



**STUDENT HANDBOOK  
2018 – 2019**

REVISED 8/2018

## **Notice of Nondiscrimination**

Bard Academy 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 preference, religion, national or ethnic origin, disability, marital status, genetic information, previous military service or any other class protected under state or federal law. Academy policy is 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 Dean of the College ([leslied@simons-rock.edu](mailto:leslied@simons-rock.edu)), who serves as the institution's Title IX Coordinator and the contact for Title VI, or the Dean of Students ([slyon@simons-rock.edu](mailto:slyon@simons-rock.edu)), who serves as the Section 504 coordinator, and the Americans with Disabilities Act coordinator.

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## **I. LEGAL AND DELEGATED AUTHORITY**

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Bard Academy and Bard College at Simon’s Rock are units of Bard College, a New York-based profit educational institution. Legal responsibility for the governance of the institution is vested in the Board of Trustees of Bard College. Simon’s Rock has its own campus, Board of Overseers, administrative officers, faculty, staff, and student body. The President of Bard College is the chief executive of Bard College at Simon’s Rock. The President has delegated to the Vice President of Bard College and Provost of Bard College at Simon’s Rock the responsibility and authority to determine what activities and behavior are acceptable on the campus and who may be included in the community. The President may delegate, retake, and re-delegate to the Simon’s Rock Community, or to any committee or any constituent part or person thereof, such of their powers as they may determine.

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## **II. CHARACTER OF THE ACADEMY**

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### **A. MISSION**

At Simon’s Rock, age does not define intellect: our mission is to inspire the curiosity and creativity of motivated younger scholars with a challenging, empowering, and inclusive education in the liberal arts and sciences.

### **B. EQUITY AND INCLUSION**

The Council for Equity and Inclusion’s (CEI) goal is to lead, sustain, and institutionalize inclusion and social justice efforts at Simon’s Rock. The Council’s work includes:

- Providing leadership, pedagogical resources, inspiration and accountability supports to promote equity, engagement, and access through the Provost, Dean of Equity and Inclusion, and appointed Council and committee members for Equity and Inclusion;
- Cultivating and sustaining a healthy, thriving campus climate of inclusion, equity, and excellence supporting the mission and vision for all members to ensure our graduates in being informed to lead responsibly in their professional and community roles in a global society;
- Collaborating campus-wide, the Council works to resolve systemic inequities for all members of the Simon’s Rock campus through a holistic, positive approach to cultural competence, education, and service, by promoting inclusive excellence, mutual respect, and cultural humility.
- Serving students, faculty, administrators, and staff concerning all issues of equity and opportunity as they relate to race, religion, national or ethnic origin, age, disability, veteran status, sexual orientation, gender, gender identity, and gender expression.
- Informing planning, policies, and procedures as it relates to inclusion and equity and offers programming support and grievance procedures in cooperation with Campus Life, Academic Affairs, and Senior Leadership for the campus community regarding issues of equity, inclusion, and engagement.

Simon’s Rock administrators, faculty, and staff, along with CEI, are committed to challenging longstanding societal assumptions in order to create an enriched community in which all ranges of opinion and belief can be expressed and debated, within behavior permitted by public law and consistent with the Academy’s mission and regulations. Toward that end, administrators, faculty, and staff have created structured situations to promote inclusion, especially of voices from groups traditionally underrepresented on independent school campuses.

Simon's Rock is committed to protecting immigrants, refugees, and undocumented students in our community. Simon's Rock and the Bard Network have a long history as being a home to people around the world, including refugees and immigrants. We will continue to support members of our community whose right to an education and scholarship must be defended.

- **Students Welcome:** We welcome all students, regardless of citizenship status or national origin to apply to Simon's Rock, and offer financial aid. See application tips for international students and DACA and undocumented students.
- **Won't Cooperate with Immigration Enforcement:** Bard College at Simon's Rock will not release information about students and employees regarding citizenship or immigration status unless required by law.
- **Support Travel:** Bard College at Simon's Rock provides free legal consultation to students who are concerned about whether they can visit their countries of origin or who are concerned about their status when traveling internationally.
- **International Student Support:** Support for international students includes International Student Orientation, international peer mentors, the Council for Equity and Inclusion, the international support team, and the International Club. This support is in addition to the financial, academic, and student life support we provide to all students. Simon's Rock makes accommodations for international students to stay on campus over breaks.
- **Inclusive Academics:** Scholars at Simon's Rock study topics and offer courses relevant to the immigrant experience including migration, ethnicity, rights, social movements, religion, languages, world culture, and related topics. PACE provides learning opportunities for students who need further instruction to advance their English language skills.

### **C. FREE EXPRESSION**

The Academy is deeply committed to having faculty, staff, and students engage in free inquiry and speech in the service of the Academy's educational mission, as described in the Statement on Academic Freedom in the Faculty Handbook and available at the Office of Academic Affairs. All members of the Simon's Rock community have the right to express their ideas freely, both orally and in writing, provided that their method of expression does not violate any other rights affirmed by this document.

Any member of the Academy community may publish and distribute without interference, as long as publications and posted materials clearly identify all authors and such publications or distributions do not violate Academy policies. While members are not subject to prior restraint, they shall be held accountable for erroneous, malicious, or libelous statements or for violations of any other right affirmed by such documents.

In the classroom, discussion of controversial issues should and will occur. Although provocative language may at times lead to student feelings of discomfort, these feelings will not necessarily indicate the existence of discriminatory harassment or discrimination. Students should address questions or concerns about these controversial issues with the professor or a dean.

### **D. RESPONSE TO DISCRIMINATION**

Bard Academy 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 preference, religion, national or ethnic origin, disability, marital status, genetic information, previous military service, or any other class protected under state or federal law. As a program of Bard College at Simon's Rock, Bard Academy policy is 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 Title VI and VII of the Civil Rights Act of 1964.

The Academy expects that no member of the Simon’s Rock community will discriminate against any other member—or any member’s guests—based on any of the above traits. We see all community members as interdependent, yet functioning in roles that are far from interchangeable. We believe in respecting members of the Simon’s Rock community for their differing abilities, differing backgrounds, and differing contributions. We also believe that these differences can successfully mesh for a greater common good.

Within our diverse community, members will disagree from time to time. The Academy expects that such disagreements will be addressed peacefully, through discussion and debate, rather than through force or confrontation. Therefore, while the Academy seeks to ensure the rights of all to express themselves in words and actions, it also prohibits behavior that infringes on the rights of others or that digresses from the Academy’s educational mission and purpose.

Because Simon’s Rock takes allegations of discrimination or discriminatory harassment seriously, we will respond promptly to complaints. If such inappropriate action has occurred, we will act swiftly to eliminate the conduct and impose corrective action, including disciplinary action where appropriate.

Any retaliation against an individual who has reported discrimination or harassment, or retaliation against individuals cooperating with an investigation of discrimination or harassment, is unlawful and will be investigated as a separate incident of harassment.

Students should address questions or concerns about Simon’s Rock’s nondiscrimination policy to the Dean of the College or the Dean of Students. Students also have the right to file complaints about all forms of discrimination and discriminatory harassment with these organizations:

- Department of Education, Office of Civil Rights, 617/289-0111
- The Equal Employment Opportunity Commission, 800/669-4000
- The Massachusetts Commission Against Discrimination, 413/739-2145

## **E. RESTORATIVE PRACTICES**

“Restorative Practices” is an approach to community building that seeks to build relationships and connection between community members—students, staff, faculty, and others—by encouraging these members to speak with, listen to, and understand each other and intentionally providing forums for them to do so. The restorative approach aligns with Simon’s Rock’s early college mission because it underscores the fact that many young adults are ready for more rights and responsibilities than they are typically given. Community members have many forums to engage formally and informally with using the Restorative Practices approach to community building—whether at a house meeting in the residence halls, an office hours meeting with a professor, or a Community Meeting within the greater Simon’s Rock community. These are all opportunities to build community and relationships that will serve our early college community.

Restorative Practices also serves as a form of discipline that takes the long view to behavioral development, emphasizing instruction over punishment. The restorative approach views actions that conflict with community norms, expectations, and rules as opportunities for learning, strengthening community bonds, and, in some cases, repairing harm done and restoring community relationships. Restorative Practices strives to separate the individual from the action, acknowledging that we all can learn from our actions and that we all are works in progress developing appropriate responses to the various situations encountered when living and learning in a community.

At Bard Academy, we respect all members of the community for their differing backgrounds, contributions,

and abilities, and we believe that our differences can successfully mesh and build a strong and diverse community. While the institution seeks to ensure the rights of all to express themselves in words and actions, there are times when we must address behavior that breaches the rights of others or conflicts with the school's educational mission and community expectations.

When conflict occurs, the process of resolution and restoration involves bringing all stakeholders together, actively listening to each other to improve understanding of the issues and harm done, and working together to build a safe and caring community moving forward. The restorative approach is premised on the belief that community members in conflict need to be involved in the process of understanding and repairing the harm done because they are more likely to make positive changes when they are authentically engaged in and held accountable for building and restoring their community. No matter how thought-out, when punitive responses are solely decided by administrators and other school officials, they cannot fully address the needs of the harmed party, and this approach neither requires those responsible for the harm to grapple fully with the consequences of their behavior nor participate in the development of resolution.

### **1. Proactive Circles**

Proactive Circles build community and connection between students, faculty, and staff by engaging in conversation about topics and issues that community members are interested in discussing and addressing. RDs, PMs, Students, Faculty, and Administrators all have the ability to convene and facilitate a circle at their discretion. When circles are convened, they may be facilitated and attended by any of these parties.

### **2. Small Impromptu Conferences**

Small Impromptu Conferences are utilized to address smaller issues between two or more people by first talking to the involved parties individually and then as a group about the incident, its impact, and what to do next to make things right. RDs, PMs, Faculty, and Administrators have the ability to convene Small Impromptu Conferences at their discretion and upon student request.

### **3. Restorative Circle**

A Restorative Circle is a community process for supporting those in conflict. It brings together the following parties: those who have acted in a harmful manner, those directly harmed, and the greater Simon's Rock community connected to these individuals. The process allows community members to tell their stories and offer their own perspectives while actively listening to other members sharing their stories and perspectives as they collectively address the issues and develop resolutions. RDs, Faculty, and Administrators have the ability to convene and facilitate (if trained) or ask trained school officials to facilitate a Restorative Circle at their discretion and upon student request.

### **4. Restorative Conferences**

A Restorative Conference is a highly structured meeting between victims, offenders, and both of their communities (a select group of family, friends, and supporters), in which they deal with the consequences of the wrongdoing (or, in extreme cases, crime) and decide how to repair the harm that has been done to the victim and community. A Restorative Conference is not mediation. The victim and offender must willingly agree to a conference, acknowledging that the conference will focus on the victim and the resolution that the victim and offender develop in tandem with the support of their respective communities at the conference and thereafter as the resolution is implemented. Trained Administrators have the ability to convene and facilitate a Restorative Conference at their discretion and upon student request.

### **5. Restorative Outcomes**

Restorative Outcomes represent a variety of educational and trust-building resolutions that a student must complete to show growth, remorse, and a desire to restore the community and their place in it. In some cases, due to the nature of the issue, conflict resolution may necessarily involve law

enforcement officials or rely on the disciplinary policy outlined in the Student Handbook, but Restorative Practices will still be a part of the response to conflict that rises to these levels.

## **F. INDIVIDUAL PRIVACY**

Bard Academy at Simon's Rock may disclose, without consent, "directory" information to select third parties. Third parties include but are not limited to the following:

- Prospective employers
- Other institutions of secondary or higher education
- Honor societies
- Licensing agencies
- Government agencies
- Lending agencies
- Insurance companies

The Academy has designated the following as directory information:

- Student name
- Address (home and email)
- Hometown
- Home telephone number
- Major or field of study
- Date and place of birth
- Full or part-time status
- Class year (e.g. 10th grade)
- Dates of enrollment
- Date of graduation (past or anticipated)
- Graduation information as published in the Simon's Rock commencement program
- Academic awards and honors
- Most recent previous educational institution attended

The Family Educational Rights and Privacy Act (FERPA), allows students and parents to withhold the disclosure of their directory information. A request form is available in the Office of the Registrar. The completed form must be filed with the Registrar at least ten days before the start of an academic semester.

Authorized campus personnel may enter any space owned or leased by Simon's Rock, including student living units, at any time for the following purposes:

- To ensure personal safety
- To respond to emergencies
- To maintain acceptable health and safety standards
- To uphold respectful behavior
- To perform routine maintenance, scheduled or unscheduled
- To secure buildings during vacation and break periods
- To ensure compliance with its policies

Authorized Campus Safety or Campus Life personnel may also search a student's living unit, vehicle, or belongings—whether or not the student is present—if there is reason to believe a violation of Academy, state, or federal regulations exists.

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## III. ACADEMIC AFFAIRS

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The Office of Academic Affairs at Simon’s Rock is the source of essential academic resources and policies. This office is located in the Hall College Center and houses the Dean of Academic Affairs, the Dean of Students, the Associate Dean of Academic Affairs, the Director of Academic Programs and Campus Liaison, the Academic Services Coordinator, the Registrar, and the Assistant Registrar.

The Academy catalogue, academic calendar, course schedules, student information, and academic policies all originate from this office. These documents are available on the student portal, at: [my.simons-rock.edu/group/my-campus/bard-academy](https://my.simons-rock.edu/group/my-campus/bard-academy). Student log-in credentials are required. Many documents are also available to all, on our website, at: <https://simons-rock.edu/academy/academic-program/index.php>.

### A. ACADEMIC RESOURCES

Bard Academy students take on serious academic challenges from their first day of school, discovering a new and galvanized sense of themselves as they meet those challenges and move beyond them. But it wouldn’t be rewarding if it were easy. Our faculty and staff recognize what is necessary for students to succeed and we work with purpose and dedication to make it possible.

Our academic support services include the Win Student Resource Commons, the Tutoring and Writing Center, and the Math Lab, offering free individual and group tutoring in all subjects; guided evening study halls; open access to faculty; individualized academic advising, assigning each student to a member of the faculty who guides every step of the academic journey; and weekly group Advisory.

The Alumni Library is a unique space on campus, one that combines both academic and social aspects, playing an important role in students’ lives. It provides a comfortable, welcoming place for reading, research, and reflection. Librarians work with faculty to help students learn to locate, evaluate, and cite scholarly information in all formats.

#### 1. Individual Advising

Students at Bard Academy receive a high level of personal attention from faculty, residence life staff, and student mentors. At the center of these support structures is an academic advisor—who is also their group advisory leader—with whom students meet weekly during their time at Bard Academy. The advisor works with the student to fulfill academic requirements and to adjust to a new setting with new responsibilities and challenges.

#### 2. Group Advising

In addition to individual academic advising, Bard Academy students also engage in weekly group advisory meetings with their advisory faculty and a member of the Campus Life staff. The advisory program, which serves as a peer support group, offers a major source of support for students in the high school program. By providing a supportive and accepting meeting place, advisory groups allow students to voice concerns and problems, address issues that are important to them, and offer each other guidance and support.

#### 3. Academic Accommodations

Students with learning differences who may need academic accommodations should meet with the Director of Accessibility and Academic Support to arrange the accommodations as soon as possible in the beginning of the school year. Educational testing will be required, and reviewed, prior to the granting of accommodations. Students may also meet with the Director of Accessibility and Academic Support throughout the year to address concerns as they arise.

#### **4. Grades and Comments**

Students at Bard Academy receive written evaluations (“comments”) of their performance at midterm and following the completion of courses. Letter grades are also assigned as an abbreviated indication of overall performance. Together, the grade and comment sheets make up the student’s academic record.

In terms of day-to-day reporting of grades, many courses use Moodle, Google Classroom, or other course management systems for posting assignments and grades. Student log-in credentials are required to access this information.

#### **5. Credit Recovery**

If a student is not in good academic standing at the end of the school year, they will be required to participate in, and successfully complete, a credit recovery program over the summer in order to be eligible to return to Simon’s Rock the subsequent fall semester. Students will re-take courses they did not pass during the school year. Courses will be taken on-line through Educere. Courses will be paid for by the student and their families and is not covered by Bard Academy tuition.

#### **6. Self-Identified First Name and Gender Pronoun**

Students, faculty, and staff should be addressed by their preferred name and pronoun, regardless of the sex assigned at birth, anatomy, gender, medical history, appearance, or the sex indicated on identification documents or past academic record. It may be necessary for an individual to express this preference when interacting with people who may not have been informed of it, based on the student’s Self-Identified Preferred First Name/Self-Identified Gender or Gender-Neutral Pronoun form. There are certain instances in which the Academy must use a legal name and gender pronoun, and this is detailed on the above-mentioned form. The form is available at [my.simons-rock.edu/group/mycampus/bard-academy](https://mycampus/bard-academy).

#### **7. Transcripts**

Simon’s Rock has partnered with Parchment, Inc. for transcript service. All students can now go online to place their transcript order. Students can find the information and link for online ordering at:

<https://simons-rock.edu/why-simons-rock/contact-us/offices-and-departments/registrar/transcript.php>

A credit card is necessary to place an order through this system. Generally, transcript requests are fulfilled within one to three business days but may be delayed when student records are being updated or during periods of peak requests. Transcripts will not be released if the student’s account is not current. Contact the Registrar’s Office with questions or concerns.

### **B. ATTENDANCE POLICIES**

#### **1. Attendance**

Students are expected to attend all classes for which they are scheduled. Generally, an instructor’s evaluation of a student’s work depends in part on class participation; therefore, absence from class is viewed as an irrevocably lost opportunity for both the individual student and the class collectively. Classes immediately before and after vacations are as important as any other classes during a term; students are expected to attend them and to limit their vacations to the days prescribed in the Academy’s academic calendar. Final exam days are part of the academic semester and students should plan on being on campus through the end of the exam period.

#### **2. Absence for Religious Observance**

Bard Academy recognizes that the student body includes adherents of various faiths, and that observance of religious holidays is an important part of religious practice. Students may obtain an excused absence for such observance by informing their professors, in writing, of a planned

absence at least two weeks in advance and making arrangements to complete any missed work.

Pursuant to the requirements of the law set forth in Chapter 151C, Section 2B of the General Laws of the Commonwealth of Massachusetts, a copy of this section is printed here in full: “Any student in an educational or vocational training institution, other than a religious or denominational educational or vocational training institution, who is unable, because of his or her religious beliefs, to attend classes or to participate in any examination, study, or work requirement on a particular day shall be excused from any such examination or study or work requirement and shall be provided with an opportunity to make up such examination, study or work requirement that he or she may have missed because of such absence on any particular day; provided, however, that such makeup examination or work shall not create an unreasonable burden upon such school. The institution for making available to the said student such opportunity shall charge no fees of any kind. No adverse or prejudicial effects shall result to any student because of his or her availing him or herself of the provisions of this section.”

### **3. Other Absences**

Unavoidable circumstances do sometimes necessitate a student’s missing class. The impact of absences will differ, depending on the course, material to be covered that day, the circumstances, and the student’s attendance and performance in the course to date. Particular attendance requirements will be explained on each course syllabus. A student who is unable to attend class or submit assignments should communicate directly with the professor and should make every effort to catch up on what was missed as quickly as possible.

### **4. Notices of Concern**

A professor who has concerns that a student’s absences are having – or may have – a negative impact on the student’s ability to succeed in a course will send a first Notice of Concern to alert the student, the advisor and residence director, and the parent or guardian about this concern.

A student who receives a first Notice of Concern should talk with their academic advisor and the professor about steps to take to improve their standing in the course. A student who fails to respond to the Notice, to improve attendance, or take steps to address the concerns indicated can expect to receive a second Notice of Concern, alerting them that their successful completion of the course is now at serious risk and that they should consider a drop or withdrawal. At this point, the student and advisor should discuss the best course of action to address the problem.

A student who decides to drop or withdraw from a course must submit the appropriate form to the Registrar by the deadline.

### **5. Extended Leave**

In the event of a serious illness or other severe problem that necessitates missing several consecutive classes, the student, the parent or guardian, the advisor, or other college staff member working with the student may request assistance from the Dean of Students or Dean of Academic Affairs to communicate with the faculty member and help determine the best course of action to, ideally, enable the student to complete the semester successfully.

### **6. Vacating Campus for Extended Leave or Withdrawal**

Unless otherwise directed, a student required to leave campus outside normal closure dates, regardless of circumstances (medical or personal leave, withdrawal, suspension, expulsion) must vacate campus within 12 hours. Alternative arrangements for departure must be made directly with the Dean of Campus Life.

If a student leaves school during a semester, they or their parent or guardian will need to make arrangements with the Dean of Campus Life or their designee for any personal items left behind to

be shipped to the student's home before departing campus. Items left behind without a plan will be considered abandoned property, and may be discarded at will. The cost of shipping and handling is to be borne by the student, or their parent/guardian.

The student vacating campus is expected to turn in their Academy ID card, room key, and all other campus keys to the Campus Safety office (via the Campus Life Office during business hours or to the Campus Safety Office at night and on weekends). Failure to do so may affect readmission or return from leave status. Upon scheduled return, students cleared by the dean or director who granted the leave will be allowed to retrieve their ID card and key(s).

### **C. WIN STUDENT RESOURCE COMMONS**

The Judith and Ba Win Student Resource Commons (Win Commons) is dedicated to helping students find personal and academic success at Simon's Rock and beyond. Through the Win Commons, students can receive individualized writing support, develop study strategies; work with peer tutors in most subject areas; arrange for disability accommodations; or find an internship.

#### **1. Accessibility and Academic Support**

Through the Win Commons, students can receive individualized support for writing, time-management, and study strategies; secure adaptive technologies, disability services, and accommodations; or attend workshops aimed at reducing academic anxiety and increasing productivity and organization. The Director of Accessibility and Academic Support works together with other offices at the institution to support students throughout their time at Simon's Rock.

#### **2. Peer Tutoring and Writing Center**

The Tutoring and Writing Center at Win Commons offers free individual and group peer tutoring in most subjects. The Writing Center is available to all students on a drop-in basis on evenings Sunday through Thursday and in the afternoons on Monday through Thursday. Additionally, Think Tank is an open venue for studying on Sunday, Tuesday, and Thursday evenings where students can receive assistance from math and science tutors. Students can also request one-on-one tutoring in particular subjects by sending an email to the Director of the Tutoring Program.

Peer tutors have earned a 3.3 or higher GPA in the courses they tutor, have been recommended by the faculty, and are closely supervised. Tutors of writing have also completed training in the teaching of writing and provide support in all phases of expository composition.

#### **3. Office of Academic Transitions and Career Development**

The Office of Academic Transitions and Career Development helps students prepare and plan for their personal and professional aspirations by working closely with them on an individualized basis. Through thoughtful advising and programming, students will have opportunities to explore interests, develop professional skills, and gain valuable experiences to be successful in their chosen careers. From internships and study abroad, to graduate or career exploration, the Office of Academic Transitions and Career Development supports Simon's Rock students and alumni with all their professional pursuits.

Support offered through the Office of Academic Transitions and Career Development include:

- Resume, cover letters, CV writing, and LINKEDIN profile
- Internship resources
- Interview preparation
- Matriculation application guidance
- Fellowship/scholarship information and application support

- Student and alumni networking opportunities

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## **IV. CODE OF STUDENT CONDUCT**

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Outlined below is the Academy’s Code of Student Conduct. Included is a statement about legal and delegated authority; the Principles of Community Life; the policies that govern our disciplinary process; the grounds and process of appeal; and the authority for final disposition of appeals in all cases.

The Academy does not attempt to anticipate or describe every act that may constitute a violation of the Code of Student Conduct. Rather, it reserves the right to respond and to make determinations on a case-by-case basis as appropriate. It also reserves the right to change Academy rules and policies at will. Official notification of any change will be made via email to current students, faculty, and staff.

Currently enrolled students, faculty and staff are notified of official Academy business via Academy email addresses. It is their responsibility to read and respond as necessary to emails from Academy departments and personnel. Parents and/or guardians will be emailed at the address the student has provided the Simon’s Rock Registrar’s Office in writing at the start of each semester. If an address changes during the academic year it is the responsibility of the student and their family to keep their contact information updated with the Simon’s Rock Registrar.

### **A. AUTHORITY AND RESPONSIBILITY FOR OUR CAMPUS**

The Vice President of Bard College and Provost of Bard College at Simon’s Rock is the chief executive of this campus. The Provost has ultimate authority to determine what activities and behaviors are acceptable on the campus and who may be included in the community. The Provost ensures that any alleged violation (or infraction) of the Code of Student Conduct is addressed and resolved in accordance with the policies and procedures documented in this Student Handbook.

The Provost delegates enforcement and follow up responsibilities as follows:

- The Head of School or his or her designee addresses allegations of academic dishonesty.
- The Dean of Campus Life or his or her designee addresses all other alleged violations of the Academy’s Code of Student Conduct.

The Head of School and the Deans are empowered to formulate and implement policy governing academic and campus life, to enforce Academy regulations, and to impose such penalties as they deem reasonable and appropriate for violations of the standards of conduct detailed in this Student Handbook.

The Provost may delegate, retake, and/or re-delegate to the Simon’s Rock Community, or to any committee or to any constituent part or person thereof, such of his or her powers as she or he may determine.

### **B. GUIDING PRINCIPLES OF CAMPUS COMMUNITY**

The Academy’s principles of Community Life are predicated on a value for the welfare and integrity of each individual and for the community as a whole. Violations of these principles generally fall into the following three overarching categories of unacceptable behavior

#### **1. Respect for Individuals**

Any action that jeopardizes the health, safety, well-being, or self-respect of an individual—whether oneself or another member of the Simon’s Rock community—will not be tolerated. Such acts



include violence, harm, threat of harm, intimidation, sexual misconduct, discrimination, harassment, bullying, cyber-bullying, dishonesty, misconduct, unreasonable noise, and/or other endangering behavior.

Any action that jeopardizes the health, safety, well-being, or self-respect of an individual—whether oneself or another member of the Simon’s Rock community—will not be tolerated and is strictly prohibited. Such prohibited actions include bullying, cyber-bullying, and retaliation. The Academy’s Bullying Prevention and Intervention Plan can be found at: <https://simons-rock.edu/academy/campus-life/bully-prevention-intervention-plan.php>

## **2. Respect for Property**

Respect for the private property of individuals—that of students, faculty, staff, or visitors as well as the property and resources of Simon’s Rock itself and including furnishings, equipment, systems, buildings, and grounds—must be maintained so that no one is denied the right to their proper use. This right applies not only to those who are now at the Academy, but also to those who will attend Simon’s Rock in the future. Therefore, disrespectful behavior toward any individual’s personal belongings or toward Academy property and/or resources is prohibited at Simon’s Rock. Lack of respect for property on or off campus will not be tolerated. Lack of respect for property includes theft, vandalism, damage, possession of stolen property, unauthorized access (to another’s living unit, office, lab, computer or computer account), misuse of keys, misuse of property, misuse or abuse of resources, improper upkeep of space, or trespassing on personal property adjacent to campus.

## **3. Respect for Civil or Criminal Law**

While this is a private academy, members of the Simon’s Rock community remain subject to applicable federal and state civil and criminal law, on or off campus. The Academy expects its students to be law-abiding citizens. The Academy holds students alleged to have violated laws on or off campus accountable for their actions, and those students may also be subject to civil or criminal proceedings. When the Academy receives reports or complaints of illegal and/or disrespectful behavior by students off campus, it may take disciplinary action. Academy disciplinary action is not dependent on separate civil or criminal prosecutions by police or other non-Academy authorities. The Academy’s judicial process is separate from and independent of civil or criminal prosecution or its timetables.

# **C. LISTED CODE OF STUDENT CONDUCT POLICIES**

The Academy’s Code of Student Conduct policies and processes used to investigate and resolve alleged violations are provided below. Policies regarding sexual misconduct are outlined in Appendix A.

## **1. Academic Dishonesty**

Honesty and integrity in the performance of all academic assignments are expected of all students at Simon’s Rock. Plagiarism; giving or receiving unauthorized assistance on any examination, quiz, lab or homework assignment; and falsifying data all are serious forms of academic dishonesty and will not be tolerated.

A student who submits, without acknowledgment, work that is not their own has committed plagiarism. An example of plagiarism is the submission of a paper with content that is wholly or partially taken from another’s work, including that found on the Internet. Plagiarism occurs even when a single sentence, phrase or wording is copied without attribution. Special care should be taken when engaging in research on the Internet, as there are a vast number of sources that are designed to aid students in committing academic dishonesty, or that are otherwise unsuitable for academic pursuits.

Information about the proper use and acknowledgment of source material is available in the Alumni

library and from the faculty. The library has resources available to aid students in finding appropriate materials through Internet research. It is the student's responsibility to consult with the faculty member involved whenever there is a question about the right way to handle the use of source material. An approved style manual also should be consulted to avoid unintentional plagiarism.

A first offense will result in at least a grade of 'F' on the assignment or exam in question and may result in a semester grade of 'F' for the course. The student will receive a written warning (although nothing will go on the student's academic record) and parents or guardians will be notified. Any subsequent offense will become part of the student's record and will result in further consequences, which may include academic probation, revocation of scholarship, and suspension from the Academy.

Appeals of the consequences or judgments of academic dishonesty more severe than a warning may be made in writing to the Standards and Procedures Committee within hours of the decision.

Questions about the Academy's policy on academic dishonesty should be directed to the Head of School or their designee.

## **2. Alcohol and Illegal Substances**

Simon's Rock is a dry campus. Therefore, possession of alcohol and/or illegal drugs, possession by consumption, and possession of all paraphernalia used for the consumption of alcohol or drugs are strictly prohibited on the campus. Providing or selling alcohol or drugs to others is illegal and prohibited. Attendance at what appears to be a party/social gathering in which alcohol and/or illegal substances are available or appear to have been consumed is prohibited. The use of a fake ID or misrepresenting one's identity in any way also is prohibited. The penalty for any of the above violations may include suspension or expulsion from Bard Academy.

Students knowingly present in the same space of a prohibited substance and who do not alert a Campus Life staff member may face suspension from Bard Academy or possible expulsion.

The Simon's Rock Campus Safety and Campus Life staff have the authority to ensure the campus is safe and free of alcohol and/or illegal drugs. When a student is found to be in possession of or under the influence of alcohol or illegal substances, the Academy's first concern will always be the physical and emotional well-being of the student. Once the safety of the student and others has been ensured, the student will be counseled on personal reflection, education, and accountability. Academy sanctions may also be imposed, including a possible suspension or expulsion. Any student discovered to be violating this policy will be addressed accordingly by the Bard Academy Head of School, The Dean of Campus Life, or the Associate Dean of Campus Life.

## **3. Prescription Medications**

The Academy forbids the misuse or misappropriation of prescription drugs. Misuse includes taking a prescription drug or being in possession of a prescription drug that has been prescribed for a different person. Misappropriation includes acquiring drugs from any source other than the student's healthcare provider or the Wellness Center; it also includes cases when a student provides a prescription drug to another student who is not the intended recipient of that drug. Psychotropic medication, a class of medication that requires special supervision, may only be used in strict accordance with the Psychotropic Medication Policy, which is available upon request from the Wellness Center and is outlined below.

Residential students of the Academy are permitted to have prescription medications in their rooms with the exception of psychotropic medications, such as:

- Stimulants (Ritalin, Concerta, Vyvanse, Adderall, etc.)
- Opiate pain medication (Percocet, Codeine, Vicodin, etc.)
- Anxiety medications that are benzodiazepines (Xanax, Ativan, Klonopin, etc.)
- Antipsychotics (Seroquel, Abilify, etc.)
- Sleeping pills (Ambien, Restoril, etc.)

Psychotropic medications will be dispensed by the Wellness Center staff weekly at a time determined with the student. It is the responsibility of the student to pick up the medication and take it at the prescribed time. Parents/guardians will be notified, if student compliance is inconsistent.

#### **4. Interaction with the College Program**

Bard Academy students attend high school on a college campus. Most areas of campus are shared between the Academy and the College. Students are encouraged to explore the resources and activities offered by the college (i.e. athletic teams, clubs, writing tutors, etc.) with certain limitations. Academy students are expected to behave respectfully and in a mature fashion when using shared facilities, including the Kilpatrick Athletic Center, the Alumni Library, the Dining Hall, and the Daniel Arts Center. All Academy policies are in effect at all times and in all campus spaces.

Certain spaces on campus are designated for primary or exclusive Academy use; only college students employed by the Academy as PMs or tutors may occupy these spaces. Current Bard Academy students are permitted to host recent Academy alumni into common spaces within the residential hall to study or socialize. Siblings of Academy students who attend the College are also permitted to visit in common spaces.

Similarly, certain spaces on campus are designated for primary or exclusive college use. Bard Academy students are prohibited from entering or occupying college residential buildings, including the section of Hill House assigned to the college and all common areas in the college residential buildings. Any Academy student found in a college residence will face immediate suspension. Bard Academy students are prohibited from all designated smoking areas on campus.

#### **5. Call for Help**

If a student requires medical attention as a result of using alcohol and/or drugs—and that student or a peer contacts Campus Safety or a Residence Director stating that this is a call for help or indicates that immediate help is needed—the usual disciplinary process and consequences will not apply.

While no disciplinary sanction will be imposed, the student involved will be asked to follow up with a Campus Life staff member and the student may lose privileges (i.e., break housing when supports are limited). In most circumstances, the student's parent or guardian and Academic Advisor will also be notified of the incident, and the student may be required to seek professional help on or off campus. However, if other college policies were violated during an incident, such as vandalism or a threat of serious harm to one's self or others, the individual may be held accountable.

#### **6. Discrimination/Discriminatory Harassment**

Bard Academy 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 preference, religion, national or ethnic origin, disability, marital status, genetic information, previous military service or any other class protected under state or federal law. At Simon's Rock we reaffirm our commitment each school year to a community free from discrimination and harassment. We embrace diversity, value individual differences, and work to remain open to all perspectives and contributions that enrich our individual and collective academic, intellectual, and social experiences. The Academy may respond to Discrimination/Discriminatory Harassment with one or

a combination of these actions:

- Restorative meetings, disciplinary warning, or social probation
- Required or suggested counseling, on or off campus
- Loss of campus housing
- Loss of privileges

Major or repeat offenders will face more serious sanctions and conditions, including the possibility of immediate removal from campus via suspension or expulsion.

Allegations of discrimination and/or discriminatory harassment involving a student as the alleged perpetrator, including the alleged discrimination and/or discriminatory harassment of an employee by a student, are delegated to the Dean of Campus Life or his or her designee to investigate and adjudicate in accordance with Academy policy.

Alleged discrimination and/or discriminatory harassment by an employee towards a student or other Academy employee is a personnel matter that will be referred to the Simon's Rock's Director of Administration and Finance to address in accordance with Academy policy.

### **7. Restroom Policy**

Restrooms on the Simon's Rock campus are marked by utilities, which means the signage depicts the facilities available within a restroom. All members of the Simon's Rock Community and visitors to campus have the right to access the restroom consistent with gender identity. If anyone requires greater privacy (for any reason) than a multi-user restroom provides, single user facilities are available where indicated on the campus restrooms map. Gender specific multi-user restrooms are also indicated on this map.

Everyone on campus has the right to safe and appropriate restroom facilities without being harassed or questioned. Under no circumstances shall anyone be asked to provide proof of gender anywhere on campus. Doing so is an act of discrimination.

This policy is in accordance with the college's notice of non-discrimination on the basis of gender identity or expression. Anyone who believes they have experienced discrimination in violation of this policy is encouraged to contact the Council for Equity and Inclusion at [cei@simons-rock.edu](mailto:cei@simons-rock.edu) or (413)644-7617.

### **8. Expectation to Cooperate with Faculty and Staff in Course of Duties**

When a member of the faculty or staff needs a student to cooperate with a request or directive in the course of their duties, the expectation in our community is that the request or directive will be respected and followed.

Neglect or refusal to cooperate with such directives and requests has the potential to compromise safety and/or interfere with an employee's ability to fulfill essential responsibilities. The Academy's response to failure to cooperate in such instances may include a restorative meeting, disciplinary warning, reprimand, or social probation. It may also include any combination of the following:

- Campus service
- Required or recommended counseling, on or off campus
- Fines and costs of restitution
- Loss of privileges (i.e. access to specific residence halls or social spaces, restriction from social events, break-housing, early return or late departure for breaks and vacations)

Major or repeat offenders may face more serious sanctions.

## **9. Fire and Life Safety**

Simon's Rock, the Great Barrington Fire Department (GBFD), and the Commonwealth of Massachusetts take fire and life safety very seriously. The Simon's Rock Safety Office, Physical Plant, and Campus Life staffs make daily rounds in Academy buildings, checking and monitoring life safety systems, and maintaining order. All students are expected to help maintain a safe environment. At the start of each semester, Residence Directors will communicate fire safety concerns to students and identify gathering points in the event of a real fire or other emergency.

Examples of fire and life safety violations include the following:

### *Open Flame or Smoke*

Burning of candles, incense, or any other material in or near Academy buildings is strictly prohibited. Burning anything on campus without prior written permission from the Director of Campus Safety is forbidden.

### *Flammable Material*

Possession of highly flammable material, including but not limited to candles; incense or related paraphernalia; smoking paraphernalia; excessive wall coverings or ceiling hangings; open-coil appliances; indoor possession of fuel, gas, cleaning solvents and/or fuel-fired devices; and explosives is prohibited.

### *Fire Hazard*

Creating a fire hazard, which includes, but is not limited to, blocking any means of egress, propping fire doors, overloading electrical outlets or creating unreasonable mess, is prohibited.

### *False Alarm*

Setting off smoke or fire alarms in the absence of smoke or fire, regardless of intent, is prohibited.

### *Tampering*

Tampering with smoke alarms, sprinklers, fire extinguishers, wiring or other equipment on campus is prohibited. This includes but is not limited to electrical, telecommunication, computer, security, or life safety devices.

### *Cooking*

The misuse or abuse of Academy kitchens or otherwise violation of cooking policies—leaving ovens or stoves unattended, or cooking in individual rooms—is a violation of Academy policy that may result in fines or other disciplinary action. Kitchens should be kept safe, clean, and functional for the use of all. Any problems should immediately be reported to a residence director.

### *Appliances*

For fire safety reasons, space heaters, air conditioners, immersion heaters, hot plates, open-coil appliances, refrigerators more than three feet tall, electric bedding materials, fuel-run appliances, halogen lamps, and/or other potentially dangerous appliances are not allowed on campus. Students who are not sure whether a particular appliance is permitted should get written permission from the Dean of Campus Life before bringing the item to campus.

### *Lofts*

Lofting and bunk beds in Hill House are prohibited.

### *Candles for Religious Observances*

For the purposes of religious observance, students may burn candles in the common area of the residential building by obtaining permission beforehand from Director of Campus Safety. The

Residence Director of the building must be given adequate notice of the event and students must take necessary fire safety precautions. A staff member must be present while the candle is burning. The candles must not interfere with the normal functioning of all fire safety equipment. Candles must be stored with an Academy staff member while not in use.

The Academy's response to fire and life safety violations may include a sanction—disciplinary warning, social probation, suspension, or expulsion—and any combination of the following:

- Restorative meetings with affected community members
- Required or recommended counseling, on or off campus
- Loss of privileges
- Fines and costs of restitution

Major or repeat offenders face more serious sanctions, including the possibility of immediate removal from campus. The Academy welcomes the aid and support of the Great Barrington Fire Department and once on campus, they may cite students for violations of law. Note that the Great Barrington Fire Department cites and fines the Academy for nuisance alarms (resulting, for example, from burnt toast, burnt popcorn, tobacco smoke) and/or fire safety violations; the Academy will pass these charges directly onto the student(s) cited whenever warranted.

## **10. Hazing**

Hazing is illegal in the Commonwealth of Massachusetts and is prohibited at Simon's Rock. Such illegal acts may result in criminal proceedings against participants and the Academy. Massachusetts requires that the text of its law prohibiting hazing be posted at every academic secondary school in the state:

### Massachusetts Prohibition of Hazing

§2540 The Commonwealth of Massachusetts, 1985: An Act Prohibiting the Practice of Hazing; Chapter 269 of the General Laws is amended by adding the following three sections:

Section 17. Whoever is a principal organizer or participant in the crime of hazing as defined herein shall be punished by a fine of not more than \$1,000 or by imprisonment in a house of correction for not more than 100 days, or by both such fine and imprisonment. The term hazing as used in this section and in Sections 18 and 19 shall mean any conduct or method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person. Such conduct shall include whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug, or other substance, or any other brutal treatment or forced physical activity that is likely to adversely affect the physical health or safety of any such student or other person, or that subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest, or extended isolation.

Section 18. Whoever knows that another person is the victim of hazing as defined in Section 17 and is at the scene of such crime shall, to the extent that such person can do so without danger or peril to him or herself or others, report such crime to an appropriate law enforcement official as soon as reasonably practicable. Whoever fails to report such crime shall be punished by a fine of not more than \$500.

Section 19. Each secondary school and each public and private school or college shall issue to every group or organization under its authority or operating in conjunction with its campus or school, and to every member, plebe, pledge, or applicant for membership in such group or organization, a copy of this section and Sections 17 and 18. An officer of each such group or organization, and each individual receiving a copy of said sections 17 and 18, shall sign an acknowledgment stating that

such group, organization, or individual has received a copy of said Sections 17 and 18.

Each secondary school and each public or private school or college shall file, at least annually, a report with the regents of higher education and in the case of secondary schools, the board of education, certifying that such institution has complied with the provisions of this section and also certifying that such school has adopted a disciplinary policy with regard to the organizers and participants of hazing. The board of regents and in the case of secondary schools, the board of education, shall promulgate regulations governing the content and frequency of such reports, and shall forthwith report to the attorney general any such institution that fails to make such a report.

### **11. Immediate Threat of Harm**

Any act that poses what a reasonable person would consider an immediate threat of physical or emotional harm, to oneself or to others, is strictly prohibited on the Bard Academy at Simon's Rock campus. Examples include but are not limited to overt or implied threats of violence, harm, sexual misconduct, discriminatory harassment, bullying, cyberbullying, intimidation, or endangering behavior directed toward oneself, others, or the property of others.

Academy administrators' primary concern will be to restore the safety and well-being of everyone involved. Only then will the Provost or their designee consider disciplinary action, based on Academy guidelines.

### **12. Campus Network**

Simon's Rock's computer network is for the use of members of the Simon's Rock community—Academy and College students, faculty, staff, and associates of the institution.

#### Acceptable Use Policy

All users of the Campus Network read and must agree to the terms outlined in the Acceptable Use Policy before they are granted access the first time they use the Network. The Acceptable Use Policy referenced here and in the course catalogue is also available on the Simon's Rock Information Technology Services (ITS) webpage. If you have questions or concerns about this policy, please direct them to the ITS staff at [its@simons-rock.edu](mailto:its@simons-rock.edu). Violation of the Acceptable Use Policy may lead to restriction or revocation of network access, or be referred to the Dean of Campus Life for further action as necessary.

#### Management of the Website

The Provost or his or her designee has final approval of the Internet site. The Provost designates the day-to-day oversight to the Director of Marketing and Communications, and his or her staff. All websites representing Bard College at Simon's Rock and Bard Academy at Simon's Rock accessible to the public conform to standards put forth by the Marketing and Communications Office. For more information, contact the Website Manager 413-528-4968.

### **13. Sexual Intimacy**

Sexual intimacy is a complicated issue on a campus comprised of students who may range in age from 13 to 20, and who hail from the full range of cultures, beliefs, and values. While we recognize that romantic relationships may involve consensual sexual intimacy and that sexual curiosity during adolescence is common, we are committed to creating a learning and residential environment characterized by safety, trust, and respect for all. For this reason, sexual intimacy is inadvisable in this setting. The School offers education about sex and sexuality through the Wellness program, and provides a range of counseling and advising resources, with the related goals of fostering thoughtful decision-making and encouraging students to postpone sexual activity. If and when it occurs, sexually intimate behavior should not infringe on the privacy or rights of others, victimize a person or group, or compromise the integrity of our community. This position is informed by our commitment to our students' well-being and right to be free of unwanted exposure to others'

sexually intimate behavior. Responses to such behavior may include, but are not limited to disciplinary action, referral to the Wellness Center, consultation with the Head of School, and parental notification. Students should review the Sexual Misconduct Policy for more information.

The Wellness Center provides education, counseling, and support services to help students address all aspects of sexuality. As part of the curriculum, Academy students receive education on such topics as Healthy Relationships, Sexually Transmitted Diseases, Abstinence, etc. The classes are intended to foster thoughtful decision-making and help students create safe and healthy boundaries for their relationships.

Students with questions or concerns are encouraged to have discussions with their families, counselors, Wellness Center staff, or advisors.

Under Massachusetts law, the age of consent for participation in sexual intercourse is sixteen years of age. The age of consent for touching another's private areas is fourteen years of age. Such actions by or with persons under those ages, even if consensual, violate the law and are strictly prohibited by the Academy.

School authorities 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"). If there is reasonable suspicion that a student under 16 has engaged in intercourse, the Academy has a legal obligation to report to DCF. The Academy will cooperate fully with whatever investigation is deemed necessary.

#### **14. Sexual Misconduct**

The Academy is committed to providing a safe, healthy, respectful living and learning environment for all students. Sexual misconduct, including harassment, exploitation and any non-consensual sexual act or behavior, is incompatible with the values and standards of our campus community. Further, sexual misconduct creates a hostile environment for those who experience it and is considered sex discrimination under Title IX of the Higher Education Amendments of 1972, which prohibits discrimination based on gender in educational programs and activities. During Writing and Thinking Week, students will receive an overview of our policy and response to sexual misconduct.

Bard Academy at Simon's Rock does not tolerate discrimination in any form. The Academy will encourage students to consider all possible remedies available to them on and off campus, including referral to authorities. The policy and procedures used for investigation and adjudication of alleged violations of the sexual misconduct policy are outlined in Appendix A.

#### **15. Weapons Possession**

The Academy prohibits its students from possessing weapons of any kind, including but not limited to guns and firearms of any kind, ammunition, knives, daggers, machetes, swords, mace, pepper spray, slingshots, paintball rifles and/or supplies, fencing foils, martial arts equipment, explosives, fireworks, or fuel of any kind. The Academy does not consider any of these items decorative or necessary on our campus, and therefore they are strictly prohibited. In addition to these enumerated weapons, this policy also applies to any item used or possessed with the intention of threatening or causing harm or damage to an individual or to property. Simon's Rock views weapons as a potential threat to the safety and well-being of this community and will take whatever action is necessary to eliminate danger and remove such items from the campus.

#### **16. Use of Possession of Tobacco**

Academy students are not permitted to use or possess tobacco of any kind in any form. There are designated locations on campus where smoking is allowed for students in the college program.



Academy students are not permitted to frequent those locations. If you have questions about designated smoking locations, please speak with a Residence Director or Campus Life or Academy staff.

### **17. Wellness and Recreation**

As part of our commitment to the development of emotional intelligence and commitment to healthy living practices, all Bard Academy students participate in a Wellness and Recreation requirement. The curriculum covers various health-related topics including tobacco use; alcohol and other drug awareness; sleep and nutrition; human growth and development; mental, emotional and social health; healthy relationships and sexuality.

### **18. Restorative Practices**

Members of the Campus Life Staff, both Peer Mentors and Residence Directors, have been trained in Restorative Practices (as advanced by the IIRP Graduate School, 2013), and may seek approval from the Dean or Associate Dean of Campus Life to address lower level breaches of our community standards in accordance with Academy policy.

#### *Restorative Circles*

The process, known as a Restorative Circle, involves a Campus Life Staff Member acting as a facilitator and bringing the stakeholders together for a discussion on the matter (i.e. a Circle). The stakeholders, including all who are impacted by a particular offense, come together to identify collectively and address the harm done to individuals directly affected and the greater Simon's Rock community.

Stakeholders are each given an opportunity to discuss the particular harm done, hear the impact the event had on the others, and address the harm. Next, they determine and document whatever action is needed to fix the damage, the timeline to complete this work, and those responsible for completing the task(s) in order to move forward.

The facilitator sends the stakeholders a synopsis of the incident and the proposed restoration plan(s). The Dean of Campus Life and the Dean of Students have two business days in which to accept or reject the plan; no response defaults to acceptance. If rejected, a Dean informs the stakeholders of the reasons for the decision and an allegation notice will be issued in accordance with the disciplinary procedures described below.

#### *Circle Outcomes*

Once a resolution plan has been accepted, and the Respondent stakeholder(s) complies with all agreed terms and conditions, the matter is closed.

If there is no resolution or the respondent fails to comply with the agreed terms and conditions, a notice is issued, in accordance with the disciplinary procedures outlined below.

### **19. Disciplinary Procedures**

The Dean Campus Life has the authority to adjudicate violations of the Code of Student Conduct. The Dean of Campus Life may also delegate that responsibility to the Title IX Coordinator, the Associate Dean of Campus Life, the Director of Campus Safety, a Residence Director, or an Academic Dean.

In the event of egregious or repeated violations, or if a student persists in violating regulations or shows contempt for the wellbeing of the community and its governing policies, the Dean of Campus Life may take direct action, and then refer the case to the Appeals Committee for resolution.

Campus Life and Campus Safety staff members who respond to an incident will first be concerned with the physical safety and wellbeing of students. Once safety is assured, staff members will investigate the incident and report findings to the Dean of Campus Life.

### Allegation

If, after reviewing any report from the Campus Life or Campus Safety staff, the Dean of Campus Life believes a sanction is warranted, they will produce an allegation notice. Once the student receives the notice, they are asked to read and respond to the allegation in the Campus Life office within two business days of the date and time issued. The named student may meet with the Dean to ask clarifying questions before responding. The response options include:

- Accept the allegation notice as written
- Accept the allegation notice with comment
- Dispute the allegation

The allegation notice is confidential and may not be duplicated or removed from the Campus Life Office. If a student fails to sign an allegation notice within the two business days of the date and time issued, the allegation notice defaults to acceptance, and the student waives their right to contest the allegation as presented.

### Resolving the Allegation

After reviewing the student's response to the claim, the Dean and the Associate Dean of Campus Life together determine how to resolve the matter. They may adjudicate the case or may delegate that responsibility. The Dean and the Associate Dean of Campus Life are able to resolve many cases after reading the written response; others may involve a brief follow-up restorative meeting; still other cases may require restorative meetings with involved parties, including witnesses and the staff that responded to the incident.

If a student disputes an allegation, and/or faces possible suspension or expulsion (and is not determined to be an immediate danger to him/herself or others in the community), the Dean and the Associate Dean of Campus Life may either refer the matter to the Code of Student Conduct Circle or take direct action and submit the case to the Appeals Committee for final adjudication.

If a student is determined to be a danger to themselves or others, the Dean and the Associate Dean of Campus Life may take immediate action, including removing the student from campus. All such decisions may be appealed based on the criteria outlined in *Appealing a Disciplinary Sanction* below.

The disciplinary entity or individual responsible for formal action will document the matter and the outcome in writing. They will then share that information with the student, their parents or guardians, and Academy staff members in accordance with and as permitted by Academy policy and the law.

If the student: a) accepts responsibility, b) accepts responsibility, with a comment or c) is found responsible by either the Dean or the Code of Student Conduct Committee, a sanction may be imposed from the list outlined on pages 30-31. If the student is found not responsible for a violation, the outcome is documented and the matter is closed.

All Academy disciplinary proceedings are private and confidential. Only current members of the student body, faculty, and staff may participate in these proceedings as a committee member or witness to the proceedings. Recording a hearing is not permitted without advance permission from the Dean and the Associate Dean of Campus Life.

The Academy attempts to resolve allegations within two weeks of the incident, but some matters may take longer to resolve. Questions regarding resolution timelines should be directed to the Dean and the Associate Dean of Campus Life.

This process is designed to offer a student charged with violating Academy policy the opportunity to reflect on and respond to allegations. Questions regarding the Academy's Code of Student Conduct, the disciplinary process, or the scheduling of a hearing should be directed to the Dean and the Associate Dean of Campus Life.

Please note: Cases alleging academic dishonesty will be referred to the Head of School or the Associate Dean of Academic Affairs; cases alleging sexual misconduct, discrimination, and/or discriminatory harassment will be referred to the Title IX Coordinator.

Questions regarding the Academy's disciplinary process or the scheduling of a hearing should be directed to the Dean and the Associate Dean of Campus Life.

#### Code of Student Conduct Committee

The Dean of the College, the Dean of Campus Life, or their designee, may refer a case under their jurisdiction to the Code of Student Conduct Committee for adjudication.

Cases typically referred involve serious matters and/or repeat offenders who may be subject to social probation, suspension, or expulsion. The Code of Student Conduct Committee works in conjunction with the deans to uphold the policies and procedures of the Academy, as outlined.

The Code of Student Conduct Committee pool is made up of four students, four faculty members, and four staff members. Up to three at-large student representatives may receive an invitation to participate in any single case. Committee members are expected to recuse themselves if they have a conflict of interest with the student(s) involved in a particular instance. All Committee members have an equal say in the outcome.

Students are selected by Community Council to serve for one academic year. Student members themselves must be and remain in good academic and social standing, as confirmed by the Campus Life representative to Community Council before selection. Faculty and staff nominate and elect their representative committee members. The Dean of Academic Affairs, the Dean of Students, the Director of Finance and Administration, or the Dean of Campus Life may fill any vacancy remaining on or after the fourth week of the fall or spring semester. If the Dean of Campus Life is not available, the Associate Dean of Campus Life or Director of Campus Safety will act in their stead.

When a case is referred, a hearing circle of at least three Code of Student Conduct Committee members will be convened to hear the case. The circle must include one student, one faculty member, and one staff member.

A faculty member acts as hearing Chair. The Dean that referred the case sits in the hearing as a non-voting member, recording and communicating the outcome to the student(s) involved, and participating in appeals as necessary. The Chair, the Dean of Campus Life, or the Dean of Campus Life's designee may remove and replace any committee member if needed.

#### Code of Student Conduct Committee Training

Sitting members of the Code of Student Conduct Committee are educated on the Code of Student Conduct policies, conducting fair hearings, and the "preponderance of evidence" standard, which the Academy uses to determine responsibility. At-large members are also educated on the matters by the Dean or hearing Chair.

#### Hearing Process

The Chair determines the order of witnesses and oversees proceedings in consultation with the Dean of Campus Life or their designee.

The Chair may also represent the specific hearing committee in the appeals process, as needed. The Dean of Campus Life or their designee oversees the proceedings and answers questions on policy, procedure, and precedent.

Members of the Code of Student Conduct pool are expected to recuse themselves from a case if conflict of interest exists, and may be removed by the Chair, Dean of Campus Life, or the Dean's designee. During each hearing:

- Committee members for the specific case review the allegation notice and any statements or other written or material evidence presented that is relevant, as approved by the Chair.
- Members speak with those who witnessed, were involved in, and/or responded to the incident, and with the student charged.
- Members may also hear from up to two character witnesses. These individuals must be current students, faculty, or staff at Simon's Rock. The hearing members will not hear from anyone not formally associated with the Academy, including parents, guardians, outside advocates, or lawyers without advance permission of the Dean.
- Students who fail to attend their own hearing will forfeit the right to testify. Decisions will be made in their absence.
- If a hearing is disrupted, the Chair, Dean of Campus Life, or the Dean's designee may temporarily adjourn the session or decide to hear the case in closed session, with or without participation of the charged student and witnesses.
- Any breach of confidentiality by hearing members will result in the immediate dismissal of that member and possible disciplinary action as appropriate.

#### Hearing Outcome

Once a hearing concludes, committee members deliberate and determine whether an allegation has been proven by the Academy's preponderance of evidence standard. If the allegation meets the standard, the circle members then work with the Dean of Campus Life or their designee to determine an appropriate penalty based on the student's disciplinary history while at Bard Academy, which only then will be shared by the Dean of Campus Life or their designee with the hearing committee members.

The Dean of Campus Life or their designee will document the outcome of the hearing and communicate the decision to the student. Hearing decisions are based the preponderance of evidence and/or reasonable person standards. Hearings, deliberations, and decisions are confidential. All decisions require a majority vote.

#### Appealing a Suspension or Expulsion

At Simon's Rock, any student who receives a suspension or expulsion decision for violating the Code of Student Conduct is entitled to an appeal with the Appeals Committee upon request in accordance with the terms outlined below.

The Student who received a determination of suspension or expulsion for any proven allegation other than Sexual Misconduct are automatically granted a hearing before the Appeals Committee, provided they initiate their appeal by notifying the Provost's Administrative Assistant of their intent to appeal within 48 hours of receiving a written sanction. Appeal notifications can be sent to provostadmin@simons-rock.edu.

The Provost or their designee serves as the Chair of any appeals hearing.

For complete information about appeals of sexual misconduct cases, see Appendix A.

Pending an appeal of suspension or expulsion, the Provost, Dean of the College, Dean of Students, or Dean of Campus Life will decide whether a suspended student must leave campus until final disposition of the case. The Dean of Campus Life or their designee will communicate such decision on behalf of the Academy.

#### Appealing Lesser Sanctions

A Student who receives a sanction other than suspension or expulsion may request to appeal a disciplinary sanction, provided they file a written appeal to the Provost's Administrative Assistant (provostadmin@simons-rock.edu) within 48 hours of receiving a written sanction.

There are two possibilities for ground for an appeal:

1. The process as outlined in this Student Handbook was not followed appropriately in earlier adjudication.
2. The decision was unfair because of a factual error or is inconsistent with policies of the Academy.

The Appeals Committee Chair determines whether or not there are sufficient grounds for appeal. If the chair rejects the appeal, the original decision stands and the case is closed. If the chair determines that the appeal is warranted, they will schedule an Appeals Committee hearing and document any resulting decisions in writing.

When hearing an appeal, the Appeals Committee chair may request that the Code of Student Conduct Circle chair, members of the Campus Life and Campus Safety staffs, and others either file a written response or appear in person at the hearing.

Whenever possible, the chair will schedule the hearing within seven business days after an appeal is granted. All deliberations and decisions of the Appeals Committee will be confidential.

The Appeals Committee may take any of the following actions:

- Accept the original decision and dismiss the appeal;
- Affirm the original decision but alter the sanction(s) imposed;
- Remand the case to the previous body for a hearing;
- Reverse the original decision and dismiss the case.

#### Decisions of the Appeals Committee

Decisions of the Appeals Committee—or of the Chair in the event an appeal is rejected—are final. The chair will communicate the Committee's decision to the student appellant in writing and will provide any additional documentation necessary for Campus Life files.

#### Possible Sanctions for Code Violations

The Provost, the Dean of Students, the Dean of Campus Life, the Associate Dean of Campus Life, the Dean of the College, the Title IX Coordinator, a designee of one of these individuals, or the Student Code of Conduct Circle may find that a student has violated an Academy policy. Sanctions for violations of the Code of Student Conduct may include a disciplinary warning, social probation, suspension, or expulsion. Sanctions are described below.

*Disciplinary Warning.* A warning letter will be sent to the student via Maxient, a conduct reporting management system, informing them that their behavior violated Academy policy and therefore is not acceptable. Multiple disciplinary warnings may lead to social probation or other additional

disciplinary actions.

*Social Probation.* Social probation is a sanction imposed for serious or repeated misconduct. This sanction places a student on notice that their behavior is unacceptable and must change; otherwise, the student will face suspension or expulsion. The probationary period may range from 10 weeks through graduation and—depending on circumstances and the student’s previous disciplinary record—may come with additional conditions or consequences. When a student is placed on social probation, the action is documented via letter sent through Maxient to the student, parents or guardians, academic advisors, and other department heads as appropriate.

*Campus Service.* The student will be assigned a predetermined number of campus work hours, to be overseen by the Dean of Campus Life or their designee. If the student fails to complete these service hours within the time allotted, additional hours or a more severe sanction may be levied including more hours, social probation, suspension, or expulsion.

*Loss of Privileges.* The student may lose one or more of the following privileges: hosting guests on campus, use of the town shuttle, participating in weekend community trips, or other privileges as deemed appropriate.

*Loss of Access to Campus Facilities.* The student may be forbidden access to specific buildings or facilities.

*Fines and Cost of Restitution.* Failure to present an ID card at the Dining Hall and overdue library books are examples of situations that may result in automatic fines. Sanctions may also mandate restitution of costs for repair or replacement. A student who is suspended, dismissed, or compelled to withdraw from the Academy will receive no refund of any kind. This also is true for a student who is removed from campus housing but allowed to complete classes.

*Suspension.* Disciplinary suspension is total separation from the Academy for a period of one full semester or more. Sanction of suspension may affect a student’s future on-campus housing, scholarships, financial aid, or study abroad opportunities. Suspension includes separation from classes, activities, services, facilities, and grounds for the duration of the suspension period. The Dean of Campus Life or their designee will document such action in Maxient, with notification to the student, parents or guardians, academic advisors, and other department heads as appropriate. The Dean of Campus Life may choose to require the suspended student to vacate campus immediately upon suspension, regardless of appeal status. For information about departing campus after suspension, see page 15.

Readmission following a disciplinary suspension is not automatic but is at the will and discretion of the Academy. The Academic Affairs office manages the readmission process, and how suspension affects financial aid and can provide further information about the process and deadlines upon request.

*Expulsion.* Expulsion is a complete and permanent separation from the Academy. Such action will be documented in Maxient, with notification emailed to the student, parents or guardians, academic advisors, and other department heads as appropriate. For information about departing campus after expulsion, see page 15.

In extreme circumstances, the Provost or their designee, may remove a student from campus immediately and/or file a report with local authorities. Such action will depend on circumstances and on the judgment of the Provost, in consultation with the Dean of Academic Affairs, Dean of the College, Dean of Students, Dean of Campus Life or Associate Dean of Campus Life. Others who may be consulted include parents or guardians, counselors, Wellness Center staff, Residence

Directors, Campus Safety staff, and/or outside professionals.

Any act that violates federal, state, or local law—including fire safety regulations—may be referred to external authorities at the discretion of the Academy.

#### Sanction Notifications

Due to the nature and responsibilities of their work, in addition to the Dean of Campus Life, the Dean of Students, the Associate Dean of Campus Life, the Director of Campus Safety, and the Residence Directors are informed of resolutions. Other Academy officials with a need to know will be informed about the resolution of specific incidents as appropriate. The Dean of Campus Life and/or the Appeals Committee chair, or designee, makes these notifications.

#### Notification of Parent or Guardian

With some exceptions to be determined by the Dean of Campus Life, Dean of Students, or designee, a parent or legal guardian will be notified when a disciplinary warning or greater sanction is issued. Typically, this contact is through the student's Residence Director, the Associate Dean of Campus Life, or the Dean of Campus Life. Parents may also receive a copy of any letter resolving a disciplinary matter. At the discretion of the Campus Life staff, parents may be contacted to discuss a student's behavior. The Campus Life staff ([academyrd@simons-rock.edu](mailto:academyrd@simons-rock.edu)) is always willing to speak with parents if they have questions or concerns about their student.

#### Notification of Academic Advisor

The Campus Life staff will contact an academic advisor if discussion of a student's behavior is warranted. The academic advisor is notified when a student is alleged to have violated Academy policy and also when a disciplinary matter is resolved. A letter will be delivered by the student's Residence Director, the Associate Dean of Campus Life, or the Dean of Campus Life.

#### Sanction Conditions

In addressing student violations of Academy policy, the Dean of Campus Life or designee, the Code of Student Conduct Circle, or the Appeals Committee may mandate one or a combination of the following conditions, often in tandem with one of the sanctions discussed previously.

#### Assessment and/or Counseling

Counseling may be recommended or required, either on or off campus. The student must absorb any costs of off-campus evaluation.

#### Academic Dishonesty

The Dean of Academic Affairs has the authority to adjudicate academic honesty violations, delegate that responsibility to the Dean of Students, and/or in cases of repeated or more egregious offenses to refer the matter to the Committee on Standards and Procedures. The members of the Committee on Standards and Procedures are the Dean of Students, four faculty members, the registrar staff, and the academic support specialist. Additional information on Academic Dishonesty can be found on pages 15 and 16.

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## **V. CAMPUS LIFE POLICIES**

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Much of the student experience at Simon's Rock revolves around time spent in the residence halls. Living on campus is a large part of the educational experience for residential students. As a two year program leading into college, students at Bard Academy must learn how to adjust to living on their own. As such, students will be expected to advocate for themselves with the guidance of the Campus Life staff.

This residential character permits and encourages students to combine experiences inside and outside the

classroom in support of their full personal development. Students who live off campus also are expected and encouraged to take part in Campus Life activities which are often central to the Simon's Rock experience.

All students living on campus, and their guests, are subject to the Academy's campus life policies. These include information in this Student Handbook, as well as that in all opening, closing, break, and vacation notices, and other notices sent to all students via their Simon's Rock email account.

## **A. HOUSING**

The Academy's residence hall, Hill House, offers two options for accommodations: double rooms and limited singles. Hill House has four Residence Directors. Select students from Bard College at Simon's Rock also reside and work as peer mentors in the residence hall.

The Academy reserves the right to assign and reassign housing at will. New students' initial assignments are made by the Campus Life staff, under guidance from the Director of Housing Operations.

To be eligible for housing, a student must be in good standing with the Business Office and must pay the enrollment deposit on time. Social probation status also may affect housing assignments.

### **1. Room Changes**

Students are assigned a room for an entire academic year. Occupying a residential unit without proper assignment—or changing occupancy without prior authorization from the Director of Housing Operations—is prohibited. Students who wish to change rooms at the end of the first semester must submit a petition to the Director of Housing Operations.

Students are expressly forbidden to exchange room keys. Students will be fined if they return a key other than the one assigned to them. Students who make an unauthorized room change will have to return to their original room and the action may affect future housing options.

### **2. Residency Requirement**

All Bard Academy students must live on campus except day students, who commute from the primary residence of a custodial parent or guardian.

### **3. Billing**

Student accounts are billed for housing around June 1, or shortly after official admission. Once classes begin each semester, no refund will be made on payment of the current semester's residence fees.

### **4. Right to Assign**

The Academy reserves the right to assign and reassign space at will and to assign students' rooms to others for special programs and events during vacation and break periods, as needed. Students whose rooms are earmarked for temporary non-student use during breaks will be notified in advance and allowed to place their personal belongings in a designated storage area before leaving campus for a break of vacation.

### **5. Residence Hall and Room Access**

Student rooms will be available at the opening of the school year, as publicized. Housing is provided for students only while the Academy is in session, and students are expected to vacate their assigned living units during all scheduled breaks.

During all breaks, the Academy residence halls close and students are expected to leave campus. Students are required to vacate these residences by the date publicized in the Academic Calendar and may not return before the residence halls reopen. More detailed information is distributed in a



memo to all students approximately two weeks before break begins. Students are expected to inform Residence Directors about their break travel plans (vacating and returning).

#### **6. Unscheduled Arrival/Departure**

Students who fail to leave campus by publicized closing times, or who return before announced openings, without express permission of the Director of Housing Operations, are in violation of Academy policy and subject to disciplinary action and/or fines. Campus Life staff will not be present on campus until the designated arrival date. The fine for unauthorized early or late presence on campus is \$100 per night at the start of semesters and during breaks, and \$250 per night at the end of spring semester. Students may be asked to leave campus if they arrive early. Personal property left after departure time without permission of the Director of Housing Operations will be considered abandoned, and discarded at will.

### **B. PROPERTY, ROOM, AND RESIDENCE CARE**

Simon's Rock staff members work hard to keep the campus facilities and grounds clean, presentable, safe, and ready for daily needs. The campus is well maintained by a small staff of very dedicated individuals. We expect that everyone will respect property by cleaning up and resetting rooms to the conditions in which they were found.

#### **1. Room Health and Safety Standards**

Rooms must be maintained in adherence with health and fire safety standards. For example, stale food, dirty clothing, and accumulations of trash can create conditions detrimental to community living. In double rooms, roommates are collectively responsible for the care of their room and must take care of their room in a way that is respectful of each other. Residence Directors and Peer Mentors will work with roommates to find solutions to any issues of room maintenance that may arise. Additionally, rooms found to be in an unacceptable state of cleanliness by a member of the Academy staff must be cleaned by the residents within an amount of time decided upon by the Residence Director in conjunction with the students. A resident who refuses to maintain reasonable cleanliness or causes serious damage to their room may be denied Academy housing.

At the end of a semester, any student who leaves his or her living quarters in unacceptable condition will be charged for any necessary cleaning. Charges for cleaning and repair in common areas will be billed to individual students or divided among residents as appropriate. Students should remember that common spaces are for the use of all residents, and avoid leaving personal effects in these areas or using them in ways that preclude use by others.

#### **2. Personal Property**

The Academy assumes no responsibility for theft of, loss of, or damage to a student's personal property. For security, each student receives a room key, which can be replaced on request, for a fee. Students are encouraged to take appropriate steps to safeguard and insure their property. If loss or theft occurs, students should file a theft report with Campus Safety so that an official record is available.

The Academy may require that personal furnishings be removed from a living unit if, in the judgment of the Residence Directors, they pose a fire or housekeeping hazard. For example: waterbeds are not permitted because of the strain imposed on the building structure and the danger of water damage.

All personal furnishings and belongings must be removed from student residences when they are vacated at the end of the school year. Storage space is limited, and the Academy assumes no responsibility for theft of, loss of, or damage to any items stored anywhere on campus. The Academy does not provide long-term or summer storage for students' personal property. Items left

at the end of each academic year are considered abandoned property and will be donated to charity or discarded.

### **3. Academy Property**

All students living in Academy residence halls are individually and collectively responsible for Academy property. Students are expected to report to a Residence Director any damage to their assigned rooms, to rugs, common rooms, hallways, bathrooms, and other areas of the residence hall, whether accidental or not, so that immediate repairs can be made. In case of a facilities emergency, contact Campus Safety at 413/528-7291 (dial 0 from any campus phone).

If damage to common areas or areas outside residence halls is not reported, and the person or persons responsible for the damage cannot be determined, all occupants of the building will be charged in equal proportion for repairs. A minimum charge of \$25, or the exact prorated amount per occupant, will be assessed.

Residents found to be responsible for damage or loss will be fined, will be subject to other disciplinary actions, and may be required to pay restitution. Anyone who commits an act of vandalism will be fined in addition to being assessed the cost of the repair or replacement.

Student occupants should email to the Residence Director a report of damage, and/or of misplaced furniture, before leaving campus each semester, even if such damage or loss is the responsibility of others. Failure to file a Room Condition Record before leaving campus will negate the opportunity to appeal the property damage charges once bills are issued. More specific information follows.

#### *Damage to Academy Property in Assigned Space*

When the Academy assigns students to rooms it provides furniture that ranges from new to reasonably good condition. Students are expected to return the assigned unit and its furniture in a condition similar to the original, less reasonable wear and tear. Furniture returned in unsatisfactory or damaged condition (as determined by Academy staff) may result in a fine to replace the item.

#### *Misplaced Academy Property in Assigned Space*

When the Academy assigns students to rooms, it expects all Academy-provided furniture to remain in the same living units. Students are prohibited from moving or removing these items, which may include beds, mattresses, dressers, chairs, and desks. At the end of an academic year, such relocation will require Academy staff to find and return inventoried items, which is labor intensive and costly. If these items cannot be retrieved in acceptable condition, occupants will be charged for each one.

#### *Damage to Academy Property Held in Common*

All occupants of an Academy residence hall share the use of and responsibility for common Academy property in their building. Students are prohibited from damaging items in these spaces. Common property may include but is not limited to furniture, kitchen equipment, computers, and games. When damage occurs, Physical Plant and/or Campus Life staffs will determine the assessed value of the property and the student(s) will be charged.

#### *Misplaced Academy Property Held in Common*

All occupants of an Academy residence hall share the use of and responsibility for common Academy property in their building. Students are prohibited from moving or removing such items from these spaces. Common property may include but is not limited to furniture, kitchen equipment, computers, and games. All assigned residents will be held accountable for misplaced common property.

#### **4. Room Condition Reports**

At the beginning of each semester, Residence Directors complete a Room Condition Report for each student room and keep it on file. If a student moves out during the year, the room is re-inspected and any damage is recorded on the Room Condition Report. All rooms are inspected at the end of each semester, and any damage beyond normal wear and tear is assessed to the student(s) who occupied that room.

All residents should notify the Residence Director in writing of any damage or loss that may incur a charge, even if such damage or loss is the responsibility of someone who is not a current occupant. Such notification should be made immediately, so that charges can be properly assessed. If written notification is not submitted before the last day of a student's occupancy, that student and any roommates will be charged, without exception.

#### **5. Shared Living Space**

In a shared campus living unit (double room), each assigned occupant, and their property, is entitled to equal respect. Any action on the part of a resident—or a resident's guest—that infringes on the rights of a roommate violates Academy policy.

If there is a room conflict, students are expected to attempt to work together to resolve the conflict. If the students are unable to resolve the situation, Residence Directors and/or Peer Mentors may initiate Restorative Practices to resolve the conflict. At Bard Academy, conflict is viewed as an opportunity for growth and learning.

All occupants of double rooms will be held responsible for any prohibited activity or illegal items discovered there. This applies whether or not all occupants are present at the time an incident occurs. Students will have an opportunity to clarify extent of responsibility, if any, during follow-up conversations with the Dean of Campus Life or the Head of School, or during the disciplinary process if they are charged with a violation.

### **C. KEYS, IDs, LOCKOUTS, AND OVERNIGHT SIGN-OUT**

#### **1. Room Keys**

Room keys are issued at the Campus Life office. Students sign for and are expected to return the specific key they were assigned at the end of the school year. If a student fails to return their key at the end of the year, a \$100 fee will be charged. During the school year, the fee for replacing a key is \$25.

#### **2. Student ID Cards**

Each student is given a photo ID card. This ID card is used to access the exterior doors of a residence hall, dining services, the library, and the Kilpatrick Athletic Center. Students are expected to keep the card on their person while on campus, and to present it to enter the dining hall at each meal. If this card is lost, a replacement card may be obtained at the mailroom in the Livingston Hall Student Union and a \$10 fee charged to the student account.

#### **3. Lockout and ID Fines**

Students are fined on a graduating scale for residence hall and/or for failing to present their ID card at the dining hall before entering for a meal. Fines are graduated as follows:

<b>Number of Lockouts + Dining</b>	<b>ID Violations Fine</b>
1st offense	\$0.00

2nd offense	\$5.00
3rd offense	\$10.00
4th offense	\$20.00 + referral to the Dean of Campus Life for a conversation

After a fourth Lockout or ID fine, the student will be referred to the Dean of Campus Life for a conversation for failing to comply with the Key and ID policy.

#### **4. Departures from Campus with an Adult (Non-Guardian)**

Prior to any departure from the Simon’s Rock Campus by a boarding student with a party other than their legal guardian, parental permission must be received by a Residence Director. Students are expected to sign out with the on-duty Residence Director before departing campus. The on-duty Residence Director is obligated to confirm the identity of the adult taking the student away from campus with the parental permissions relating to the student.

All sign-out information is expected to be specific, accurate, and honest. Any misrepresentation to the school of a student’s whereabouts when away from the school constitutes a violation of Academy policy, the result of which is the loss of weekend departure privileges (with anyone other than the student’s guardian) for the remainder of the semester, or for the following semester if within four weeks of the end of the academic term.

The Campus Life Office reserves the right to deny a request for an overnight leave in an unchaperoned situation, regardless of parental permission.

Students signed out for the weekend are expected to return on Sunday evening by the start of study hall. Whenever students return from an overnight away from campus, they are required to check in with the on-duty Residence Director.

### **D. STRUCTURE OF THE SCHOOL DAY**

#### **1. Wake-up Knocks**

The school day begins for ninth graders with a wake-up knock to their doors at 8:00 am. Tenth graders do not receive wake-up knocks, but may request a wake-up knock from a member of the Residence Director staff. In their second semester, ninth graders may elect not to receive a wake-up if they have demonstrated the ability to manage their time in the morning.

Breakfast is available from 8:00am-9:00am in the dining hall. On days when classes begin at 9:00am, all students will be out of the residence hall by 8:45am. On days when classes begin later than 9:00 am, students are required to be required to leave the dorm at least 15 minutes prior to the start of class. However, all students will be required to leave the dorms no later than 11:00am regardless of an individual student’s schedule start time for the day.

#### **2. Classes**

On most days students will attend class from approximately 9:00am to 3:30pm. Most students will have a lunch break between noon and 1:00pm, though the length of lunch may vary, depending on class schedule. During classes (from 9:00am-3:30pm), the residence hall will be closed for reentry. When necessary, students may contact Campus Safety to retrieve necessary items from their rooms during the school day. Lockers will be available to all students so that they can store and retrieve books/supplies during the day.

### **3. Library Hour**

Once per week, the Academy will have dedicated time in the library for the first four weeks of the fall semester. This is time for students to work on research projects with the librarians, find resources in the stacks and online for assignments, and work together in groups in the dedicated group work areas of the library. This time may also be used for academic activities outside of the library, including meeting with faculty, meeting with advisors, class review sessions, individual tutoring sessions, etc. Library hour will be on Tuesday from 3:45pm-4:45pm and is required for 9th graders for the initial month of the semester. Students will check-in with the Duty RD upon arrival in the library. After the first month, ninth graders will no longer be required to attend library hour and will be responsible for their own use of that time. Tenth graders are encouraged to attend library hour, but may also use that time as a research, study, or meeting period elsewhere on campus.

### **4. Dinner**

Dinner is available between 5:00pm and 7:00pm on most nights in the dining hall. Students may also cook meals in the lounge kitchens of the residence hall or get a meal at the Rock Cafe (snack bar).

### **5. Study Hall**

Three times a week (Sundays, Wednesdays, and Thursdays) the Academy has a study hall from 6:30pm to 8:00pm. During study hall, students are expected to be in their rooms working on assignments for classes. This is a period of time for quiet, relaxed work. Elevated voices, loud music, and other disturbances are not appropriate during this time. Students may work together during study hall in residence hall common areas, as long as they are respectful of others. During the study hall hours, all students are required to keep their doors open.

Students may observe their study hall in the library, classroom buildings, student union, or Daniel Arts Center by signing out with RD on duty. All students must sign in at the start of study hall with the duty RD. If a student intends to observe study hall outside of the residence they must sign-out in person with the RD at 6:30pm and must inform the RD where they will be observing their study hall.

Students can also sign-out of study hall to attend club meetings, evening courses, music ensembles, and other sanctioned events with prior approval from a Residence Director.

### **6. Curfew**

Curfew is 10:00pm on school nights (Sunday, Monday, Tuesday, Wednesday, and Thursday) and 11:00pm on weekends (Friday and Saturday). Exceptions may be made for club meetings and other sanctioned events with prior approval from a residence director.

All students must check in, in person, with a Residence Director at curfew. Being out of the residence hall after curfew or leaving the residence hall after check-in without permission is a safety concern and thus a violation of our policy. Repeated instances of tardiness for curfew may warrant disciplinary action.

### **7. In-Room Time/Room Checks**

Students are expected to be wrapping up their weeknight evening activities in the residence hall by 10:00pm. Each student, whether in 9<sup>th</sup> or 10<sup>th</sup> grade, is expected to be in their room by 10:30pm on weekday nights (Sunday-Thursday). On weekends (Friday-Saturday), each student is expected to be in their room by 11:30pm. Residence Directors will complete rounds of the Academy Residence Halls to verify that students are in their rooms. Students found outside of their room after the expected in-room time may be subject to disciplinary action.

Security cameras are used as a safety precaution to help monitor Academy hallway entrances and exits after in-room times. Campus Safety is notified when the Academy hallway entrances and exits have been accessed after in room times and the Residence Directors are contacted by Campus Safety for follow up.

An earnest commitment to Bard Academy culture includes the practice of healthy lifestyle habits, adequate sleep being among those. If Residence Directors notice that a student is not getting an appropriate amount of sleep, the student may be sent to meet with Wellness Center professionals for a consultation.

## **E. GUEST POLICY**

Visitors and guests include individuals who do not reside on campus and are not enrolled in classes on the day of visitation. This includes parents, guardians, siblings, and friends.

All visitors and guests of current Bard Academy students must sign in upon arrival on campus at the Campus Safety Office in the Livingston Hall Student Union. Students must also introduce the visitor to the on-duty Residence Director(s).

All visitors and guests are subject to the same rules that pertain to Academy students. Hosts are responsible for each guest's behavior, and if the guest violates Academy policy, the host will be held accountable as if it were their own offense.

Academy day students are permitted in Academy Residence Halls with permission of Residence Director. Enrolled college students who are tutors, Academy club leaders, or have another official relationship with the Academy may be checked into the Academy residence hall by appointment and with permission of an on-duty Residence Director. Current Bard Academy students are permitted to host recent Academy alumni in common spaces within the residential hall to study or socialize. Siblings of Academy students who attend the College are also permitted to visit in common spaces. Faculty, other Academy and college professional staff, and approved adult tutors may be checked into the dorm with approval of an on-duty Residence Director.

Family members are welcome in the dorm after checking in with Campus Safety and the on-duty Residence Director. All guests, excluding approved overnight guests, must depart the Academy residence hall by curfew. (10pm Sun-Thurs / 11pm Fri, Sat)

### **1. Overnight Guest Policy**

The protocol for requesting an overnight guest is as follows:

- Residence Directors must be given a minimum advance notice of 24 hours if residential students wish to have overnight guests.
- Residential students must obtain permission from their guardian to have an overnight guest. Students must present notice of permission from the visiting student's guardian.
- Students who share a room must have approval from their roommate to have an overnight guest stay in the room.
- Residence Directors must be provided emergency contact information for the visiting student.
- Overnight guests are only permitted on Friday and Saturday nights.
- Residential students may have no more than one overnight guest at a time.
- Residential Students may host no more than three overnight guests per semester.
- Overnight guests may stay a maximum of two consecutive nights.
- Overnight guests must not be older than the age of 15.

- Parents and guardians are not permitted to stay overnight in the dorm.
- Academy day students must adhere to the overnight guest policy and guidelines. Day students may also be granted overnight permission by a Dean in the event of emergency, inclement weather, or other circumstances.

## 2. Additional Guest Notes

- Any person who is not a currently-enrolled student must register with Campus Safety and provide photo identification before entering a residential building.
- Deans and Residence Directors have the discretion to disallow a student to have a guest at any time, even if prior authorization was given.
- Students must register their guests in person at the Campus Safety Office.
- Individuals who are enrolled as college students at Bard College at Simon’s Rock are not permitted as overnight guests in Bard Academy.
- Student hosts are responsible for their guests and are expected to be with them at all times.
- Student hosts are held accountable if they or their guests violate any Academy policy.
- Guests who attend publicized events in public spaces on campus are not required to register for the event.

## 3. Residence Hall Entry Chart

	<b>Monday - Friday Day (9am - 3:30pm)</b>	<b>Monday - Friday Evening (3:30 pm - curfew)</b>	<b>Sunday - Thursday Overnight</b>	<b>Saturday - Sunday Daytime (until curfew)</b>	<b>Friday - Saturday Overnight</b>
<b>Academy Boarding Student</b>	Contact Campus Safety	All times	All times	All times	All times
<b>Academy Day Student</b>		By permission of RD. Must sign in.	By exception (e.g. snow storm or late event) and permission of a Dean.	By permission of RD. Must sign in.	As a guest of a boarding student. Guest policy for non- day students applies.
<b>SR College Student (non- Academy Alum)</b>					

<b>SR College Student (Academy Alum or sibling of Academy student)</b>		May visit Academy students in public spaces (Lion's room, kitchens).		May visit Academy students in public spaces (Lion's room, kitchens).	
<b>College/Adult Tutor</b>		By permission of RD. Must sign in.		By permission of RD. Must sign in.	
<b>Family (16 or older)</b>		Must sign in with Campus Safety.		Must sign in with Campus Safety.	
<b>Non-SR Guest (15 or younger)</b>				By permission of RD. Must sign in with Campus Safety.	1 guest at a time. At most three overnights per semester. Must fill out overnight guest form.



## **F. PRIVATE PROPERTY**

The Academy is private property, and the Provost or his or her designee reserves the right to prohibit any individual from coming onto the campus, may revoke the visitation privileges of any student or guest at will, and may remove any individual from campus for any reason. Any student who is unclear about guest registration policy should contact Campus Safety at 413/528-7291.

## **G. DAY STUDENTS**

Day students will be placed on a 10 meal/week plan so that they can enjoy meals on campus with their cohort. Additional meals may be purchased by adding a declining balance to the student's meal card. Cash payment is accepted in the mailroom and the business office.

Further, day students are welcome to study on campus during evening study hall hours and afternoon library hours. All students are expected to be academically productive as study hall hours are not meant for socializing.

Day students are not allowed in the Residence Halls during regular class times (9:00am to 3:30pm). There are many common spaces across campus (Student Union, Library, DAC, etc.) for day and boarding students to gather and we encourage them to do so.

In the case of inclement weather, or in order to attend a special event, day students may request to stay on campus on a school night. Permission is at the discretion of the Residence Directors or a Dean.

At the end of the school day, day students need to be signed out by an adult on the approved pick up list before leaving campus. As an alternative, parents may sign a release form for the academic year and provide it to the Academy Residence Directors with permission for their student to be picked up or leave campus without being signed out. If parents prefer to sign their student out each day, it will take place at the Campus Safety Office located in the Livingston Student Union. An adult must accompany the student and sign out with a Campus Safety Officer.

## **H. CAMPUS AND RESIDENCE HALL EXPECTATIONS**

### **1. Dorm Room Expectations**

The following expectations are outlined to create safe and healthy boundaries between students, other students, and their guests to encourage healthy and productive peer relationships. These guidelines are meant to foster a respectful living environment for all Academy students.

Students should not enter or occupy a room if the residing student(s) are not present. In a double occupancy room, guests are only permitted upon the agreement of both roommates. When a student, and roommate when applicable, have fellow students or guests in their room, it is not a private space and the door must be propped open as wide as the door swings. Doors to all rooms must be unobstructed and able to swing open fully.

Guests in other students' rooms are expected to conduct themselves respectfully and with care, exactly as they would in a common area. Rough-housing and sexual intimacy are prohibited in students' rooms as they are on the rest of campus.

Residence Directors, Peer Mentors, Deans, and other members of the Academy staff will periodically enter the rooms of Academy students while they are present as part of the normal course of operations. If a member of the Academy staff determines that a student's room is not in a

clean and healthy state then a plan and follow-up room check will be made with the student(s).

Additionally, there will be a schedule of room inspections announced in advance and conducted by the Residence Directors. These will occur before breaks and at other times throughout the semester.

Students are strongly encouraged to lock their dorm room doors when not present in the room.

## **2. Noise**

Quiet hours are a time of no unreasonable noise in residences, common areas, and parking lots, to ensure that the environment is conducive to study, work, and sleep. Students should at all times demonstrate respect for others by maintaining this atmosphere. Quiet hours begin at 10:00pm and run until 8:00 am the following morning.

Students who disregard regulations governing noise and quiet hours may be required to dismantle any equipment causing the noise and place it in storage for the duration of the semester.

Headphones are strongly recommended during quiet hours.

## **3. Climbing on Academy Property**

Students may not climb into, out of, or on furniture, buildings, walls, windows, utility poles, machinery, or trees.

## **4. Cooking**

Students may not use cooking or heating implements in their residence hall rooms. The Academy provides kitchens for student use. To maintain safety, students are expected to be present in these kitchens at all times while cooking. They also are expected to clean up after themselves before leaving the kitchen. Misuse or abuse of Academy kitchens or communal cookware, or cooking anywhere other than in Academy kitchens, is a violation. Multiple violations may result in Academy kitchen privileges being revoked, until the matter is resolved. Students are asked to report related problems to a Residence Director immediately.

## **5. Laundry**

Washing machines and dryers are located in the residence hall and are available for use by all assigned students. Any machine malfunctions should be reported to a Residence Director. Students are expected to do their own laundry with an appropriate degree of regularity. Care should be taken to ensure that all laundry is completed before in-room time. The machines are free of charge (not coin operated).

## **6. Littering**

Maintaining a clean campus environment is a shared value at Bard Academy. To that end, preventing littering is the responsibility of all members.

## **7. Storage**

Storage space is limited, and the Academy assumes no responsibility for theft of, loss of, or damage to any items stored anywhere on campus. The Academy does not provide long-term or summer storage for students' personal property. Items left at the end of each academic year are considered abandoned property and will be donated to charity or discarded.

Items left in hallways and stairwells on campus are defined as fire hazards by the fire marshal.

Items left in hallways and stairwells may be removed, relocated, or discarded at the discretion of Campus Safety officers and residence staff. All items must be stored inside a student's room or in dormitory storage space if available.

## **8. Telephone Service**

Intercampus phone service is available in all residence halls for on-campus and local calls. Because of the limited nature of cell phone service on campus, students are encouraged to bring a landline phone.. Femtocells will not work on the Simon's Rock wired or wireless network.

A student phone list is available to community members online through the campus portal. Students are expected to refer to the student phone list for their personal use; Switchboard and Campus Safety staff are not responsible for connecting on-campus calls. Long-distance calls must be charged to a credit card or a calling card. Questions should be directed to [phones@simons-rock.edu](mailto:phones@simons-rock.edu) or 413/528-7371.

## **9. House Meetings**

The purpose and role of House Meetings in residence halls is to allow students and Residence Directors a major role in defining the character of their immediate community. All boarding students are responsible for managing residence hall life and for contributing to the extracurricular life of the Academy as a whole.

House meetings will be scheduled throughout the school year. House meetings may be called suddenly to address campus and policy changes and to discuss pertinent topics to Bard Academy, the Simon's Rock community, as well as influential national and global topics and events. House meetings are a time to discuss life in the dorm, express challenges faced, plan events, announce upcoming events, discuss helpful strategies to manage life on campus and away from home, and to encourage conversation around student questions and concerns.

House Meetings must include the Residence Directors and Peer Mentors; must occur on a regular schedule; and are mandatory for all residents of the house. Minutes of these meetings must be posted in the residence hall.

## **10. Transportation**

Academy students and/or their guardians who are in need of any school-sponsored transportation to and from campus are expected to work directly with the office of Transportation Services. Links to general information, forms, and contact information are listed below.

## **11. Airlines, Airports, and Break Shuttles**

Please refer to [www.simons-rock.edu/transportation](http://www.simons-rock.edu/transportation).

## **12. Area Ground Transportation (taxi, rail, bus)**

Please refer to [www.simons-rock.edu/transportation](http://www.simons-rock.edu/transportation).

## **13. Area Religious Services**

Transportation to local places of worship is provided. We encourage students interested in exploring faith-based communities in our area to contact these local communities for more information and scheduled services. If a student needs assistance or to plan travel, Academy students are encouraged to speak with a Residence Director or to contact the campus life office at 413/528-7693.

## **14. Campus Shuttle**

The Simon's Rock Shuttle runs hourly to and from the Simon's Rock Campus and several locations in and near downtown Great Barrington from 2:00-9:00 pm Monday through Saturday. The shuttle does not operate on Sunday.

Academy students are permitted to utilize the school shuttle after classes end and must return by 6:00 pm during the week. Students may also use the shuttle on Fridays after class and on Saturdays between 2:00 and 7:00pm. Parents must sign a release giving permission for their student to take the shuttle to town and identify any restrictions. Students must communicate with the on-duty Residence Director to let them know where they will be going and an estimated time of return. Trips to town and off campus outings with Residence Directors are regular and frequent; students must sign up for these trips as space is often limited. Academy students are encouraged to plan trips and off campus outings in partnership with Residence Directors.

For more information about the Simon's Rock Shuttle, refer to the following webpage:

<https://simons-rock.edu/student-life/map-and-directions/student-transportation/town-shuttle.php>

## **15. Pets**

Other than freshwater fish, which may be kept in student rooms, pets are not allowed on campus. Fish may be kept in rooms. In double rooms, this will require the consent of both residents. Tanks must be made of Plexiglas and be no more than 10 gallons in size. Owners are responsible for arranging for the care of their fish when the owners are away from campus. Fish may not remain on campus over the January intersession or during summer. If fish are abused or neglected, their owners will forfeit the privilege of having them.

### *Visiting Pets*

When visiting friends or family members plan to bring a pet, a Campus Safety Officer or Residence Director must give permission for the pet to enter the building, and have that authorization documented in the Security Log. Pets visiting the campus with a parent, guardian, or friend must be leashed at all times and are not to be left anywhere unattended. Owners are responsible for proper disposal of pet-related waste, food, water, floor and wall clean-up, waste on campus grounds, or damage caused by their pet.

### *Pet Policy Violations*

Pet violations carry an automatic penalty of \$250 per night for the first two instances, and a fine plus disciplinary action for any further breach. In the case of a shared pet, each student involved will be assessed a fine until the pet is removed or the owner takes responsibility.

Requests for disability-related accommodations to these stated housing policies should be made through the Director of Accessibility and Academic Support; [jaltshuler@simons-rock.edu](mailto:jaltshuler@simons-rock.edu). All applications will be evaluated on a case-by-case basis. Simon's Rock's disability policies, guidelines, and forms, including Service Animal Policy and Companion Animal Policy, are available online at <http://simons-rock.edu/academics/academic-advising-and-support/disability-services.php>.

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## **VI. CAMPUS DEPARTMENTS, OFFICES, AND SERVICES**

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### **A. KILPATRICK ATHLETIC CENTER**

Kilpatrick Athletic Center is a first-rate facility that gives students access to a wide range of spaces and equipment. It serves the Academy, College, and also many community members, who pay membership fees. Because Simon's Rock is situated in one of the most beautiful locations in New England, outdoor opportunities also abound for the recreational athlete: running, cycling, hiking, horseback riding, and skiing.

Student participation on competitive teams—men's and women's soccer, men's and women's swimming, and men's and women's basketball—requires a high level of commitment but brings the camaraderie and

excitement of participating in a team sport. Events with nearby high schools and colleges allow Simon's Rock students to test their mettle while making new friends outside the Academy community. Students interested in playing on any Simon's Rock competitive team should visit Kilpatrick Athletic Center during their first term; all Simon's Rock teams compete during Fall Semester.

## **B. CAMPUS MAIL AND TELEPHONES**

The Campus Mailroom is located with Campus Safety, behind the mailboxes in the Student Union.

### **1. Mail Room**

Each full-time student is assigned a locking combination mailbox in the Livingston Hall Student Union. Students receive U.S. Postal Service and intercampus communications, as well notification of package deliveries from the mailroom. Packages may be retrieved from the mailroom Monday through Friday between 8am and 6pm. Outgoing mail is picked up at 9am and at 3:30pm Monday through Friday. Over the summer break, first-class mail will be forwarded to each student's home address.

### **2. Telephone Service**

The main Campus telephone number is 413/644-4400. Staff located in the Livingston Hall Student Union answer calls from Monday through Friday 8am - 6pm, while classes are in session. The Campus Safety staff answer calls during other hours. Since the cell service has gotten better in the Berkshires, the Academy only provides telephone service in student rooms upon request. Incoming calls to students may be transferred directly to a student's room if that student requests to have their room line activated, and they provide their own telephone.

## **C. CAMPUS LIFE OFFICE**

The Campus Life staff, made up of the student Peer Advocates, Residence Directors, Director of Housing Operations, Director of Activities, Associate Dean of Campus Life, and Dean of Campus Life work to support all aspects of life outside the classroom at Simon's Rock.

The Campus Life staff work to develop and sustain an environment at Simon's Rock that is inclusive, encourages personal growth, and fosters a strong sense of community. More specifically, the staff is expected to help students with transition to Simon's Rock in these ways:

- Plan and execute meaningful educational programs and enjoyable social programs.
- Connect students with campus activities, resources and support as needed.
- Mediate roommate and other personal conflicts that can arise in close living situations.
- Provide a link between student residents and others across the campus intervene in potentially harmful situations.

The Campus Life Office is located on the 1st floor of the Hall College Center.

## **D. COMPUTING SERVICES (ITS: INFORMATION TECHNOLOGY SERVICES)**

Simon's Rock is served by a dedicated local area network (LAN) that provides students with access to the Internet and to campus computing resources and numerous printers throughout campus. This network and other institutional technology resources are provided explicitly for academic purposes.

The network also supports the academic and communication needs of faculty and staff, including email

from professors to their classes. Students are expected to respect fellow users by knowing and obeying Simon's Rock's Network/ITS Acceptable Use Policy (at: <https://my.simons-rock.edu/group/mycampus/network-aup>), all other Simon's Rock policies, Internet etiquette and applicable laws. Violation may result in restriction or suspension of network access, as well as Simon's Rock disciplinary proceedings. Questions about computer and network policies should be addressed to [its@simons-rock.edu](mailto:its@simons-rock.edu).

Wireless access is available in all campus academic buildings and student residences, as well as most other buildings (e.g., dining hall), although the strength of wireless the service may vary by location; wireless access on the campus outside of buildings is limited.

Students are encouraged to bring their own computers to campus. For those who do not, or who require supplemental applications, computer clusters are available at various places on campus including The Alumni Library, The Daniel Arts Center, and The Fisher Science and Academic Center. These buildings house a mix of Windows and Macintosh computers with email, Web browsing and Microsoft Office capabilities. Specialized graphics, digital photography, computer-aided design, desktop publishing, video editing, and mathematical and statistical modeling programs are available on select computers. Write to [its@simons-rock.edu](mailto:its@simons-rock.edu) or call the ITS Help Desk at 413/528-7371 to determine locations.

### **1. Printing**

Although Simon's Rock does not charge students for printing, it does use the PaperCut print management system to track usage and reduce paper and toner waste. Rather than sending a job directly to a networked printer, printing is a two-step process.

Students install the PaperCut client on their machines (all public computers on campus have the PaperCut client installed) and add one central printer queue, where all jobs are sent and held for up to 36 hours. The print job can then be released by logging in with a set of Simon's Rock credentials at any Print Release Station, at which time the number of pages is deducted from a student's total allotment. Every student begins each semester with an initial allotment of 400 pages, but this can be refilled by contacting ITS and requesting a refill.

Print Release Stations are available at these campus locations:

- Livingston Hall Student Union
- Fisher Science and Academic Center
- Alumni Library
- Liebowitz Center for International Studies
- Daniel Arts Center

### **2. Support**

Simon's Rock's Information Technology Services (ITS) department provides basic support such as installing virus protection, setting up wireless access and print management software, and troubleshooting basic hardware. It is recommended that students have a vendor support agreement to cover repairs that are more complicated.

To get help with basic computer difficulties, students may:

- Meet with a computer assistant (CA) on duty in the library select evenings from 8pm to midnight. Students may bring laptops and/or stop in to ask questions during this period.
- Send an email to [its@simons-rock.edu](mailto:its@simons-rock.edu) or call the ITS Help Desk at 413/528- 7371 and schedule an appointment between 9am and 5pm Monday through Friday.

Students should be ready to work directly with ITS staff or the CA to diagnose and resolve any issues.

## **E. DINING SERVICES**

Chartwells Dining Services is the food service provider at Simon's Rock. Chartwells strives to use fresh, locally grown, and organic products. They are committed to preparing foods that are delicious and nutritious, even given our diverse community's wide-ranging dietary requirements.

### **1. Meals and Service Hours**

Meals are served buffet style, with a variety of options at each meal, including vegetarian and vegan dishes. Fresh fruit is always available during service hours, as is a large and varied salad bar. Two soups are made daily—one vegan and one vegetarian or protein-based. Chartwells offers several types of house-made pizza during lunch and dinner periods Monday through Friday. To enter the dining hall, students must present their ID card.

#### Monday through Friday Offerings

8:00 to 9:00 am Hot Breakfast  
8:00 to 11:00 am Continental Breakfast  
11:15 to 1:45 pm Lunch  
4:00 to 5:00 pm Lite Supper  
5:00 to 7:00 pm Full Dinner

#### Saturday and Sunday Offerings

10:00 to 2:00 pm Brunch  
5:00 to 6:30 pm Dinner

### **2. Meal Plan and Snack Bar Equivalency**

All students living on campus pay a residence fee that includes 19 meals per week. They may eat as much as they like at each meal; however, food may not be removed from the dining hall. In lieu of visiting the dining hall, each student may spend a dinner equivalency at the Rock Café snack bar, daily between 7pm and 11pm when classes are in session. The snack bar is located in the Livingston Hall Student Union and offers fresh food cooked to order and a place to relax, study, or socialize.

### **3. Declining Balance Meal Account**

All students may initiate a voluntary Declining Balance Meal Account at the Business Office, Monday through Friday from 9am to 4pm. Once funds are deposited into a student's account, dining hall and snack bar purchases can be debited. A declining-balance plan is tax-exempt, so students pay no Massachusetts sales tax. The Declining Balance Meal Account is a supplement to the meal plan for students paying the full residency fee. All students can use their Declining Balance Meal Account at the Snack Bar, and resident students can use the D/B to treat friends or visiting family members to meals in the Dining Hall. Funds can be added to a student's account either in the mailroom (cash or checks accepted) or at the Business Office (cash, checks, Visa or MasterCard accepted). There is a \$100 minimum when using credit cards to add funds, but no minimum for cash or checks.

### **4. Dietary Restrictions and Allergies**

Chartwells will help students to manage dietary restrictions and allergies. Its interactive website, [www.dineoncampus.com/simonsrock/](http://www.dineoncampus.com/simonsrock/), is updated regularly during the academic year and offers a nutrition journal, a monthly dining calendar, hours of operation and feedback opportunity.

### **5. Chartwells Student Jobs**

Chartwells also employs students over the age of fourteen, both work-study and other. For additional information contact Chartwells at 413/528-7290 or stop at the office just inside the

dining hall entrance, Monday through Friday from 10am to 6pm.

## **F. DISABILITY ACCOMMODATION**

Simon's Rock provides individuals who have documented disabilities with equal access to all areas and services of the institution, in compliance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990.

### **1. Certifying Eligibility**

The Americans with Disabilities Act protects individuals from discrimination based on deficiencies in vision, hearing, orthopedic, or motor function; chronic illness; drug or alcohol addiction, or specific learning or psychological disabilities. Any student who believes they have a disability not included in this list are nevertheless urged to consult the College's director of accessibility and academic support services (ext. 7383) to determine potential eligibility for services.

### **2. Documentation for Accommodations**

All students who request services are required to submit documentation to the director of accessibility and academic support. Students are expected to review and update their information and request each semester. The amount and type of documentation will vary with the nature of the disability and the accommodation requested. Generally, any documentation should (a) be no more than three years old and (b) be provided by a professional with appropriate credentials.

Documentation should include the following information:

- Summary of a comprehensive diagnostic interview.
- Diagnostic summary based on a comprehensive assessment battery.
- Specific recommendations for accommodation, and an explanation of need for each. If the documentation submitted is inadequate in content or scope, re-evaluation may be required before services and accommodations are provided.

### **3. Registering Accommodations**

Students who wish to identify themselves as having a disability should schedule an interview with the Director of Disability and Academic Support Services (ext. 7383). At the interview, students should provide documentation of their disability, as noted above, and be prepared to discuss appropriate accommodation for that semester. Additional documentation may be requested at that time.

Once accommodation has been agreed on, the student will be asked to authorize a letter to their academic advisor and instructors describing the requested accommodation(s). The director of disability and academic support services is responsible for delivering the letter to instructors and advisors; the student is responsible for meeting with them as needed to arrange for particular accommodation(s).

Procedures are in place for resolution, as needed, through the Dean of Academic Affairs. The director of disability and academic support services will be available to support the student in this process.

### **4. Reasonable Accommodation**

Once students are determined eligible for services, they are entitled to reasonable accommodation. "Reasonable" here is understood to include accommodations which do not place an undue burden on the institution or which would require fundamental alteration of the institution's programs or services. Reasonable accommodation includes but is not limited to:

- Extended time for testing



- Tutors
- Note-takers
- Specialized computer software
- Auxiliary aids
- Training in study skills and time management
- Taped texts
- Course material in alternative format

Simon’s Rock reserves the right to refuse a specific accommodation request if other accommodation will serve the student’s needs equally well and place less burden on the institution. However, any student who believes they have been discriminated against on the basis of disability, or denied reasonable accommodation, may file a complaint with the director of disability and academic support services, describing the incident in detail. Individuals who file such reports are protected from any form of retaliation. The director will investigate the complaint and report back to the student complainant, generally within 30 days. If the student still finds resolution unsatisfactory, they may bring the issue to the Dean of Academic Affairs.

For more information on adaptive technologies, certifying eligibility, reasonable accommodation and registering for accommodation, contact the director of disability and academic support services.

## **G. EMERGENCY ASSISTANCE**

### **1. While ON Campus**

Dial “0” from any campus phone to reach Campus Safety 24/7.

Dial 9-911 from any campus phone to reach local emergency services.

### **2. While OFF Campus**

Dial 911 from any campus phone to reach local emergency services.

### **3. What To Say**

Tell the dispatcher the following:

- This is an Emergency; I need help.
- My name is . . .
- I am calling from . . .

When needed, Campus Safety can contact local Emergency Services (9-911), and then Wellness Center staff. These staff members may also be contacted for urgent, but not emergency purposes via Campus Safety after hours.

### **4. Campus Staff on Duty 24/7**

The Campus On-call staff (24/7) includes:

- Campus Safety
- Campus Life Staff (RDs)
- Nurse
- Counselor
- Administrator

## **H. WELLNESS CENTER**

The Campus Wellness Center (Health and Counseling Service) is located on the 3rd floor of the Livingston

Hall Student Union, above the mailroom.

The Wellness Center is staffed by a director, physician, nurses, mental health counselors, psychiatrist, and a support staff member who work individually and collectively to foster a healthy living/learning community through high-quality care and information to students. Within the context of a preventive health model, individual student needs are assessed. Wellness Center services include the treatment of acute illness, treatment of minor illness, laboratory testing, contraception, health care education, mental health counseling, crisis intervention, psychiatric medication management and/or referral to outside specialists as necessary.

In addition to one on one care, staff provides educational programs, literature, workshops and group discussions in conjunction with the ACE program. Topics may include alcohol and other drug use, body image concerns, student health issues, stress reduction, meditation, and building resilience and coping skills.

### **1. Wellness Center Hours**

Offices are open 9 am to 5 pm Monday through Friday when school is in session. Students can make appointments and access services through the office administrator at the Wellness Center.

The Wellness Center is closed nights, weekends, and during academic breaks. However, staff members and/or the contracted pediatrician(s) remain on call nights and weekends while school is in session for urgent care needs. Any student who is feeling ill and/or is in crisis may ask a Residence Director or Campus Safety staff (415-528-7291) to contact members of the Wellness Center staff.

### **2. Counseling Services**

We provide counseling services that support the successful experience of being at Bard College at Simon's Rock. We work with students to navigate the numerous challenges faced while adjusting to campus life and help students to move towards growth and empowerment.

Some common counseling issues include, but are not limited to: anxiety, depression, campus life adjustment, family/relationship issues, racial/cultural/ethnic realities and challenges, LGBTQ+ support and advocacy, academic difficulties, stress-related concerns, self-esteem, body image and eating disorders, substance use, self-harm, trauma, sexuality and social/interpersonal struggles.

Counseling is free to all currently enrolled students. Appointments for psychiatric evaluation and medication management are available only for those students covered by the school insurance. Psychiatric appointments are scheduled by referral from a Counseling Services clinician

To request a counseling appointment, please walk-in to the Wellness Center offices, Monday-Friday, 9-5 PM, while school is in session, and check-in with the Office Administrator.

### **3. Health Services**

A nurse and/or the campus physician will assess each presenting student and recommend a course of action. Nurses are on call 24/7 when school is in session and have physician backup nights and weekends for urgent care needs.

Macony Pediatrics, a local pediatric practice affiliated with both Fairview Hospital in Great Barrington and Berkshire Medical Center in Pittsfield, MA, provides medical backup to the staff and are on-call 24/7 to support Health Services staff in caring for Simon's Rock students.

### **4. Important: Immunizations and Medical Records**

To register for College classes, all first-year and transfer students must submit to Wellness Center staff specific health information forms. By Massachusetts's regulation, a record of required

immunizations must be received before a student can occupy campus housing or attend classes. All medical forms can be downloaded from the College's Wellness Center web page.

### **5. Wellness Services Fee**

A Wellness Services Fee is required for all enrolled students at Bard College at Simon's Rock and Bard Academy. Our students are younger than most who arrive on college campuses, and often require increased attention and support. In addition, our students have generally not yet managed their own healthcare. As such, the College assumes unusual responsibility for their wellbeing and service needs, and the Wellness Services Fee helps to cover these services on and off campus.

The fee, which includes enrollment in the student health insurance plan, also provides easy access to a broad spectrum of health and counseling services at the Wellness Center while the College and Academy are in session:

- Walk-In health support, assessment and intervention with staff nurses during open hours.
- Appointments with the campus pediatrician.
- Weekly counseling appointments with staff clinicians with no limit to the number of appointments per academic year.
- Walk-In, counseling support for urgent concerns during open hours.
- Psychiatric evaluation and medication management, as recommended by the counselor and authorized by parents/guardians.
- Basic lab tests on the premises, while other necessary lab work can be drawn and sent out.
- Emergency access to on-call health and counseling staff, outside of open hours on weekdays and weekends.
- Notification and collaboration with parents/guardians in emergency/urgent situations.
- Collaboration with parents in other situations, as clinically appropriate and with the proper authorization to release/obtain information.
- Referrals, coordination and collaboration with local hospitals, providers and specialists. \*

*\*Please note: Families will be responsible for the payment of services outside of the Wellness Center, if not covered by the student's insurance plan.*

### **6. Confidentiality**

Records and the information discussed are kept confidential and are not disclosed to anyone outside of the Wellness Center without proper written consent. There are some specific exceptions within federal confidentiality guidelines, which will be reviewed with students utilizing Wellness Center services.

The Wellness Center encourages students to keep their families apprised of their personal wellbeing. However, due to confidentiality guidelines, the staff will not automatically notify parents or guardians of office visits. While this may represent a change in how families have approached the student's healthcare, it is important that students learn to access care themselves and that they feel free to discuss personal concerns with our healthcare staff.

The Wellness Center will notify parents or guardians when a student is treated in the emergency room or is hospitalized for any reason regardless of age. Family/guardians will also be informed, if their student has an illness that may require a leave or withdrawal from the College.

### **7. Health Related Leave and Withdrawal**

In unusual circumstances, the Wellness Center professional staff, in consultation with the Dean of Students and/or the Dean of Campus Life, may recommend that a student take a health leave or health withdrawal for the student's own wellbeing and safety, or for the wellbeing and safety of the

community. The deans may compel such a leave or withdrawal as warranted. All leaves and withdrawals require final approval from the Dean of Students or the Dean of Campus Life, or their designee. For full information about the College's policy on leave and withdrawal, see IV Academic Affairs.

### **8. Prescription Medication Policy**

The Academy forbids the misuse or misappropriation of prescription drugs. Misuse includes taking a prescription drug or being in possession of a prescription drug that has been prescribed for a different person. Misappropriation includes acquiring drugs from any source other than the student's healthcare provider or the Wellness Center; it also includes cases when a student provides a prescription drug to another student who is not the intended recipient of that drug. Psychotropic medication, a class of medication that requires special supervision, may only be used in strict accordance with the Psychotropic Medication Policy, which is available upon request from the Wellness Center and is outlined below.

Residential students of the Academy are permitted to have prescription medications in their rooms with the exception of psychotropic medications, such as:

- Stimulants (Ritalin, Concerta, Vyvanse, Adderall, etc.)
- Opiate pain medication (Percocet, Codeine, Vicodin, etc.)
- Anxiety medications that are benzodiazepines (Xanax, Ativan, Klonopin, etc.)
- Antipsychotics (Seroquel, Abilify, etc.)
- Sleeping pills (Ambien, Restoril, etc.)

Psychotropic medications will be dispensed by the Wellness Center staff weekly at a time determined with the student. It is the responsibility of the student to pick up the medication and take it at the prescribed time. Parents/guardians will be notified, if student compliance is inconsistent.

### **9. Prescription Refills**

Students can work with the Wellness Services staff to arrange for prescription refills at a local pharmacy. The College works directly with Lenox Village Integrative Pharmacy in Lenox, MA, which will deliver individually packaged medications to the Wellness Center Monday through Friday. To arrange such service, students should check-in with the Wellness Center Office Administrator when school is in session, Monday-Friday, 9 AM-5 PM. Alternatively, students may choose to pick up their own prescription medication from other pharmacies in Great Barrington.

### **10. Transportation to Health Related Appointments**

By request, the staff can assist students as they arrange their own transportation to off-campus medical, dental, or psychiatric appointments. The transportation is typically arranged with local taxi services. Many of these services will accept payment ahead of time over the phone.

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# APPENDIX A: SEXUAL MISCONDUCT POLICY

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## 1. Introduction

Bard Academy is committed to creating and maintaining a safe, healthy, and respectful learning, living, and working environment for all of its community members and does not discriminate on the basis of sex in its educational programs or activities. Sexual and gender-based misconduct of any type, including sexual discrimination, sexual harassment, sexual assault, dating and domestic violence, and stalking is strictly prohibited by Simon's Rock and not tolerated in any form.

Title IX of the Education Amendments of 1972 also prohibits discrimination based on sex, including sexual harassment and sexual violence, in educational programs and activities and Simon's Rock has developed policies and procedures that prohibit such sex discrimination in all of its forms. Simon's Rock, as well as state and federal laws, also prohibits retaliation against any person who, in good faith, reports, assists in reporting, or participates in an investigation of possible sexual misconduct. Unlawful discrimination of any type has no place at Simon's Rock and offends the Academy's mission and values, which include a commitment to equal opportunity and inclusion. For further information about this commitment, see the Notice of Nondiscrimination at the beginning of this handbook.

## 2. Purpose

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

This policy will also:

- 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 will always respond to allegations about alleged sexual misconduct and take appropriate action to stop the misconduct, prevent its reoccurrence, and remedy its effects. When a community member is found to have violated this policy, sanctions may be implemented to ensure that such actions are not repeated. This policy is intended to define community standards and to outline options and the investigation procedure when those standards are alleged to have been violated. Any attempts to violate this policy are considered sufficient for having committed the violation itself. Aiding or cooperating in the violation of this policy is also prohibited.

## 3. 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.

**What** – This policy applies to:

- All forms of sexual misconduct, as defined below, including sexual discrimination, sexual harassment, sexual assault, dating and domestic violence, and stalking.

- Any policy violation related to discrimination on the basis of sex or gender may also be addressed under this policy.

**When** – This policy applies regardless of length of time since the conduct occurred:

- The Academy does not limit the timeframe for filing a complaint. To promote timely and effective review, however, the Academy strongly encourages that reports of sexual misconduct be made as soon as possible. Although the Academy may pursue a report made at any time, the passage of time may limit the Academy’s ability to investigate and respond;
- Note that disciplinary action can generally only be taken against a respondent as long as he or she is enrolled or employed at the Academy or the College.
- Any respondent who is found responsible, however, may be removed or prohibited from campus regardless of status.

**Where** – This policy applies to:

- Conduct that occurs on campus, including online or electronic conduct initiated or received on campus or through use of Academy 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 member of the Academy community or Simon’s Rock; 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 and/or continuing a hostile environment in a Simon’s Rock program or activity.

#### **4. Prohibited Conduct and Definitions**

Any of the prohibited conduct defined in this policy can be committed by individuals of any gender, and can occur between individuals of the same gender or different genders. It can occur between strangers or acquaintances, as well as between people involved in intimate or sexual relationships. Conduct defined below violates Academy policy, regardless of whether the conduct rises to the level of violating the law.

##### **A. Sexual Misconduct**

Sexual misconduct is a broad term which encompasses, but is not limited to, sex-based harassment, sexual assault, sex discrimination, sexual violence, sexual exploitation, stalking, relationship violence, aiding or facilitating the commission of a violation, and retaliation.

##### **B. Sex-Based Harassment**

Sex-based harassment is a form of sex discrimination, and includes sexual harassment and gender-based harassment. Sex-based harassment is also prohibited under Title VII of the Civil Rights Act, Massachusetts General Laws Chapter 151B, and other applicable state and federal statutes.

##### **C. Sexual Harassment**

Sexual harassment, whether between people of different sexes or of the same sex, is defined to include, but is not limited to, unwanted sexual advances, unwelcome requests for sexual favors, and other behaviors of a sexual nature when:

- Submission to or rejection of such conduct is made, either directly or indirectly, a term or condition of an individual’s academic status or employment;
- Submission to or rejection of such conduct by an individual is used as a basis for employment or academic decisions affecting him or her; or
- Such conduct, whether verbal or physical, has the purpose or effect of unreasonably interfering with the individual’s academic or work performance, or of creating an intimidating, hostile, or offensive environment in which to work or to learn.

Sexual harassment can involve:

- Faculty and student
- Supervisor and employee
- Faculty and faculty
- Faculty and staff
- Student and student
- Staff and staff
- Staff member and student
- An acquaintance, a stranger, or someone with whom the Complainant has a personal, intimate or sexual relationship
- Other relationships among colleagues, peers, students, and coworkers
- Service providers and vendors of Simon's Rock

The following behavior may constitute sexual harassment:

- Lewd remarks, whistles, or personal reference to one's anatomy
- Visual displays of degrading sexual images
- Unwanted physical contact such as patting, pinching, or constant brushing against a person's body
- Subtle or overt pressure for sexual favors
- Persistent and offensive sexual jokes and comments
- Persistent and unwanted requests for dates
- Email, text, or social media messages of an offensive sexual nature
- Sexual violence of any type

While it is not possible to list all circumstances that may constitute sexual harassment, the foregoing are some examples of conduct which, if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances, including the severity of the conduct and its pervasiveness.

#### **D. Gender-Based Harassment**

Gender-based harassment is unwelcome conduct of a nonsexual nature based on an individual's actual or perceived sex, including conduct based on gender identity, gender expression, and nonconformity with gender stereotypes.

#### **E. Sexual Assault**

Sexual assault is the act of committing unwanted physical contact of a sexual nature, whether by an acquaintance or by a stranger, and is a form of sexual violence. There are many degrees and forms of sexual assault including, but not limited to, the following:

##### *Non-consensual Sexual Intercourse*

Any form of sexual intercourse (anal, oral, or vaginal) with any object without consent. Intercourse includes but is not limited to:

- Vaginal penetration, however slight, by a penis, object, tongue or finger
- Anal penetration, however slight, by a penis, object, tongue or finger
- Mouth-to-genital contact

##### *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.

Sexual touching includes but is not limited to:

- Intentional contact with someone's breasts, buttocks, groin or genitals
- Touching someone else with any of these body parts
- Making someone touch you or themselves on these same body parts
- Intentional physical contact in a sexual manner, even if it does not involve contact with or by these body parts.

#### **F. Sexual Exploitation**

Sexual exploitation refers to a person's 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.

Sexual exploitation includes but is not limited to:

- Invasion of sexual privacy
- Prostitution 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 all persons engaged in the sexual activity, or enabling the same
- Allowing third parties to observe consensual or nonconsensual sexual acts
- Knowingly infecting another person with a sexually transmitted infection or disease
- Engaging in voyeurism
- Distributing intimate or sexual information about another person

#### **G. Relationship Violence**

Relationship Violence (also known as Dating Violence or Domestic Violence) refers to violent and/or manipulative behavior by one person toward another in an intimate, dating, or domestic relationship. Relationship Violence includes but is not limited to:

- Physical violence, such as kicking, hitting, pinching, choking, biting
- Sexual violence, such as forcing a partner to take part in a sex act when the partner does not consent
- Emotional violence, such as isolation, intimidation, belittling, stalking, "outing" someone against their will, cyber-bullying/harassment, or threat of physical force
- Economic abuse, such as withholding financial resources to intimidate, threaten or cause a person to remain in a relationship because of access to finances.

#### **H. Stalking**

Stalking is a course of conduct directed at a specific person that would cause a reasonable person to fear for their or others' safety, or to suffer substantial emotional distress. Examples include, but are not limited to, repeatedly following such person(s), repeatedly committing acts that alarm, cause fear, or seriously annoy such other person(s) and that serve no legitimate purpose, and repeatedly communicating by any means, including electronic means, with such person(s) in a manner likely to intimidate, annoy, or alarm them. This includes cyber-stalking, a particular form of stalking in which electronic media such as the internet, social media, blogs, cell phones, texts, or other similar devices or forms of contact are used to pursue, harass, or make unwelcome contact with another person. Stalking and cyber-stalking may involve individuals who are known to one another or have an intimate or sexual relationship, or may involve individuals not known to one another.

#### **I. Hostile Environment**

A hostile environment exists when sex-based harassment is sufficiently serious to deny or limit an individual's ability to participate in or benefit from the Academy's education or employment programs or activities. In determining whether sex-based harassment has created a hostile



environment, the Academy considers the conduct from the perspective of a reasonable person in the position of the Complainant. To make the ultimate determination of whether a hostile environment exists, the Academy considers a variety of factors related to the severity, persistence, or pervasiveness of the sex-based harassment, including:

- The type, frequency, and duration of the conduct;
- The identity and relationships of persons involved;
- The number of individuals involved;
- The location of the conduct and the context in which it occurred; and,
- The degree to which the conduct affected one or more community member's education or employment.

The more severe the sex-based harassment, the less need there is to show a repetitive series of incidents to find a hostile environment. Indeed, a single or isolated incident of sexual harassment may be sufficient to create a hostile environment, particularly if the harassment is physical. Likewise, a series of incidents may be sufficient even if the sex-based harassment is not particularly severe.

#### **J. Consent**

Consent must be informed, voluntary, and mutual, and can be withdrawn at any time. There is no consent when there is force, expressed or implied, or when coercion, intimidation, threats, or duress is used. Whether a person has taken advantage of a position of influence over another person may be a factor in determining consent. Silence or absence of resistance does not imply consent. Consent to a specific sexual activity cannot be inferred from previous sexual activity, prior sexual relationships, consent to a different sexual activity, or consent to sexual activity with another person. Consent cannot be obtained from an individual who is incapable of giving consent because the person:

- Has a mental, intellectual, or physical disability; or
- Is under the legal age to give consent (16 years of age in Massachusetts); or
- Is asleep, unconscious, or physically helpless; or
- Is incapacitated, including through the consumption of alcohol or drugs.

Consent must be established by words or actions that are clear and mutually understandable. Although consent does not need to be verbal, verbal communication is the most reliable form of asking for and gauging consent.

#### **K. Intimidation**

Any threat of violence or other threatening behavior directed toward another that reasonably leads the target to fear for their physical well-being, or to engage in sexual conduct for self-protection.

#### **L. Incapacitation**

Incapacitation is the inability to make informed, rational, reasonable judgments and decisions, because the person lacks the ability to understand their decision. If alcohol or drugs are involved, incapacitation may be measured by evaluating how the substance affects a person's decision-making capacity, awareness, and ability to make informed judgments. The impact of alcohol and drugs varies from person to person; however, warning signs of possible incapacitation include but are not limited to slurred speech, unsteadiness, impaired coordination, inability to perform personal tasks such as undressing, inability to maintain eye contact, vomiting, and sudden change in emotion.

**M. Retaliation**

Any adverse action, or attempted adverse action, against an individual (or group of individuals) because of their participation in any manner in an investigation, proceeding, or hearing under this policy, including individuals who file a third-person report.

Retaliation can take many forms, including abuse or violence, threats, and intimidation. Any individual or group of individuals, not just a respondent or complainant, can engage in retaliation. Retaliation against a complainant may violate Academy policy and the law, even if the underlying complaint cannot be substantiated.

**N. Complainant**

The term complainant refers to the individual who has been the subject of prohibited conduct, regardless of whether that individual makes a complaint or seeks disciplinary action.

**O. Respondent**

The term respondent refers to the individual who has been accused of prohibited conduct.

**P. Third Party**

The term third party refers to any individual who is not a student, faculty, or staff member

**5. Privacy Statement**

Simon’s Rock is committed to maintaining the privacy of all individuals involved in a report of sexual misconduct. If a member of the Academy community wishes to obtain confidential assistance through on-campus or off-campus resources without making a report to the College, the Academy has identified and has made Confidential Resources available on-campus. (See Resources chart below). When assessing a report or complaint of sexual misconduct made to the College, every effort will be made to protect the privacy of the individuals involved, in a manner consistent with Simon’s Rock’s need to review the report thoroughly. Information related to a report of misconduct will be shared only with those Academy employees who “need to know” in order to assist in the investigation or resolution of the complaint.

If a complainant requests that their identity remain confidential after the Academy learns of an incident, the Academy will balance this request with its responsibility to provide a safe and nondiscriminatory environment for all Simon’s Rock community members including the complainant, its ability to conduct an investigation if confidentiality is maintained, and its responsibilities under state and federal law. The Academy will seek to respect the request of the Complainant and where it cannot do so, it will consult with the Complainant and keep her/him informed about the chosen course of action. See “Requests for Confidentiality” for more information.

All Simon’s Rock investigations and disciplinary processes are conducted in accordance with the requirements of Title IX, the Clery Act, the Violence Against Women Act, FERPA, state and local law, and Academy policy. Information about particular investigations and disciplinary processes will only be released in accord with law or Simon’s Rock policy.

**6. Options and Reporting Overview**

This policy explains options and resources available to Simon’s Rock community members who believe they have been subject to any type of sexual misconduct. The following is an overview of what to do in the event of sexual misconduct, and how Simon’s Rock will respond, investigate, and provide support:

**A. Right away**

For any individual subject or witness to sexual misconduct of any type, the first step is always the same: **get to a safe place as soon as possible and call a trusted friend or advocate.** Any individual subject to physical violence should seek medical attention.

Take care to preserve any evidence of the incident, even if there is uncertainty whether a claim will be filed or legal action will be taken.

**B. Assess your options**

If any individual has been subject to sexual misconduct of any type or has witnessed sexual misconduct, the following options are available:

- Report the incident to the Academy or file a complaint with Simon's Rock, so it may investigate and provide protective and remedial measures, by contacting the Title IX Coordinator Rachel Duvall (413-528-7623), Deputy Title IX Coordinator Leslie Davidson (413/528-7245), or one of the other Simon's Rock reporting sources identified below.
- Notify law enforcement authorities and file a criminal complaint by calling Campus Safety (413/528-7291), 911 (9-911 from campus phones), or other law enforcement units listed in this policy.
- Students: Seek confidential support and counseling from the professional Counseling Staff located in Counseling Services (413/528-7353) or other confidential resources listed in this policy. The Counseling staff provides confidential counseling to all students between 9:00am and 5:00pm, Monday through Friday. After hours, students can contact Campus Safety at 528-7291 or by dialing 0, or the Residence Director on duty and ask to speak to the on-call counselor.
- Faculty and Staff: Seek confidential support from Simon's Rock's Employee Assistance Program (EAP), ComPsych Guidance Resources (800-272-7255)

You may choose all, none, or some of these options. No matter what you choose, the Academy will help and support you through the process.

**C. What happens next**

When Simon's Rock is notified of an instance of sexual misconduct, it will put appropriate interim measures in place, including but not limited to No Contact Orders between the involved parties, campus No Trespass Orders, leaves of absence, and any other measures that may be necessary to protect the safety and well-being of the Simon's Rock community. The Academy may also provide academic and housing accommodations, referrals, and assistance in student and employee conduct/discipline matters, as appropriate. These measures may be available under certain circumstances even if one decides to seek only confidential support through Simon's Rock Counseling Staff or Simon's Rock's Employee Assistance Program.

If the Academy receives notice of sexual misconduct, or a complaint of sexual misconduct is filed, it will initiate an investigation and pursue a prompt resolution. The investigation will follow the Investigatory Procedure set forth below, providing a chance for both parties to explain the facts, provide evidence, and identify witnesses. If the respondent is found responsible, sanctions will be imposed, ranging from a note in the respondent's file or more formal warnings, to expulsion from the Academy or termination of employment.

**D. Going forward**

Bard Academy is committed not only to fully addressing instances of sexual misconduct, but to taking measures to prevent its recurrence and address its effects. Even after an investigation is completed, complainants should follow up with the Academy if they have lingering concerns or would like further support of any type.

## **7. Emergency/Immediate Assistance**

Individuals who have experienced sexual misconduct have options and resources available to them regardless of their desire to participate in an internal or criminal investigation. The Academy wants all such individuals to feel supported and safe at all times. The information below outlines on and off campus resources available for emergency or immediate assistance to anyone who has been subjected to sexual misconduct, whether or not they wish to report the incident.

### **A. Emergency Assistance**

Emergency assistance is available 24 hours a day by calling Campus Safety (413/528-7291) or 911 (or 9-911 from campus phones). The Academy will assist any Simon's Rock community member to get to a safe place and will help arrange transportation to the hospital, coordination with law enforcement, and information about Simon's Rock's resources and the complaint processes.

### **B. Medical Attention**

Bard Academy encourages all individuals who have been subjected to sexual assault to seek appropriate medical attention immediately after the incident. This allows for the preservation of evidence and a timely investigative and remedial response. (Preserving evidence does not obligate an individual to pursue a criminal complaint in the future.)

Confidential medical care is available regardless of whether the individual feels ready to report the assault to the Academy or to an external law enforcement agency. Simon's Rock Campus Safety can help arrange transportation to an emergency room or call an ambulance for you. (Note that, unlike medical professionals, reports made to Campus Safety are not confidential. See the Reporting section for more information related to confidentiality.)

The Academy encourages individuals to use an emergency room that is part of the Sexual Assault Nurse Examiner (SANE) program whenever feasible. The SANE program has specifically trained nurses who can examine the individual and can collect evidence that could be used in the criminal process if the individual later decides to initiate a criminal complaint. Great Barrington-area SANE hospitals include:

Fairview Hospital  
Great Barrington, MA 01230  
413/528-8600

North Adams, MA: North Adams Regional Hospital  
71 Hospital Avenue  
North Adams, MA 01247  
413/664-5000

Pittsfield, MA: Berkshire Medical Center  
725 North Street  
Pittsfield, MA 01201  
413/447-2000

### **C. Preservation of Evidence**

Bard Academy encourages all individuals who have experienced an incident of sexual assault to preserve any evidence by:

- Placing clothing and other relevant items (sheets, blankets) in a brown paper bag (not a plastic bag).
- Avoid drinking, bathing, showering, douching, brushing teeth, using mouthwash, combing hair, or changing clothes.

- In addition, the individual (or a friend or support person) should write down everything that can be remembered about the incident. This should be done even if the individual is undecided about whether to report the incident.

## 8. Reporting

Bard Academy encourages victims of sexual misconduct to talk to somebody about what happened—so victims can get the support they need, and so the Academy can respond appropriately. The report may be made by

- The person who experienced sexual misconduct; or
- Any person who has information that sexual misconduct may have occurred in connection with an Academy community member, event, or activity.

Different employees on campus have different abilities to maintain a complainant’s confidentiality upon learning of an incident of sexual misconduct:

- Some are required to maintain near complete confidentiality; talking to them is sometimes called a “privileged communication.”
- Other employees may talk to a complainant in confidence, and generally only report to Bard Academy that an incident occurred without revealing any personally identifying information. Disclosures to these employees will not trigger a Simon’s Rock investigation into an incident against the complainant’s wishes.
- Some employees are required to report all the details of an incident (including the identities of both the complainant and alleged perpetrator) to the Title IX
- Coordinator or Deputy. A report to these employees (called “responsible employees”) constitutes a report to the Academy—and generally obligates the Academy to investigate the incident and take appropriate steps to address the situation.

This policy is intended to outline the various resources and confidential disclosure options available to community members subject to sexual misconduct—so they can make informed choices about where to turn. In all cases, Bard Academy encourages victims to talk to someone identified in the Resources chart below.

### A. Privileged and Confidential Resources

#### Professional and Pastoral Counselors

Professional, licensed counselors and pastoral counselors who provide mental-health counseling to members of the school community (including those who act in that role under the supervision of a licensed counselor) are not required to report any information about an incident to the Title IX Coordinator without a complainant’s permission.

Following is the contact information for these individuals:

- For Students: Personal Counselors in Counseling Services, 413/528-7445
- For Faculty and Staff: Employee Assistance Program, 800/272-7255
- Non-Professional Counselors and Advocates

#### Health or Counseling Services Staff

Individuals who work or volunteer in Health or Counseling Services, including front desk staff, can generally talk to a complainant without revealing any personally identifying information about an incident to Simon’s Rock.

A complainant can seek assistance and support from these individuals without triggering a Simon’s Rock investigation that could reveal the complainant’s identity or that the complainant has disclosed the incident.

While maintaining a complainant’s confidentiality, these non-professional counselors and advocates or their office must report the nature, date, time, and general location of an incident to the Title IX Coordinator or Deputy. This limited report—which includes no information that would directly or indirectly identify the victim—helps keep the Title IX Coordinator informed of the general extent and nature of sexual violence on and off campus so the coordinator can track patterns, evaluate the scope of the problem, and formulate appropriate campus-wide responses. Before reporting any information to the Title IX Coordinator, these individuals will consult with the complainant to ensure that no personally identifying details are shared.

A complainant who speaks to a professional or non-professional counselor or advocate must understand that, if the complainant wants to maintain confidentiality, the Academy will be unable to conduct an investigation into the particular incident or pursue disciplinary action against the respondent. Even so, these counselors and advocates will still assist the complainant in receiving other necessary protection and support, such as victim advocacy, academic support or accommodations, disability, health or mental health services, and changes to living, working or course schedules.

A complainant who at first requests confidentiality may later decide to file a complaint with the school or report the incident to local law enforcement, and thus have the incident fully investigated. These counselors and advocates will provide the victim with assistance if the victim wishes to do so.

#### Other Resources

Community members may also take advantage of off-campus resources, such as those identified below in the Resources chart. Off-campus counselors, advocates, and health care providers will generally maintain confidentiality and not share information with Bard Academy unless the individual requests the disclosure and signs a consent or waiver form.

NOTE: While professional and non-professional counselors, advocates, and other confidential resources may maintain a victim’s confidentiality vis-à-vis the College, they may have reporting or other obligations under state law, such as mandatory reporting to the Department of Children and Families in cases involving minors; threat of imminent harm to self or others; or the requirement to testify if subpoenaed in a criminal case.

### **B. Reporting to Responsible Employees**

“Responsible employees” are required to report all the details of an incident (including the identities of complainant and respondent, when provided; any witnesses; and any other relevant facts, including the date, time and specific location of the alleged incident) to the Title IX Coordinator or Deputy. A disclosure to a responsible employee constitutes a report to Simon’s Rock, and generally obligates the Academy to review the incident and take appropriate steps to address the situation.

#### **The following employees (or categories of employees) are Simon’s Rock’s responsible employees:**

All Academy administrators, faculty and professional staff, except for those listed herein as confidential and private reporting options to the extent possible, information reported to a responsible employee will be shared only with individuals responsible for handling the Academy’s response to the report. A responsible employee should not share information with law enforcement without the complainant’s consent or unless the complainant has also reported the incident to law enforcement, or the employee is otherwise required by law to do so.

Before a complainant reveals any information to a responsible employee, the employee should ensure that the complainant understands the employee’s reporting obligations—and, if the

complainant wants to maintain confidentiality, direct the complainant to confidential resources. If the complainant wants to tell the responsible employee what happened but also maintain confidentiality, the employee should tell the complainant that the Academy will consider the request, but cannot guarantee that Simon's Rock will be able to honor it. In reporting the details of the incident to the Title IX Coordinator, the responsible employee will also inform the Coordinator of the complainant's request for confidentiality.

Responsible employees will not pressure a complainant to request confidentiality or to make a full report if the complainant is not willing to do so. In all cases, the Academy will honor and support the complainant's wishes, including for the Academy to investigate fully an incident.

### **C. Formal Reporting Options**

Victims of sexual misconduct may report complaints to be handled through the Simon's Rock conduct process, may pursue criminal action, may choose one but not the other, may choose neither, or may choose both. Proceedings under the Academy's policies may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus.

#### Reports to the Academy

Reports by or against any community member may be made to:

- Title IX Coordinator Rachel Duvall, (413/528-7623, rduvall@simons-rock.edu, Livingston Hall Student Union)
- Deputy Title IX Coordinator Leslie Davidson, (413/528-7245, leslied@simons-rock.edu, Blodgett House, second floor)
- Campus Safety, (413/528-7291, Student Union, first floor)

Reports against staff or faculty may also be made to: Director of Finance and Administration Philip Morrison (413/528-7204, pmorrison@simons-rock.edu, College Center, first floor).

Reports against faculty may also be made to: Dean of Academic Affairs Patricia Sharpe (413/528-7240, psharpe@simonsrock.edu, College Center, first floor)

Simon's Rock encourages the complainant to meet personally with the Title IX Coordinator or Deputy before filing a written statement, to ensure understanding of the administrative process.

A written statement is not required, but if provided should describe the alleged incident(s) with as much clarity and detail as possible, and should reference or include any supporting documentation. They should also include the full first and last names of the complainant, the respondent, and others who may be involved. The Title IX Coordinator or Deputy will work with the complainant to make sure they are aware of their rights and resources, and can take remedial action as described herein to alleviate the immediate effects of the alleged incident(s).

#### Reports to Law Enforcement

If a complainant wants to report the incident to law enforcement, the complainant may file a report with Campus Safety by calling **413/528-7291** or the Great Barrington Police Department by calling **413/528-0306**. If the incident occurred off-campus, a complainant has the right to file a report with the local law enforcement agency in the jurisdiction where the incident occurred. Campus Safety can assist a complainant with this process if the complainant so chooses. Filing a complaint with law enforcement does not require the complainant to participate in a criminal process if the complainant chooses not to.

Neither the results of a criminal investigation nor the decision of law enforcement to investigate or decline to investigate the matter is determinative of whether sexual misconduct, for the purposes of this Policy, has occurred.

#### **D. Anonymous and Third Party Reports**

Bard Academy welcomes anonymous and third-party reports, which may come to the Dean of Academic Affairs, an advisor, the Dean of Students, Title IX Coordinator or Deputy, Campus Safety or a Residence Director. However, it may be limited in the action it can take following a report of sexual misconduct if details are vague or incomplete, or if the complainant will not self-identify.

### **9. Requests for Confidentiality**

The complainant may disclose an incident but request confidentiality and/or that no investigation into the particular incident be pursued, or no action through the Academy process be taken. In such instances the Title IX Coordinator or Deputy, in consultation with a small number of key Academy administrators and/or legal counsel, will weigh the request against the Academy's obligation to provide a safe, non-discriminatory environment for all students and employees, including the complainant.

A range of factors may be considered in making this assessment (e.g., whether the alleged accused is likely to commit additional acts of sexual, gender-based, or other violence; whether the act was committed with a weapon; if the complainant is a minor; whether the Academy can obtain relevant evidence of the misconduct through some other means; or whether the report reveals a pattern of behavior at a given location or by a particular group). The presence of one or more of these factors could lead the Academy to investigate and, if appropriate, pursue action against the accused. If none of these factors are present, the Academy will likely respect the complainant's request.

If Simon's Rock honors a complainant's request for confidentiality or decision not to participate in an investigation, the Academy's ability to meaningfully investigate the incident or pursue conduct action against the alleged accused may be limited.

If Simon's Rock determines that it cannot maintain a complainant's confidentiality, the Academy will inform the complainant prior to an investigation and, to the extent possible, share information only with a limited number of personnel responsible for handling the Academy's response. The Academy will remain ever mindful of the victim's well-being, and will take ongoing steps to protect the victim from retaliation or harm and work with the victim to create a safety plan.

Retaliation against the victim, whether by students or Simon's Rock employees, will not be tolerated. The Academy will also:

- Assist the complainant in accessing other available victim advocacy, academic support, counseling, disability, health or mental health services, and legal assistance both on and off campus;
- Provide other support, which could include issuing a no-contact order; helping arrange a change to on-campus housing, working arrangements, or course schedules (including for the respondent pending the outcome of an investigation); or adjustments for assignments or tests; and
- Inform the complainant of the right to report a crime to campus or local law enforcement and provide the complainant with assistance if the complainant wishes to do so.

Simon's Rock may not require a complainant to participate in any investigation or disciplinary proceeding. Because the Academy is under a continuing obligation to address the issue of gender-based misconduct campus-wide, reports of that nature (including non-identifying reports) will also prompt the Academy to consider broader remedial action such as increased monitoring, supervision, or security at



locations where the reported acts occurred; increasing education and prevention efforts, including to targeted population groups; and/or revisiting its policies and practices.

If Simon's Rock determines that it can grant a complainant's request for confidentiality, the Academy will also discuss other actions that might be implemented to protect and assist the complainant.

## **10. Interim Measures**

Upon receipt of a report, the Academy will provide interim support and reasonable protective measures to prevent further acts of misconduct, and to provide a safe educational and work environment. The Academy will determine the necessity and scope of any interim measures. Even when a complainant or respondent does not specifically request that protective action be taken, the Academy may choose to impose interim measures at its discretion to ensure the safety of any individual, the broader Academy community, or the integrity of the review process. Individuals desiring such assistance should speak with the Title IX Coordinator or Deputy, who will coordinate such requests.

Simon's Rock will maintain contact with the parties to ensure that all safety and emotional and physical well-being concerns are being addressed. All individuals are encouraged to report concerns about failure of another individual to abide by any restrictions imposed by an interim measure. The Academy will take immediate and responsive action to enforce measures previously ordered or implemented by the Simon's Rock.

The Academy may impose any remedy that can be tailored to the involved parties to achieve the goals of this policy, even if not specifically listed here. The range of interim measures may include:

### **A. No-Contact Order**

A complainant or respondent may request, or the Academy or the College may impose, communication and contact restrictions to prevent further potentially harmful interaction. These communication and contact restrictions generally preclude in person, telephone, electronic, or third party communications. In some cases, an individual may also wish to consider an Abuse Prevention Order, also known as a "restraining order" or "209A order," or a Harassment Prevention Order, also known as a "258E order," from the local courts.

For more information on Massachusetts law, see <https://malegislature.gov/Laws/GeneralLaws/PartII/TitleIII/Chapter209A> and <http://www.mass.gov/courts/selfhelp/abuse-harassment/harassment-prevention.html>.

These are civil proceedings independent of the College. If a court order is issued the Academy will, to the extent possible, assist the protected person in benefiting from the restrictions imposed by the court and will also facilitate on campus compliance with the order. The Academy may also limit an individual or organization's access to certain Academy facilities or activities as part of the no-contact order.

### **B. Academic, employment, or residence modifications**

A complainant or respondent may request academic or employment accommodation or a change in residence or workspace after a report of sexual misconduct. An individual who requests assistance in changing their academic, working, or living situation after an incident of sexual misconduct will receive appropriate and reasonably available accommodations.

These may include:

- 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
- Providing an escort to ensure safe movement between classes and activities

Bard Academy will treat any accommodation provided with confidentiality, to the extent that maintaining such confidentiality would not impair the ability of the Academy to provide the accommodation.

**C. Emotional Support**

Simon’s Rock will provide counseling services to students through the Counseling Center, or will assist in providing a referral to off campus agencies as detailed in the Resources chart.

**D. Interim Separation**

Where the report of sexual misconduct poses an ongoing risk of harm to the safety or well-being of an individual or members of the campus community, the Academy may place an individual on interim suspension or impose leave for an employee. Pending resolution of the complaint, the individual may be denied access to campus.

**11. Investigation and Adjudication Procedures**

**A. Responsibility to Investigate**

Bard Academy will take steps to investigate any report of sexual misconduct, regardless of whether a formal complaint has been filed or if a complaint or report has been withdrawn, and will act as necessary to keep the community safe. Informal mediation is not available in cases of sexual misconduct. The Academy may need to proceed with an investigation even if a complainant specifically requests that the matter not be pursued.

In such a circumstance, the Title IX Coordinator or Deputy will take into account the complainant’s articulated concerns, the best interests of the campus community, fairness to all individuals involved, and the Academy’s obligations under Title IX. Without the cooperation of the complainant, investigators may be limited in their ability to take action.

**B. Preliminary Review and Charge Notification**

The Title IX Coordinator will review all complaints, and consult with Academy counsel if necessary, to determine whether the complaint describes a violation of this policy. The Title IX Coordinator may delegate the handling of any complaint to the Deputy Coordinator.

In the event the Title IX Coordinator is unavailable, named in the report, or a conflict of interest exists in any particular case, the complaint will be reviewed by the Deputy Title IX Coordinator, or their designee.

If the Title IX Coordinator or Deputy Coordinator/designee believes the complaint raises an allegation of sexual misconduct, s/he will appoint an investigator. The Title IX Coordinator or Deputy will determine all potential charges/violations of policy. The parties will be informed of the investigation by the Title IX Coordinator or Deputy, and the respondent will be notified in writing of the charges against her/him under this policy. No respondent will be summoned for an interview without first being informed, in writing, of all allegations and given information on their rights. If new information comes to light that results in the need to charge the respondent with additional violations, the respondent will be provided with an updated written letter setting forth the new allegations.

## **12. Investigator**

Investigations will be conducted by a single investigator who may, at times, be assisted by one other investigator. The investigator(s) will either be a neutral third party selected by the Title IX Coordinator or, at the Title IX Coordinator's discretion, an employee trained to conduct such investigations. All investigators must have specific training and experience investigating allegations of sexual misconduct.

## **13. Advisor of Choice**

Both the respondent and the complainant have the right to one (1) advisor of their choice. An advisor serves as a support person for the parties during investigative meetings. 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 a hearing advisor. Advisors are not permitted to advocate for a complainant or speak on their behalf during any proceeding. Individuals who are witnesses to the incident or are otherwise involved in the matter cannot serve as advisors. The Academy reserves the right to remove an advisor from any proceeding should these expectations and guidelines be violated. Proceedings are not generally delayed or rescheduled due to an advisor's schedule or availability. The advisor's name and relationship to a party (e.g., student, faculty member, family member, attorney, etc.) must be disclosed to the investigator at least two days prior to any proceeding. 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.

### **All parties to the investigation can expect:**

- The right to be treated with respect and sensitivity by Simon's rock officials.
- The opportunity to meet with the Title IX Coordinator or a member of the Title IX team to answer questions regarding the Academy's complaint processes for students and employees.
- To be provided with a written explanation of rights and options with respect to the report.
- The right to address concerns of bias and/or conflict of interest in regards the investigators or others involved in the investigation.
- Equal opportunity to be accompanied by an advisor of their choice to an investigatory meeting.
- Notice of confidential resources, including health care and mental health counseling services, on campus and in the local community.
- Notice of the option to pursue law enforcement action and to be assisted by the Academy in accessing and communicating with such authorities. This notice will include a discussion of the importance of the preservation of evidence.
- The right to have a complaint investigated in a manner that is timely and consistent with the procedures described in this policy.
- The right to present information, evidence and/or witnesses to the investigator.
- The right to be kept informed of the progress of the investigation.
- The opportunity to request that Simon's Rock take steps to prevent unnecessary or unwelcome contact or communication with another member of the community.
- The right to be free from retaliation. Any concerns about retaliatory behavior should be immediately reported to the Title IX Coordinator or Campus Safety.
- The right to written notice of the outcome of the investigation as well as any resulting sanctions.
- The right to appeal in accordance with the appeals policy.

## **14. Evidentiary Standard**

The investigator will determine the respondent's responsibility 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).

## **15. Investigation, Findings, and Outcome Notification**

The investigator will speak with both parties, as well as witnesses, and will review all information and evidence. After speaking with each individual, the investigator will document the conversations for the record. The complainant and respondent will each have five (5) business days to review the investigator's summary of their own testimony to the investigator, and to respond to that summary with any amendments, clarifications, or disputes before it becomes part of the investigatory record.

The investigator will coordinate the gathering of all other information from the parties and other individuals who may have information relevant to the determination. The investigator will also gather any available physical or medical evidence, including documents, communications between the parties, and other electronic records as appropriate. In gathering such information, the investigator will comply with applicable laws and Simon's Rock policies.

As part of the investigation, the Academy will provide an opportunity for all parties to present written statements, identify witnesses, and submit other evidence. The investigation will be thorough, impartial, and fair, and all individuals will be treated with appropriate sensitivity and respect. Once the investigator has heard all parties involved, s/he will submit a final report with an opinion as to whether or not the sexual misconduct policy has been violated. If the investigator concludes that a violation did occur, s/he may recommend a sanction for the Title IX Coordinator's review. The Title IX Coordinator reviews the findings report, consults with others as appropriate, and either accepts or modifies the suggested outcome. The Title IX Coordinator then informs the complainant and respondent, in writing, of the outcome and sanction as appropriate.

Simon's Rock will not require either party to abide by a nondisclosure agreement, in writing or otherwise, that would prevent the re-disclosure of information related to the outcome of the investigation.

## **16. Timeframe**

The Academy will conduct a timely review of all complaints of sexual misconduct. Absent extenuating circumstances, review and resolution typically takes place within sixty (60) calendar days from receipt of the complaint.

The preliminary review of all complaints, including any necessary interviews to be conducted and any necessary interim measures to be put in place, will usually be completed within fifteen (15) days of receipt of the complaint.

The subsequent, comprehensive review and investigation of the complaint, including interviews with involved parties and gathering of evidence, is usually completed within forty-five (45) days of receipt of the complaint.

Final outcomes are typically issued within sixty (60) days of receipt of the complaint. The finding and outcome will be simultaneously communicated in writing to both the accused and the accuser.

## **17. Sanctions**

If the respondent is found responsible for sexual misconduct, a sanction appropriate to the severity of the offense will be imposed. Sanctions include mandated education and/or counseling, formal warning, probation, suspension, expulsion (for students), or termination (for employees).

Sanctions may also include requirements that existing interim measures and accommodations stay in place for a prescribed period of time, as well as new remedies such as No Contact Orders, housing placement, or academic accommodations, based upon the investigation and adjudication of the case.

If a student is found to have violated the sexual misconduct policy, actions taken to sanction the student will vary depending on the offense but may include any of the sanctions outlined in Appendix A of the Student Handbook.

If a staff or faculty member is found to have violated the sexual misconduct policy, actions taken to sanction the staff or faculty member will vary depending on the offense but may include verbal warning, written warning, suspension with or without pay, or termination of employment. For non-consensual sexual intercourse, sanctions typically include suspension, expulsion, or termination.

## **18. Appeal Procedure**

Both parties, the complainant and the respondent, have equal rights to an impartial appeal. The parties shall have two (2) business days after receiving written notice of the outcome of the investigation to submit a written appeal of the outcome. Sanctions from the original hearing will go into effect immediately after the decision is delivered to the respondent, even if a request for appeal is submitted. If either party files an appeal, the other party will be notified.

Requests for appeals should be submitted to the Title IX Coordinator. The Deputy Title IX Coordinator (or the Title IX Coordinator if the Deputy oversaw the underlying case), will then determine if grounds exist to hear the appeal.

### **Appeals will be accepted solely on one or more of the following grounds:**

- *Violation of Procedure* — An appeal will be accepted if the appellant demonstrates that Simon's Rock committed a material procedural error that was likely to adversely affect the result of the conduct adjudication. Minor or inconsequential deviations from procedure do not give rise to an appeal right.
- *Previously Unavailable Information* — An appeal will be accepted in circumstances where the appellant is able to provide relevant testimony or other evidence that (i) was unavailable to the individual submitting the appeal at the time of the adjudication process and (ii) would have likely affected the finding.

If an appeal is accepted, both parties will be notified and an appeal panel of three (3) will be convened by the Provost or designee, consisting of three trained faculty or staff members from the Code of Student Conduct Committee for cases involving students; or the Dean of Student Affairs, Dean of Academic Affairs, and Director of Finance and Administration, or any of their designees, in all other cases. The appellate panel will have training regarding Title IX and prohibited conduct defined under this policy and will be impartial and unbiased. The panel will review the stated grounds for appeal and may provide the non-appealing party the chance to review the appeal and provide a written response to the panel within five (5) calendar days after receiving the appeal. The panel may seek further information from the parties, witnesses, or investigator, but will not hold a formal appeal hearing. Both parties will be notified in writing of the outcome of the appeal, generally within fourteen (14) days of the initial filing of appeal.

The Academy will not require either party to abide by a nondisclosure agreement, in writing or otherwise, that would prevent the re-disclosure of information related to the outcome of the appeal.

## **19. Required Disclosures**

### **A. Within Simon's Rock**

Simon's Rock's officials—other than licensed health and counseling professionals—who learn of an instance of sexual misconduct, are required to report the incident to the Dean of Academic Affairs, the Dean of Students, the Title IX Coordinator, or the Deputy Title IX

Coordinator. In a situation where the accused party is an employee of the College, the incident will in turn be reported to the Provost.

**B. Clery Act Compliance**

Under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), the Academy is obligated to disclose information about crime on campus and in the surrounding community. As part of this compliance, Academy officials who become aware of an incidence of sexual misconduct must notify the director of security that such an incident has occurred, and the place and date. This information is collected only for statistical reporting as mandated by the Clery Act; no individuals or identifying details are revealed.

If a report of sexual or gender-based misconduct discloses a serious and immediate threat to the campus community, Campus Safety will issue a timely notification to protect the health or safety of the community as required by the Clery Act. The notification will not include identifying information about a reporting party.

**C. 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.

**20. Other Provisions**

**A. Amnesty**

Simon’s Rock encourages reporting and seeks to remove any barriers to reporting by making the procedures for reporting transparent and straightforward. An individual who reports sexual misconduct, either as a complainant or a third party witness, will not be subject to disciplinary action by Academy for their own personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violations are minor and did not and do not place the health or safety of any other person at risk. 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. The Title IX Coordinator, Deputy, or designee will determine what policy violations will be considered “minor” and therefore eligible for amnesty in this context.

**B. Past Sexual History**

The past sexual history or sexual character of either party will not be considered by the investigator or during an appeal unless such information is determined to be highly relevant by the Title IX Coordinator.

**C. Academic Freedom**

This policy is not intended to restrict teaching methods or freedom of expression, nor will it be permitted to do so. Offensiveness of conduct, standing alone, is not sufficient for the conduct to constitute prohibited sexual misconduct. The conduct must be sufficiently serious to interfere with an individual’s ability to participate in employment or educational programs and activities from both a subjective and objective perspective.

**D. Prohibited Relations**

Sexual relations between faculty, staff members, or third party vendors and students constitute unprofessional conduct and are strictly prohibited.

**E. Coordination with Non-Discrimination Policy**

The Academy recognizes that harassment related to an individual's sex, sexual orientation, gender identity or gender expression can occur in conjunction with misconduct related to an individual's race, color, ethnicity, national origin, religion, age, disability, or any other legally protected characteristics. Targeting individuals on the basis of any protected characteristics violates Simon's Rock's community standards and policies. When misconduct relates to both a person's sex, sexual orientation, gender identity or gender expression, and other protected characteristics, the Academy will coordinate the investigation and resolution efforts to address any and all harassment and discrimination.

**F. Consolidation of Investigation**

The Title IX Coordinator has the discretion to consolidate multiple complaints or reports into a single investigation if evidence relevant to one incident might be relevant to the others. The Title IX Coordinator may also consolidate complaints or reports involving both Academy and College's community members into one investigation, with the Academy and College's respective sexual misconduct policies governing their community members' rights and responsibilities.

**G. Effect of Legal Proceedings**

Because the standards for finding a violation of criminal law differ from the standards for finding a violation of this policy, criminal investigations are not determinative of whether sexual misconduct, for purposes of this policy, has occurred. Conduct may constitute misconduct under this policy even if law enforcement agencies lack sufficient evidence of a crime or decline to prosecute. The filing of a complaint of misconduct under this policy does not depend on any criminal investigation or proceeding and, except in limited and extenuating circumstances, the Academy will not wait for the conclusion of any criminal investigation or proceedings to commence its own investigation; to take interim measures; or to implement disciplinary proceedings.

**H. Prevention, Education, and Training**

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 students complete before arriving on campus and a presentation during New Student Orientation. Through the ACE program, sessions 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.

Simon's Rock encourages all community members to take reasonable and prudent actions to prevent or stop acts of sexual misconduct. Taking action may include direct intervention, calling law enforcement, or seeking assistance from a person in authority. Community members who choose to take such action in support of others will in turn be supported by the Academy and protected from retaliation.

**21. Title IX Coordinator's Role**

The Dean of Simon's Rock serves as Bard Academy's designated Title IX Coordinator, and has the authority to oversee investigations him or herself, or to delegate that responsibility to the Deputy Title IX Coordinator. In most instances, however, the Title IX Coordinator will refer sexual misconduct cases to an independent investigator. The Title IX Coordinator may designate another appropriately trained individual to take any actions that could be taken by the Title IX Coordinator under this policy, provided no conflict exists between the designee and any involved party and the Title IX Coordinator maintains oversight of the processes as necessary.

**The Title IX Coordinator or Deputy Title IX Coordinator should be contacted in order to:**

- Seek information or training about rights and courses of action available to resolve reports or complaints that involve potential sex discrimination, including sexual misconduct
- File a complaint or make a report of sex discrimination, including sexual misconduct
- Notify the Academy of an incident or policy or procedure that may raise potential Title IX concerns
- Get information about available resources (including confidential resources) and support services relating to sex discrimination, including sexual misconduct, and
- Ask questions about the Academy's policies and procedures related to sex discrimination, including sexual misconduct.

**The Title IX Coordinator or Deputy Title IX Coordinator may:**

- Determine whether the respondent may remain on campus during the investigation
- Change housing or work assignments for the complainant upon request, or require a change in housing or work assignment for the respondent
- Take other appropriate safety measures
- Arrange an excuse for class or work absences for up to one week for the complainant and/or the respondent
- Discuss and arrange a medical leave of absence, should the individual feel that a longer absence is necessary, and
- Arrange other accommodations, such as facilitating an extension for coursework or obtaining a withdrawal from class without notation on the transcript, or a leave of absence from work.

**Contact:**

**Title IX Coordinator, Rachel Duvall**

(413/528-7623, rduvall@simons-rock.edu, Livingston Hall Student Union)

**Deputy Title IX Coordinator, Leslie Davidson**

(413/528-7245, leslied@simons-rock.edu, Blodgett House, second floor)

Inquiries or complaints that involve potential violations of Title IX may also be referred to the U.S. Department of Education's Office for Civil Rights, which can be reached at 617/289-0111: <https://wdcrobcolp01.ed.gov/cfapps/OCR/contactus.cfm> or the Educational Opportunities Section of the Civil Rights Division of the U.S. Department of Justice (DOJ): <http://www.justice.gov/crt/complaint/#three>.

**22. Resources**

Simon's Rock is committed to providing support and assistance to all community members affected by sexual misconduct or a report of sexual misconduct. The following on-campus resources are trained and experienced in sexual misconduct matters and can advise individuals of their remedy options when dealing with a situation involving sexual misconduct, including connecting you to the Title IX Coordinator and health care providers. Community members may also take advantage of off-campus resources including those listed on the following page.



**ON CAMPUS****OFF CAMPUS**

<p><b>Confidential</b></p> <p><u>Students Only:</u></p> <ul style="list-style-type: none"> <li>• Counseling Services: 413/528-7353 or through Campus Safety 24/7</li> <li>• Health Services: 413/528-7353 or through Campus Safety 24/7</li> </ul> <p><u>Faculty and Staff Only:</u></p> <ul style="list-style-type: none"> <li>• ComPsych Guidance Resources: 800/272-7255</li> </ul>	<p><b>Emergency</b></p> <ul style="list-style-type: none"> <li>• 911 (or 9-911 from campus phones)</li> <li>• Great Barrington Police Department: 413/528-0306</li> </ul> <p><b>Medical:</b></p> <ul style="list-style-type: none"> <li>• Fairview Hospital: 413/528-8600</li> <li>• Berkshire Medical Center: 413/447-2000</li> <li>• North Adams Regional Hospital: 413/664-5000</li> </ul>
<p><b>Non-confidential</b></p> <p><u>All Community Members:</u></p> <ul style="list-style-type: none"> <li>• Title IX Coordinator Rachel Duvall: 413/528-7623, rduvall@simons-rock.edu, Livingston Hall Student Union</li> <li>• Deputy Title IX Coordinator Leslie Davidson: 413/528-7245, leslied@simons-rock.edu, Blodgett House, second floor</li> <li>• Campus Safety: 413/528-7291</li> </ul> <p><u>Students Only:</u></p> <ul style="list-style-type: none"> <li>• Brady McCartney: 413/528-7499, bmccartney@simons-rock.edu, Hall College Center, 1st floor</li> <li>• Residence Directors: Dial “0” to be connected to an RD on duty</li> </ul> <p><u>Faculty Only:</u></p> <ul style="list-style-type: none"> <li>• Dean of Academic Affairs Patricia Sharpe: 413/528-7240, psharpe@simons-rock.edu, College Center, first floor</li> </ul> <p><u>Staff Only:</u></p> <ul style="list-style-type: none"> <li>• Director of Finance and Administration, Philip Morrison: 413/528-7204, pmorrison@simons-rock.edu, College Center, first floor</li> </ul>	<p><b>Other Support:</b></p> <ul style="list-style-type: none"> <li>• Mental Health Crisis Team 24/7: 413/499-0412 or 800/252-0227 (toll free)</li> <li>• Elizabeth Freeman Center, <a href="http://www.elizabethfreemancenter.org">http://www.elizabethfreemancenter.org</a> 866/401-2425 (toll free), 413/499-2425 (office), 413/499-2425 (TTY)</li> <li>• YWCA of Western MA: 800/796-8711 (hotline), 413/733-7100 (TTY), 413/732-3121 (office)</li> <li>• Jane Doe Inc. (Massachusetts Coalition Against Sexual Assault and Domestic Violence): 877/785-2020 (hotline), 877/521-2601 (TTY)</li> <li>• SafeLine: 877/785-2020 (Massachusetts), 877/521-2601 (TTY)</li> <li>• National Domestic Violence Hotline: 800/799-SAFE (7233)</li> <li>• National Sexual Assault Hotline: 800/656-HOPE (4673)</li> <li>• Rape Hotline: 866/401-2425</li> </ul>