Respondent:

Disciplinary Warning: A warning letter will be sent to the student via their Simon's Rock email address, informing

them that their behavior violated campus policy and therefore is not acceptable. Multiple disciplinary warnings may lead to social probation/loss of privileges or other additional disciplinary actions.

Social Probation: Probation is a sanction imposed for serious or repeated misconduct. This sanction places a student Respondent on notice that their behavior is unacceptable and must change; otherwise, the Respondent will face termination or expulsion. The probationary period may range from one semester through graduation and – depending on circumstances and the student Respondent's previous disciplinary record – may come with additional conditions or consequences.

Campus Service: A student Respondent may be assigned a predetermined number of campus work hours, to be overseen by the Dean of Students or their designee. If the student Respondent fails to complete these service hours within the time allotted, additional hours or a more severe sanction may be levied including more hours, loss of privileges, suspension, or expulsion.

Loss of Privileges: A student Respondent may lose one or more of the following privileges: operating a motor vehicle on campus; hosting guests on campus; remaining on campus during breaks; attending commencement proceedings; or other privileges as deemed appropriate.

Suspension: Disciplinary suspension is total separation from Simon's Rock for a period of one full semester, two full semesters, three full semesters, or four full semesters. A sanction of suspension may affect a student Respondent's future on-campus housing, scholarships, federal financial aid, or study abroad opportunities but not scholarships awarded by Simon's Rock. Suspension includes separation from classes, activities, services, facilities, and grounds for the duration of the suspension period. Readmission following a disciplinary suspension is not automatic but is at the will and discretion of Simon's Rock. The Academic Affairs office manages the readmission process, how suspension affects financial aid and can provide further information about the process and deadlines upon request. Again, suspension does not affect scholarships awarded by Simon's Rock.

Expulsion: Expulsion is a complete and permanent separation from Simon's Rock. Such action will be documented via letter, generally emailed to the student, parents or guardians, Academic Advisors, and other department heads as appropriate. For information about departing campus after expulsion, see Vacating Campus for Leave or Withdrawal.

Sanctions may also be accompanied by: a change in academic or employment schedule, change in residence, removal from on campus or institution-owned housing, a permanent No Contact Order, educational programming, counseling, a combination of these, or any sanction deemed just and proper. Sanctions may also be accompanied by the following conditions: Educational programming, Counseling, Required letter acknowledging impact of the misconduct.

The following sanctions may be imposed following a formal adjudication in regards to an employee Respondent: For employees, disciplinary action may call for any of four steps—verbal warning, written warning, suspension with or without pay, or termination of employment—depending on the severity of the problem and the number of occurrences. There may be circumstances when one or more steps are bypassed. Progressive discipline means that, with respect to most disciplinary problems, these steps will normally be followed: a first offense may call for a verbal warning; a next offense may be followed by a written warning; another offense may lead to a suspension; and, still another offense may then lead to termination of employment.

Simon's Rock recognizes that there are certain types of employee problems that are serious enough to justify either a suspension, or, in extreme situations, termination of employment, without going through the usual progressive discipline steps.

Sanctions may also be accompanied by the following restrictions: Change in employment schedule, Loss of supervisory or oversight responsibilities, Removal from on campus or institution-owned housing, Permanent No Contact Order. Sanctions may also be accompanied by the following conditions: Educational programming, Counseling, Required letter acknowledging impact of the, misconduct

Appeal Procedure

Both parties will be offered an appeal from a determination regarding responsibility or non-responsibility, and from Simon's Rock's dismissal of a Formal Complaint or any allegations therein, on the following bases: Procedural irregularity that affected the outcome of the matter; New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and that Title IX Coordinator, investigator(s), or Title IX Decision-Maker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the

outcome of the matter. Dissatisfaction with the outcome does not constitute grounds for appeal.

The Title IX Coordinator or designee will appoint an appeal officer to determine the viability of the Appeal, who will be free of conflict of interest and bias, and will not serve as investigator, Title IX Coordinator, or Decision-Maker in the same matter. Should an appeal be filed on the grounds that the Title IX Coordinator was biased, the Vice-Provost will designate an appeal officer to determine the viability of the appeal. In either case, anyone who has served as the Decision-Maker for a particular matter will not be appointed as the appeal officer for that same matter.

Parties will have five (5) business days to file an appeal following receipt of the written notice of determination of responsibility. Appeals must be filed in writing and describe the eligible grounds on which the party wishes to appeal. In order to effectuate an appeal, the parties may request to review a copy of the Investigative Report, any adjudication statements, and the live hearing audio recording, as applicable, all pursuant to campus policy governing privacy and access to personal information within five (5) business days from the date of the outcome notification. Parties may request to have the time period for submitting an appeal extended to five (5) business days from the date of their review of the audio- recording of the hearing. The Title IX

Coordinator or designee will notify the other party in writing when an appeal is filed.

If an appeal is determined by the appeal officer to meet one or more of the bases stated above the appeal will be shared with both parties and both will have five (5) business days to submit a written statement in support of, or challenging, the outcome. If both the Complainant and the Respondent appeal, the appeals will be considered concurrently.

The appeal officer will consider the appeal, the statements filed by the parties upon the acceptance of the appeal, and any documentation or evidence pertaining to the original investigation and hearing. The purpose of the appeal is not to re-weigh evidence. If an appeal is granted, the appeal officer will either: Issue a decision advising that the appeal was granted and which, if any, sanctions or determinations of responsibility are upheld, overruled, or modified; or remand the case for a new hearing or further investigation if the appeal officer determines that new evidence should be considered or that a procedural error has occurred

If an appeal is denied or results in no alteration of the original outcome, the parties will be notified and the matter will be closed. When an appeal is remanded for a new hearing, the finding or sanction can be appealed one final time on the grounds listed above and in accordance with these procedures

Sex Offender Registry and Access to Related Information

The federal "Campus Sex Crimes Prevention Act" (P.L. 106-386, Sec. 1601) (the "CSCPA") requires institutions of higher education to advise the members of their campus communities of where to obtain information concerning individuals employed by, enrolled in, and/or serving at the institution who are registered sex offenders <http://bpdnews.com/sex-offender-registry/>. Under the provisions of the same law, individuals who are required to register with the appropriate state office as sex offenders must inform the state office in which they are registered whenever they enroll in, become employed by, or undertake a vocation at an institution of higher education. The CSCPA requires the state Sex Offender Registry offices to notify an institution of higher education whenever a sex offender on its registry provides notice he or she is enrolled in, employed by, or has undertaken a vocation at that institution and to provide information concerning that individual. The CSCPA does not require institutions of higher education to request information from state sex offender registries. All sex offender information is mailed to Campus Safety by the Great Barrington Police Department and are placed in a folder/excel document.

All publicly available information received from state Sex Offender Registry offices will be maintained by the Campus Safety Department. Any member of the public who is at least 18 years of age or older may request sex offender information. The information will be provided to any person who is seeking the information for his/her

own protection, for the protection of a child under the age of 18, or for the protection of another person for whom the requesting person has responsibility, care, or custody. Information concerning an individual enrolled in, employed by, or undertaking a vocation at the College who is required to register as a sex offender may be obtained by appearing in person at the Campus Safety Department and asking to review the registered sex offender information.

Additional information about persons required to register as sex offenders and how to obtain information concerning such persons may be obtained from the Massachusetts Sex Offender Registry Board, P.O. Box 4547, Salem, MA 01970; 800 - 93 MEGAN; www.mass.gov/sorb or from the Great Barrington Police Department. Information from the Sex Offender Registry Board is available concerning those sex offenders who have been finally classified by the Board as Level 2 (Moderate Risk) or Level 3 (High Risk) offenders.

Persons seeking Sex Offender Registry information should be aware there are criminal penalties for use of Sex Offender Registry information to commit a crime or to engage in illegal discrimination or harassment of an offender.

CLERY ACT GEOGRAPHY DEFINITIONS

The following definitions apply to the geographical locations of incidents disclosed in the crime statistics tables contained in this report:

On-Campus: Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and any building or property that is within or reasonably contiguous to the property described above in this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

On-Campus Residence Halls: An institution that has on-campus student housing facilities must separately disclose two sets of on-campus statistics: the total number of crimes that occurred on campus, including crimes that occurred in student housing facilities, and the number of crimes that occurred in on-campus student housing facilities as a subset of the total. In other words, if a Clery Act crime is reported to have occurred in an on-campus residence hall, the incident is counted twice. It is reported in the overall on-campus statistics table and once in the on-campus residence hall statistics table.

Public Property: All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

Non-Campus: Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

CLERY ACT/VAWA CRIME DEFINITIONS

The following definitions apply to the incidents of crime disclosed in the crime statistics tables contained in this report:

Clery Act Felony Definitions

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

Negligent Manslaughter: The killing of another person through gross negligence.

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. Simple assaults are excluded.

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, or personal property of another.

Burglary: The unlawful entry of a structure to commit a felony or a theft. Attempted forcible entry is included.

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.

Motor Vehicle Theft: The theft or attempted theft of a motor vehicle.

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

Clery Act Sex Offenses Definitions

The following sex offenses fall with the definition of “sexual assault” under the Clery Act.

Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

Fondling: The touching of the private body parts 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: Non forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law. *Statutory Rape:* Non forcible sexual intercourse with a person who is under the statutory age of consent.

Arrest and Referrals for Discipline for Violations of Liquor, Drug, and Weapons Laws

Liquor Law Violations: The violation of state and local municipal laws and ordinances prohibiting the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

Weapons Law Violations: The violation of federal, state and local laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned.

Drug Law Violations: Violations of federal, state, and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include opium or cocaine and their derivatives (morphine, heroin, codeine), marijuana, synthetic narcotics (demerol, methadone), and dangerous non-narcotic drugs (barbiturates, benzedrine).

NOTE: Under Clery, an arrest is defined as the processing of a person by arrest, citation, or summons. A referral for disciplinary action is defined as the referral of any person to an institution official who institutes a disciplinary action of which a record is kept and which may result in the imposition of a sanction. Disciplinary action occurs where an official receiving the information initiates a disciplinary action, a record of the action is kept, and the action may, but not need have to, result in a sanction. Disciplinary actions may be initiated in both informal and formal manners and can include an interview or a simple, initial review of names submitted to an institutional official. An incident involving both an arrest and a referral for discipline is counted only as an arrest.

Hate Crimes

Under the Clery Act, a hate crime is a criminal offense committed against a person or property which is motivated, in whole or in part, by the offender's bias. For Clery purposes, hate crimes include any Clery Act felony (murder or nonnegligent manslaughter, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, or arson) together with any of the following crimes to the extent they manifest evidence of bias:

Larceny-theft: The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.

Simple assault: An unlawful physical attack by one person on 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 conduct, but without displaying a weapon or subjecting the victim to actual attack.

Destruction, damage or 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 the property.

Note: "Bias" is a preformed negative opinion or attitude toward a group of persons based on their race, gender, religion, disability, sexual orientation, ethnicity, national origin, or gender identity.

Reauthorization of the Violence Against Women Act (VAWA) Crimes

The Reauthorization of the Violence Against Women Act of 2013 requires that institutions report incidents of sexual assault, domestic and dating violence (also known as 'intimate partner violence) and stalking in its annual security report. The following federal law definitions apply to this reporting requirement. In addition, VAWA requires that institutions publish state law jurisdictions of the same crimes.

Federal Definitions

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.

Stalking: A course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress.

State Definitions

Under state law, "domestic abuse" is defined to be the occurrence of one or more of the following acts between family or household members: attempting to cause or causing physical harm, placing another in fear of imminent serious physical harm; and causing another to engage involuntarily in sexual relations by force, threat, or duress. Under this law, family or household members include people who are or were married, residing in the same household, related by blood or marriage, have a child together, or have a substantive dating or engagement relationship. See M.G.L. c. 209A, § 1.

Under Massachusetts law, M.G.L. c. 265, §43, an individual engages in stalking if s/he: 1) willfully and maliciously engages 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 2) makes a threat with the intent to place the person in imminent fear of death or bodily injury.

“Sexual offenses” means any sexual act directed against another person, without the consent of that person, including instances when the person is unable to give consent. Sexual offenses including the following:

“Rape,” which 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. Under state law, rape occurs when the offender has “sexual intercourse or unnatural sexual intercourse with a person and compels such person to submit by force and against his/her will, or compels such person to submit by threat of bodily injury.” See M.G.L. c. 265, § 22. A sexual assault that does not meet the legal definition of rape may constitute “indecent assault and battery,” which occurs when the offender, without the victim’s consent, intentionally has physical contact of a sexual nature with the victim. See M.G.L. c. 265, § 13H.

“Fondling,” which is 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 or physical incapacity.

“Non-Forcible Sex Offenses,” which is defined as unlawful, non-forcible sexual intercourse, including:

“Incest,” which is defined as the nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law; and

“Statutory rape,” which is defined as nonforcible sexual intercourse with a person who is under the statutory age of consent, which is 16 years of age in Massachusetts. See Mass. Gen. Laws c. 265, §23.

Relevant federal law does not include a definition of the term “consent.” See Violence Against Women Act (Final Rule), 79 Fed. Reg. 62,572 (Oct. 20, 2014) (codified 34 C.F.R. 668). Although Massachusetts law does not contain a statutory definition of consent, reference to the jurisdictional definition is made to M.G.L., c. 265, § 22. The College’s policy definition of consent is to be applied in cases of alleged sexual assault.

RULES FOR CALCULATING STATISTICS DISCLOSED IN THE ANNUAL SECURITY REPORT

The Clery Act groups crimes into the following categories in descending order of severity: Part I Crimes (felonies); Part II Crimes (arrests and referrals for discipline for violations of weapons, drug, and liquor laws); Part III Crimes (hate crimes); and Part IV Crimes (crimes added to the scope of the Clery Act pursuant to the Reauthorization of the Violence Against Women Act of 2013 (“VAWA”). Offense groupings must be reported in separate statistics grids (with the exception of hate crime statistics, which may be published in narrative format).

The Clery Act’s “hierarchy rule” applies to calculation of statistics concerning incidents in which multiple offenses are reported to have occurred within a single event. The rule requires that institutions count only the most serious offense where more than one Clery Act offense has occurred, subject to certain exceptions described below.

The Clery Act requires disclosure of statistics concerning the reported occurrence of any of the crimes listed below in order of severity.

Part I Crimes (Felony Offenses)

1. Criminal homicide:
 - a. Murder and non-negligent manslaughter,
 - b. Negligent manslaughter
2. Sex offenses:
 - a. Rape
 - b. Fondling
 - c. Incest
 - d. Statutory rape
3. Robbery
4. Aggravated assault
5. Burglary
6. Motor vehicle theft
7. Arson

Part II Crimes (Arrests/ Referrals for Weapons, Drug, and Liquor Offenses)

1. Weapons law arrests
2. Drug law arrests
3. Liquor law arrests
4. Weapons law referral for discipline
5. Drug law referral for discipline
6. Liquor law referral for discipline

Part III Crimes (Hate Crimes)

Under the Clery Act, a “hate crime” is a criminal offense committed against a person or property which is motivated (in whole or in part), by the offender’s bias. For Clery purposes, “hate crimes” include any Clery Act felony under Part I to the extent such crimes manifest evidence of bias. “Hate crimes” also include four additional misdemeanor offenses.

Part I Felonies Subject to Hate Crime Counting Requirements

1. Criminal homicide:
 - a. Murder and non-negligent manslaughter
 - b. Negligent manslaughter
2. Sex offenses:
 - a. Rape
 - b. Fondling
 - c. Incest
 - d. Statutory rape
3. Robbery
4. Aggravated assault
5. Burglary
6. Motor vehicle theft
7. Arson

Additional Misdemeanor Offenses Subject to Hate Crime Counting Requirements

1. Larceny – theft
2. Simple assault
3. Intimidation
4. Destruction, damage or vandalism of property

Part IV Crimes (VAWA Offenses)

5. Domestic violence
6. Dating Violence
7. Stalking

Calculating Statistics Subject to the Hierarchy Rule

Some single incidents involve multiple Clery Act offenses, and often, a determination of which offense to disclose in the ASR’s statistics grids is made simply based on where the offense lies in the hierarchy. For example, if a student under the legal drinking age is arrested on campus while in possession of a stolen motor vehicle and an alcoholic beverage, the institution is required to disclose only the motor vehicle theft because it is the more serious crime according to the hierarchy rule. However, in some instances involving multiple offenses, the hierarchy rule will not apply. Some counting requirements and examples are provided below to provide context for statistics in the ASR’s statistics grids. Crimes that occur in on-campus residence halls are

counted twice – once in the general ‘on-campus’ category, and once in the ‘residence hall’ category.

Arson is always counted, regardless of whether it is more or less severe than any other Clery Act offense in the same incident. (For example, if someone commits arson during a burglary, then the institution must record a statistic in both the arson and burglary categories, thus appearing to reflect two separate incidents, but really only documenting one event.)

Murder/non-negligent manslaughter and negligent manslaughter statistics are calculated based on the number of victims in a single incident. (For example, if two people

are murdered in the same incident at the same time, or die due to the gross negligence of another person, then the institution must record two statistics in the murder category – one statistic for each victim.)

Any incident involving both a **murder/nonnegligent manslaughter** and either a **robbery, burglary, aggravated assault, or motor vehicle theft** must be recorded as one statistic in the murder/non-negligent manslaughter category. (Robbery, burglary, aggravated assault, and motor vehicle theft are subsumed within the murder/nonnegligent manslaughter category. However, **arson, sexual assault, hate crimes, and Part IV VAWA crimes** are not subsumed by any other category and therefore must be reported in addition to another Clery offense involved in the same incident.)

Sex offenses (rape, fondling, incest, and statutory rape) are always counted, even where they also involve a murder or nonnegligent manslaughter.

Crimes less severe than sex offenses (rape, fondling, incest, and statutory rape) are not counted unless the less severe crime is one of dating violence, domestic violence, or stalking, or unless it is a hate crime misdemeanor (larceny – theft; simple assault; intimidation; or destruction, damage or vandalism of property).

Robbery statistics are calculated by incident (or in other words, by distinct operation), not by the number of victims involved in a single incident. (For example, if one offender robs three individuals at gunpoint at the same time and while in the same place, the institution must record one statistic in the robbery category.)

Aggravated assault statistics are calculated based on the number of victims involved in a single incident. (For example, if two people are assaulted with a weapon during the same incident, then the institution must record two statistics in the non-negligent manslaughter category – one statistic for each victim.)

Burglary statistics generally are calculated by incident (or in other words, by distinct operation), not by the number of victims involved in a single incident. (For example, if one offender breaks into a structure and steals two laptops belonging to two different people who reside in the same room, then the institution must record one statistic in the burglary category.)

There are special rules for the counting of **burglaries**: Each room in a student housing facility is considered a separate dwelling for purposes of calculating burglaries. (For

example, if a burglar enters a resident hall suite and steals a television from the common area, and then enters two separate bedrooms within the suite and steals laptops from each bedroom, the institution must record three statistics in the burglary category – one for the common area, and two for the bedrooms (one for each bedroom)). However, various rooms within an academic building are considered to be under the control of a single entity. Therefore, the burglary of a single academic building is counted as one offense, regardless of the number of offices or other spaces from which items may have been stolen, unless the various rooms were burglarized within different time frames. In that case, each burglary separated by time would be recorded as a separate statistic in the burglary category.

Part I felony crimes committed on the basis of a prohibited bias (i.e. “hate”) are always counted twice – once in the Part I felony crime grid, and once separately in the hate crimes grid/narrative. In the event a single incident involves multiple Part I offenses based on bias, the hierarchy rule does not apply to disclosure of statistics in the hate crimes grid/narrative, and all Part I offenses must be reported separately. (For example, if an incident involves both an aggravated assault and motor vehicle theft based on bias, the institution must record statistics in both the aggravated assault and motor vehicle theft categories in the hate crimes grid/narrative. However, only the aggravated assault would be disclosed in the Part I grid based on the hierarchy rule.)

The four Part III misdemeanor **hate crimes** (larceny – theft; simple assault; intimidation; or destruction, damage or vandalism of property) are only reported in the hate crime grid/narrative.

Part IV VAWA crimes (domestic violence, dating violence, and stalking) are reported in a separate grid. If any Part I felony incident also involves a Part IV VAWA incident, then both incidents are reported – the felony crime is reported in the Part I grid, and the VAWA crime is reported in the Part IV grid.

In the event a Part IV **VAWA** offense might be classified as both “domestic violence” and “dating violence”, the incident is reported as one of “domestic violence.”

In the event a Part IV VAWA offense involves stalking together with domestic or dating violence, both the stalking and domestic/dating violence are reported separately. One statistic must be recorded in the stalking category, and one statistic must be recorded separately in the domestic/dating violence category.

Where an incident involves **both an arrest and a referral for discipline** for a weapon, liquor or drug law violation, only the arrest is recorded.

Where an arrest or referral for discipline is made in response to a Part II incident involving more than one offense (for example, unlawful possession of drugs and liquor), only one statistic is recorded. The DOE Clery Handbook does not offer guidance on a hierarchy for Part II offenses, and in the event of such an incident, the decision how to report should be made by a sworn law enforcement officer. For purposes of this report, in the event of such an incident, statistics will be recorded according to the following order: (1) weapons, (2) drugs, and (3) alcohol, unless circumstances suggest alternative reporting is more appropriate. (For example, if a student arrested for serving a large volume of liquor to underage students one night, and at the time of the arrest police discover a very small amount of marijuana on the student's person, then the incident is reported as one statistic reflecting an arrest for violation of liquor laws because the relative severity of the liquor offense outweighs that of the drug offense).

Stalking is counted uniquely under VAWA.

When recording a **stalking report**, an institution is required to record a crime statistic only once for the calendar year in which the course of conduct was reported to a local police agency or campus security authority.

If the course of conduct involves the same parties and continues in a subsequent year, then the **stalking** must also be recorded for the subsequent year as well.

An institution must record each report of **stalking** as occurring at only the first location within the institution's Clery geography in which the perpetrator engages in the stalking or a victim first becomes aware of the stalking. Therefore, a report of stalking must be reported in an institution's ASR if it meets the definition of stalking even though the stalking course of conduct does not occur on the institution's campus or in or on any of its other Clery geography.

ANNUAL FIRE SAFETY REPORT AND FIRE STATISTICS

Policy on Portable Electric Appliances, Smoking and Open Flames

The Campus Life office and the Campus Safety Department inspect residential buildings five times per year; twice during fall semester, once prior to the January Intersession, before spring break, then once again over the summer. Inspections prior to the breaks will be announced by the residence directors. These inspections are primarily designed to find and eliminate safety violations. Students are required to read and comply with the Student Handbook which includes all other rules and regulations for residential buildings. The inspections include, but are not limited to, a visual examination of electrical cords, sprinkler heads, smoke detectors, fire extinguishers and other life safety systems.

In addition, each room will be examined for the presence of prohibited items (e.g., sources of open flames, such as candles; non-surge protected extension cords; halogen lamps; portable cooking appliances in non-kitchen areas; etc.) or prohibited activity (e.g., smoking in the room; tampering with life safety equipment; possession of pets; etc.). This inspection will also include a general assessment of food and waste storage and cleanliness of the room. Prohibited items will be immediately disabled or confiscated possibly without reimbursement.

Housing Evacuation in the Event of a Fire

In the event of a fire, the College expects that all campus community members will evacuate by the nearest exit, closing doors and activating the fire alarm system (if one is present) as they leave. Once safely outside a building, it is appropriate to contact 9-911 and the campus security. Students and/or staff are informed where to relocate to by staff if circumstance warrants at the time of the alarm.

In the event fire alarms sound, College policy is that all occupants must evacuate from the building, closing doors as they leave no training is provided to students or employees in firefighting or suppression activity as this is inherently dangerous and each community member's only duty is to exit safely and quickly, shutting doors along the exit path as they go to contain the spread of flames and smoke, and to activate the alarm as they exit. At no time should the closing of doors or the activation of the alarm delay the exit from the building. Students and employees with disabilities discuss individualized evacuation plans with the director of security.

Fire Safety Education and Training Programs

Provided to Students and Employees Fire safety education programs for all students living in on-campus student housing and all employees that have any association with on-campus student housing are held at the beginning of each semester.

These programs are designed to: familiarize everyone with the fire safety system in each housing facility, train everyone on the procedures to be followed in case there is a fire and distribute information on the college's fire safety policies. During these programs, trainers emphasize that participating in fire drills is mandatory. Students and employees with disabilities discuss individualized evacuation plans with the director or security.

If a fire occurs, students are instructed to leave the building immediately. They should inform the Security Department immediately either by manually activating the fire alarm system at one of the pull stations if it is safe to do so, or by calling 7291 or 0 from a safe location. The student should then report to the predetermined meeting area for their building where they will remain until Security has gathered all relevant information on the incident and has determined

that all building residents are accounted for. RDs are instructed to pull the fire alarm as they are leaving the building while assisting the student's evacuation, if they can do so without risking their safety.

The information provided during the fire safety programs is also available online at any time at the main Security Office page.

Fire reporting

Per federal law, Bard College at Simon's Rock is required to annually disclose statistical data on all fires that occur in on-campus student housing facilities.

Listed below are the non-emergency numbers to call to report fires that have already been extinguished in on-campus student housing. These are fires for which you are unsure whether the security office may already be aware.

If you find evidence of such a fire or if you hear about such a fire, please contact one of the following: Bard College at Simon's Rock Campus Safety Department Main Office: 413-528-7291 Director's Office: 413-528-7680 campussafety@simons-rock.edu. When contacting security, please provide as much information as possible about the location, date, time and cause of the fire.

Plans for Future Improvements in Fire Safety

Bard College at Simon's Rock intends to continually review its prevention strategies (education, inspections, fire drills, and device maintenance), and continue to upgrade fire alarm systems throughout the campus. Whenever buildings undergo major renovations, the life safety systems, fire detection, and fire suppression systems will be replaced with current code compliant systems.

Additional Fire Prevention Guidelines

- Plug all types of multiple plug adapters directly into wall outlets. Do not use more than two extension cords in a single multiple-plug adapter. Check cords for wear and have faulty appliances repaired or removed from the residence.
- Flammable and combustible liquids are prohibited in all residence halls. This includes charcoal briquettes, lighter fluids, gasoline, benzene, propane, alcohol, cleaning fluids, and oil-based paints.
- Combustible waste should be disposed of as soon as possible. Trash and garbage should be emptied in the proper refuse containers, not left in corridors or hallways since this may delay building egress.
- Room furnishings should not obstruct or hamper any access to an exit. All doors must be able to swing freely in their full range of motion.
- Motorcycles, mopeds, gasoline engines or engine parts are prohibited in or near buildings.
- Do not drape any type of combustible material over lamps or other electrical fixtures.
- Do not prop open fire doors. Closed fire doors are designed to prevent smoke and fire from spreading.
- Do not use flammable decorations at any time, including during the holiday season. Live trees or combustible ornaments are not permitted.
- Do not hang any items from the ceiling as they may interfere with the designed spray pattern of the sprinkler system or the path of heat and smoke to a fire detection device.

Fire Log

The College maintains a daily log of all fires reported. The log is available for viewing, upon request, during normal business hours, at the Campus Safety Department. The log contains the date the fire was reported, the nature of the fire, the date and time of the fire, and the general location of the fire.

Appendix #1: Reported Clery Offenses

Note: 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														
	2021					2022					2023				
	On-Campus Property	Student Housing	Non-Campus Property	Public Property	TOTAL	On-Campus Property	Student Housing	Non-Campus Property	Public Property	TOTAL	On-Campus Property	Student Housing	Non-Campus Property	Public Property	TOTAL
Offense Classification:															
Primary Offenses:															
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	1	0	0	0	1	0	0	0	0	0
Sex Offenses															
Rape	1	1	0	0	1	5	5	0	0	5	0	0	0	0	0
Fondling	3	2	0	0	3	2	2	1	0	3	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
<i>Total - Sex Offenses</i>	4	3	0	0	4	7	7	1	0	8	0	0	0	0	0
Violence Against Women Act Offenses															
Stalking	1	0	0	0	1	2	1	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	4	2	1	0	5	1	0	0	0	1
Liquor, Drug, and Weapons Law Violations															
Liquor Law Disciplinary Referrals	0	4	0	0	4	6	4	2	0	8	8	8	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	19	15	0	0	19	8	6	2	0	10	21	21	0	0	21
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	1	1	0	0	1	1	1	0	0	1
Weapons Law Arrests	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Hate Crimes: There were 2 reported Hate Crimes in 2022: 1 On Campus report of Damage of Property characterized by sexual orientation bias; and 1 On Campus Student Housing report of Intimidation characterized by race bias. There were no reported hate crimes in 2021 or 2023.

Appendix #2: Fire Statistics

Name of Facility	2021			2022			2023		
	Fires	Injuries	Deaths	Fires	Injuries	Deaths	Fires	Injuries	Deaths
Carriage House	0	0	0	0	0	0	0	0	0
Crosby House	0	0	0	0	0	0	0	0	0
Dolliver House	0	0	0	0	0	0	0	0	0
Hill House	0	0	0	0	0	0	0	0	0
Kendrick House	0	0	0	0	0	0	0	0	0
Pibly House	0	0	0	0	0	0	0	0	0
Owl's Nest	0	0	0	0	0	0	0	0	0
Checker Chance	0	0	0	0	0	0	0	0	0
Harper House	0	0	0	0	0	0	0	0	0
Mods	0	0	0	0	0	0	0	0	0

Name of Facility	Fire Alarm Monitoring	Sprinkler System	Smoke/Heat Detector	Fire Extinguishers	Evacuation Plan	Drills
Carriage House	x	x	x	x	x	2
Crosby House	x		x	x	x	2
Dolliver House	x		x	x	x	2
Hill House	x	x	x	x	x	2
Kendrick House	x	x	x	x	x	2
Pibly House	x	x	x	x	x	2
Center for Equity, Inclusion and Community (formerly Owl's Nest)	x		x	x	x	2
Checker Chance	X (not monitored)		x	x	x	2
Harper House	X (not monitored)		x	x	x	2
Mods	x	x	x	x	x	2

Appendix #3: Detailed Fire Statistics 2023

Name of Facility	Number of Fire In Building	Cause of Fire	Injuries Requiring Treatment at a Medical Facility	Fire-Related Deaths	Value of Damaged Property
Carriage House	0	n/a	n/a	n/a	n/a
Crosby House	0	n/a	n/a	n/a	n/a
Dolliver House	0	n/a	n/a	n/a	n/a
Hill House	0	n/a	n/a	n/a	n/a
Kendrick House	0	n/a	n/a	n/a	n/a
Pibly House	0	n/a	n/a	n/a	n/a
Owl's Nest	0	n/a	n/a	n/a	n/a
Checker Chance	0	n/a	n/a	n/a	n/a
Harper House	0	n/a	n/a	n/a	n/a
Mods	0	n/a	n/a	n/a	n/a

Programming for Bard College at Simon's Rock 2023

February 8-Teen dating violence awareness pop-up

March 8-Commonwealth harm reduction

April 4-Action in response to Anti-Trans Students

April 28-Health Sexuality

April 30-SAAM pop-up

October 10-Step up! Bystander Intervention

November 8-Healthy Relationships pop-up

November 15-Bystander Awareness

November 28-Bystander Intervention