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# **BENNINGTON COLLEGE**

## ***Faculty Handbook***

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Inevitably there will be changes and/or additions to these materials over time; we will provide updates as needed.

In the event of a vacancy in the Office of the Provost and Dean of the College, the president will appoint an appropriate academic officer to take his or her place wherever the provost and dean of the College is given duties under the policies set forth in this Handbook or in other faculty policies.

# Faculty Handbook

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# Educational Objectives

## **Traditional Commencement Statement**

Bennington regards education as a sensual and ethical, no less than an intellectual, process. It seeks to liberate and nurture the individuality, the creative intelligence, and the ethical and aesthetic sensibility of its students, to the end that their richly varied natural endowments will be directed toward self-fulfillment and toward constructive social purposes. We believe that these educational goals are best served by demanding of our student's active participation in the planning of their own programs, and in the regulation of their own lives on campus. Student freedom is not the absence of restraint, however; it is rather the fullest possible substitution of habits of self-restraint for restraint imposed by others. The exercise of student freedom is the very condition of a meaningful education, and an essential aspect of the nurture of free citizens, dedicated to civilized values and capable of creative and constructive membership in modern society.

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Bennington College is a four-year liberal arts college offering programs of study leading to a Bachelor of Arts degree. In addition, the College offers Master of Fine Arts degrees in dance, music, and writing as well as a postbaccalaureate certificate in premedical and allied health sciences.

In 1932, Bennington was founded on the belief that the education most worth having is the one you create for yourself. The College does not require students to fulfill a set of ready-made requirements; instead, it challenges them to discover their own intellectual identity and to design an education that will help turn them into the person they hope to become. In other words, Bennington does not expect students to conform, but to transform.

The College's teachers play a crucial role in this process of transformation. At Bennington, faculty members do what they teach, and students put their learning into practice. Students learn about literature from authors who write and publish it, in the same way that they learn choreography from dancers who create and perform their own work. Physicists and philosophers and playwrights teach at many other colleges, but typically, they ask their students to do very different work from the kind they do themselves. At Bennington, students don't just learn about biology—or poetry, history, or anthropology—from their teachers; they also practice it along with them.

Because both students and teachers actively engage in the work at hand, the relationship between them is richly collaborative, more like mentor to apprentice than expert to non-expert. Collaborations between faculty and students occur in both directions: Faculty members participate as often in student work as students engage in the work of their teachers.

## **Designing a Bennington Education: The Plan**

At the same time that Bennington students learn to design experiments, write essays, and compose music, they also learn to take responsibility for planning their own educations. Through regular meetings with their teachers—who are also their advisors—students design an education with breadth and depth, unified and fueled by their own passions.

Students are challenged throughout their time at Bennington to explore questions that matter to them and to pursue their curiosities wherever they lead. Rather than focusing on a single field, they often design Plans that connect a range of subjects. By writing and rewriting their Plans of study—and by discussing evolving ideas with faculty planning committees—students design, chart, and defend their education. Throughout this process, students confront not only the choice of which courses to take, but the question of what a real education should be. They learn what it means to discover and pursue their own intellectual identity and how to replace imposed discipline with self-discipline.

While each student's Plan is different, the overall shape of every Bennington education is the same—more like an hourglass than the traditional pyramid. During their first year, students experiment with a range of courses in various disciplines—listening for what makes their pulses race, trying to understand more clearly what matters most to them. In their second and third years, students immerse themselves in particular disciplines and delve more deeply into their intellectual and artistic passions. Students start their last year at Bennington by exploring the ways in which their own disciplines relate to others and considering how their deepening understanding of a subject or a craft or a question might matter to the rest of the world.

In their final year at Bennington, some students complete a culminating project—ranging from an extended essay to a research project, voice recital, visual arts portfolio, or poetry translation. The project allows students to bring together the discoveries they have made in the course of their concentrated work in a discipline or set of disciplines, and to perform publicly the expertise they have developed. But the completion of a culminating project is not meant to mark the end of an education; instead, students are challenged to frame their focused knowledge within its larger contexts—to return to the kind of open-ended exploration they pursued at the beginning of their college careers.

### **Learning in the World: The Field Work Term**

Each academic year consists of three terms: two 15-week, on-campus terms during the fall and spring and a seven-week winter term of field work off campus. During the Field Work Term, academic classes are suspended while students take their interests to the world beyond the College, where they work at jobs and internships in fields that complement their studies, clarify their interests, and open possibilities for their futures. The Field Work Term Office helps students find meaningful work experiences in areas ranging from publishing to politics, from arts administration to teaching. Students' written reflections and employer evaluations are used to assess each student's experience. After spending four terms at work in the world, each student graduates from Bennington with a résumé as well as a diploma.

Through these annual explorations of the world outside the College, students gain a network of professional contacts. They also learn to take their work and themselves more seriously—to think of themselves no longer simply as students, but also as scientists, photographers, artists, or writers.

# 1 Organization of the College

## 1.1 Elected and Appointed College Committees

### Faculty Elected Committees

#### **Academic Policies Committee**

The Academic Policies Committee (APC) is composed of an elected faculty chair, six other elected faculty members, one elected faculty alternate, the president (ex officio), the provost and dean of the College (ex officio), the associate provost and dean of studies (ex officio), and the dean of field work term (ex officio). APC reviews and makes recommendations on academic programs, curriculum, academic policy, the Plan, Field Work Term, advising, long-term faculty planning, faculty vacancies, and academic capital expenditures.

#### **Faculty Committee on Grievances**

The Faculty Committee on Grievances (FCG) hears (1) alleged violations of the College's Academic Freedom Policy (outside of the review process), (2) grievances regarding alleged discrimination on the basis race, color, creed, religion, ancestry, national origin, sex, disability, age, affectional preference, marital status, and (3) complaints against faculty by faculty or by those referred by the provost and dean of the College. The Committee is made up of three elected members and one elected faculty alternate. The associate provost and dean of studies participates.

#### **Faculty Review Appeals Committee**

The Faculty Review Appeals Committee (FRAC) hears alleged violations of faculty performance review procedures, including violations of the College's Academic Freedom Policy during the review process. The Committee consists of three elected faculty members and one elected faculty alternate.

#### **Faculty Performance Review Committee**

The Faculty Performance Review Committee (FPRC) reviews and makes recommendations regarding faculty appointments. The Committee is made up of five elected faculty members, two elected faculty alternates, and the provost and dean of the College. Each year, the faculty members of the Committee will select a faculty chair from among its members.

#### **College Steering Committee**

The College Steering Committee has regular engagement and participation in College decision making around 1) administrative policies and procedures; 2) admissions and market position; 3) financial position; 4) advancement and alumni engagement; 5) faculty affairs; 6) health and safety; and 7) diversity and inclusion. The Committee will also co-set the faculty meeting agenda and run the faculty-only portion of the meetings as well as meet regularly with the Board of Trustees. The committee consists of three faculty committee representatives elected internally (one each from APC, CPC, and FPRC), three elected faculty members, one elected faculty alternate, the president, the provost and dean of the college, and the associate provost and dean of studies. Each year, the faculty members of the Committee will select a faculty co-chair from among its members.

### Provost and Dean Appointed Committees

#### **Curriculum Planning Committee**

The Curriculum Planning Committee is responsible for short- and long-term curriculum planning and reviewing and approving curriculum, along with short-term replacement faculty planning. The Committee is co-chaired by the associate provost and dean of studies and the dean of research, planning, and assessment, and includes faculty representatives from each of the disciplines.

### **Judicial Committee**

The Judicial Committee is chaired by the director of Community Standards (or designee), and consists of members of the student body, faculty, and staff, and, as ex-officio members, the provost and dean of the College and the associate provost and dean of studies. A quorum of five members designated by the director of Community Standards determines each case. If a sufficient number of members of the committee is not available to hear the case, the director of Community Standards will appoint substitute members of the committee. Members will be excused from a hearing if a conflict or potential conflict of interest exists, and the committee may proceed with the remaining members, regardless of whether the committee hearing the matter then has fewer than five members for the remainder of the proceeding. Current members of the Judicial Committee can be found on the Bennington College website.

### **Committee on Research With Human Participants**

The Committee, consisting of three appointed members, ensures that research conducted by Bennington College faculty members, students, and staff adequately protects the welfare of human subjects who participate in it. Committee approval is required for all research on human subjects conducted by College faculty members, students, and staff.

### **Production Committee**

Committee members from Music, Dance and Drama meet regularly with the production manager to review matters pertaining to the production calendar, performance spaces, publicity, and special events.

## **President's Appointed Committees**

### **Administrative Review Committee**

The Administrative Review Committee is a disciplinary board constituted as needed to hear appeals from the rulings of the Judicial Committee, appeals from the rulings of administratively resolved cases, and any offense referred directly to it by the provost and dean of the College. The Administrative Review Committee normally consists of three senior members of the administration, including one chair, appointed by the provost and dean of the College. In cases in which a member of the Committee is unable to participate (for example, if a conflict or potential conflict of interest exists), the provost and dean of the College will appoint a substitute member of the committee.

### **Sexual Harassment and Misconduct Advisors**

Sexual Harassment and Misconduct Advisors (which include students, faculty, and staff), are appointed by the president or president's designee. Advisors are available to all members of the community seeking advice and assistance regarding sexual harassment and the College's policy and procedures ([Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking Policy and Procedures \(PDF\)](#) and [Nondiscrimination Statement](#)).

Any member of the College community who believes that he/she has been sexually harassed may seek the assistance of a [Sexual Harassment and Misconduct Advisor](#). Advisors are ready to listen and discuss a concern, provide suggestions about possible courses of action, and assist/accompany anyone seeking help with pursuing a sexual harassment complaint.

If you have questions regarding the Sexual Harassment and Misconduct Advisors, please contact Dean of Students Xenia Markowitt (x4390; off campus 802-440-4390). If you have questions regarding the [Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking Policy and Procedures](#), please contact the Title IX Coordinator, Senior Vice President for Strategic Initiatives David Rees (x4302; off campus 802-440-4302) or the Deputy Title IX Coordinator Director of Library and Information Services Oceana Wilson (x4606; from off campus 802-440-4606).

**Safety Committee**

The Safety Committee, made up of faculty and staff and chaired by the director of Campus Safety, is responsible for reviewing matters pertaining to safety on campus. The Committee reviews practices and procedures associated with ongoing College operations, ensures that adequate and appropriate safety training occurs, and seeks to identify hazards on campus in need of correction. Campus community members may bring safety concerns to the attention of the chair of the Safety Committee.

**Land and Building Use Committee**

This Committee is charged by the president to set policies governing the enhancement of the College campus, the protection of the environment, the preservation of the built campus, parking, and accessibility of the campus. The LBUC is responsible for any projects involving the buildings or the landscape of the College, and its decisions are consistent with the campus master plan. Proposals for alterations to any exterior or interior spaces or the installation of sculpture or art (outside of VAPA) belonging to the College must be made on forms available from the Office of the Associate Vice President for Facilities Management and Planning. Temporary art exhibitions must be approved by the appropriate offices. The Committee is chaired by the associate vice president for facilities management and planning.

**Sustainability Committee**

It is the mission of the working group—comprised of staff, faculty, and students—to advance a shared sense of responsibility towards the social, economic, and environmental well being of the College and beyond, in order to educate Bennington students and lead by example. The group's goals are to advance the ethic of sustainability in College operations, academics, and campus life and to build bridges between the College, the local community, and the world at large.

## **1.2 Academic Policies Committee**

### **Responsibilities and Composition**

The Academic Policies Committee (APC) will be composed of an elected faculty chair, six other elected faculty members, one elected faculty alternate, and, ex officio, the president, the provost and dean of the College, the associate provost and dean of studies, the vice president for finance and administration, and the dean of field work term.

The chair will preside at meetings and will not vote except to break ties. All other members, except those with ex officio status, will have voting rights.

The function of APC will be to review and make recommendations concerning matters of academic policy including long-term planning, academic programs, faculty leaves of absence, curriculum, and academic budgeting to appropriate entities including but not limited to the faculty, president, provost and dean of the College, associate provost and dean of studies, and vice president for finance and administration. When requests are made for new faculty hires, APC will review these requests and make recommendations to the president and provost and dean of the College.

APC will work collaboratively with the Curriculum Planning Committee (CPC). With the approval of APC, CPC will review and evaluate policies and procedures relevant to curricular planning. CPC is responsible for the implementation and facilitation of curricular policies. Each term, CPC will report to APC on its activities and will seek APC's approval before making significant changes.

APC will regularly solicit information and advice from the faculty to assist in its work. The chair of APC will report to the faculty as a body at faculty meetings; additionally, members of APC may meet from time to time with the faculty for discussion and advice.

### **Terms of Members**

Each faculty committee member other than the chair will serve on APC for a term of three years, the terms of office to be staggered. The chair of APC will serve for a term of one academic year, from July 1 to June 30.

### **Nomination and Election of Committee Members**

Election for the chair will take place in the spring term; elections for the six elected faculty members and one faculty alternate will take place when the term of service ends. If any of these positions become vacant before the term of service ends because of a resignation or other inability to serve, an election to fill the vacancy shall take place within 30 days of such resignation or inability.

A list of faculty eligible for election to APC and the chair will be sent to all faculty members by the provost and dean of the College prior to the election. Nominations may be submitted to the provost and dean of the College in writing by any eligible voter on such form as the provost and dean of the College may specify.

Two-thirds of the eligible voters shall constitute a quorum for purposes of holding the election.

A request shall be made for nominations from the floor. Voting shall be by written ballot. If no candidate receives a simple majority of the votes cast, a run-off election between the two candidates who received the highest number of votes will determine the winner.

In any year in which more than one member of APC is elected, each member shall be elected separately according to the voting process specified above, beginning with the vacancy for the longest term on APC. A nominee who is an unsuccessful candidate for a vacancy is eligible to be nominated for a subsequent vacancy.

**Eligibility for Election to the APC**

A candidate must be a current faculty member whose contract has been reviewed by the Faculty Performance Review Committee (FPRC) or will be reviewable by FPRC, and who has completed two academic years of service on the faculty prior to the effective date of the open position.

**Eligible Voters**

Faculty members whose contracts are reviewable by FPRC and/or whose most recent contract was reviewed by FPRC are eligible to vote.

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Amended by APC Action: March 2008  
Amended by APC Action: October 2007  
Amended by APC Action: November 2004  
Amended by APC Action: May 1997

## **1.3 College Steering Committee**

### **Responsibilities**

The College Steering Committee (CSC) is responsible for participating in College decision-making concerning: administrative policies and procedures; admissions and market position; financial position; advancement and alumni engagement; faculty affairs; health and safety; and diversity and inclusion.

The CSC will also co-set the faculty meeting agenda and run the faculty-only meetings. It will meet regularly with the Board of Trustees.

### **Composition**

The College Steering Committee (CSC) will be comprised of three elected faculty members, one elected faculty alternate, 3 faculty committee representatives elected internally (one each from APC, CPC, and FPRC), the president, provost and dean of the College, and the associate provost and dean of studies.

Each year, the faculty members of the Committee will select a faculty co-chair from among its members.

### **Terms of Members**

Elected faculty will serve on the CSC for three years. Faculty committee representatives will serve for one year.

### **Eligibility for Election**

A candidate must be a current faculty member whose contract is reviewable by the FPRC, and/or whose most recent contract was reviewed by the FPRC, and who has completed two years of service on the faculty prior to the effective date of the open position.

### **Eligible Voters**

Faculty members whose contracts are reviewable by FPRC and/or whose most recent contract was reviewed by FPRC are eligible to vote.

### **Nomination and Election**

A list of faculty eligible for election to CSC will be sent to all eligible faculty members by the provost and dean of the College prior to the election. Nominations may be submitted to the provost and dean of the College in writing by any eligible voter on such form as the provost and dean of the College may specify.

Two-thirds of the eligible voters shall constitute a quorum for purposes of holding the election.

Requests shall be made for nominations from the floor. Voting shall be by written ballot. If no candidate receives a simple majority of the votes cast, a run-off election between the two candidates who received the highest number of votes will determine the winner.

In any year in which more than one member of CSC is elected, each member shall be elected separately according to the voting process specified above, beginning with the vacancy for the longest term on CSC. Any alternate shall be elected following the election of regular members. A nominee who is an unsuccessful candidate for a vacancy is eligible to be nominated for a subsequent vacancy.

## **1.4 Curriculum Planning Committee**

### **Responsibilities and Composition**

The Curriculum Planning Committee (CPC) will be composed of an appointed faculty member from each discipline group. On occasion, the provost and dean of the College may appoint an additional faculty representative in response to curricular needs particularly those with an interdisciplinary focus. CPC will be co-chaired by the associate provost & dean of studies and the dean of research, planning, and assessment.

CPC will be responsible for short and long term curricular planning and reviewing and approving the curriculum. CPC members will serve as Curriculum Coordinators for their respective discipline groups. Curriculum Coordinators will be responsible for facilitating curricular discussions in their respective discipline groups and for the organization and timely submission of the curriculum. Additionally, CPC will verify the teaching hours to credit hours ratio, develop scheduling models that minimize conflicts, assure adequate seats for introductory-level courses, develop a multi-year curriculum in support of the student Plan process, facilitate the sabbatical/leave hiring process, and promote diversity in the curriculum.

### **Relationship to the Academic Policies Committee (APC)**

APC is responsible for reviewing and making recommendations concerning general matters of academic policies including the curriculum. CPC is responsible for the implementation and facilitation of curricular policies. With the approval of APC, CPC will review and evaluate policies and procedures relevant to curricular planning. These have included revising the course evaluation form, changing the registration process, and reviewing the mid-term SEPC process. Each term, CPC will report to APC on its activities and will seek APC's approval before making significant changes.

### **Terms of Members**

CPC members will serve for a term of three years.

### **Selection Process**

The provost and dean of the College will ask each relevant discipline group to nominate three faculty members who might serve as a member of CPC. The provost and dean of the College and the associate provost and dean of studies will select the member from the three nominated faculty. The provost and dean of the College will inform the discipline group of the final selection in a timely manner.

## 2 Faculty Personnel Policies and Procedures

### 2.1 Faculty Search Procedures

#### **Selection of Search Committees**

The provost and dean of the College selects the search committees and their chairs, in consultation with faculty from the appropriate discipline area. Typically, a search committee is comprised of faculty members from within the discipline and faculty from other discipline groups, along with either the provost or the associate provost.

#### **The Search Plan: Advertising and Outreach**

- The chair of the search committee, in consultation with committee members and faculty from their discipline group, discuss advertising and other outreach strategies. In addition to drafting ad copy, the search committee should discuss ways to reach a broad audience including contacting individuals who might be interested in the position and those who may know potential candidates. Copies of prior ads are available in the Office of the Provost and Dean for reference. The provost and dean of the College and associate provost and dean of studies review and approve the final ad and search plan.
- The search committee recommends publication(s) and/or websites in which to advertise and for how long. The program coordinator moves forward with placing the ads; the ad is also posted on the College's website.

#### **Collecting Information/Selecting Candidates for Campus Visits**

- The program coordinator keeps the chair of the search committee updated each week as to how many applications have been received.
- The chair of the search committee schedules periodic meetings to review applications. All search committee members are expected to review and comment on each application that is received.
- The search committee selects a short-list of candidates to interview by phone or video conference.
- The search committee selects the top 4-5 finalists to invite to campus.

#### **Arranging Campus Visits**

- All finalists must visit the campus for interviews and a presentation. Interviews are scheduled with the search committee, the president, the provost and dean of the College, members of the particular discipline group, and selected students. The presentation is open to the entire community. Search committee members normally are expected attend the presentation.

#### **Wrapping Up**

- The search committee meets after the finalists have visited and recommends the top three candidates to the provost and dean.
- The provost and dean of the College and president confer on the recommendation and inform the committee of their decision. If the provost and dean of the College and the president decide to offer a position to one of the candidates, the provost and dean of the College communicates the offer to the candidate. If the position is accepted, the Office of the Provost and Dean issues a contract to the candidate.

## 2.2 Faculty Performance Review Policy and Procedures

### Overview

Faculty reappointments are made by the Board of Trustees upon the recommendation of the president of the College. Pursuant to the By-laws of the College, the president has “the duty to recommend to the Board for appointment, promotion, and reappointment only those persons who the president is reasonably certain will contribute to the improvement of academic excellence at the College and then, only when such recommendation will otherwise be consistent with the immediate and long-range objectives of the College.”

All part-time and full-time faculty members with “multi-year contracts” (defined as contracts of three years or more) will be reviewed as follows:

- A. Group 1: Faculty members who, at the end of their first multi-year contract, will have taught at the College for three or more consecutive years.
- B. Group 2: Faculty members who, at the end of their second or subsequent multi-year contracts, will have taught at the College for more than three and less than twelve consecutive years.
- C. Group 3: Faculty members who, at the end of their current multi-year contracts, will have taught at the College for twelve or more consecutive years.

For purposes of determining years of consecutive service, time spent as a sabbatical leave will be considered time teaching at the College; time spent as an unpaid leave, with the exception of those family, parental, and medical leaves provided by law, will not count as time teaching at the College, but will not interrupt consecutive service. If faculty members teach at least one fall or spring term per year, that year is counted as a full year of consecutive service.

### Performance Review Criteria

Members of the faculty shall be teacher-practitioners who are makers of original work and whose work and teaching are in fruitful interaction. Faculty will have a commitment to a student-centered education and a demonstrated interest in extending the effective reach and influence of the College, both in the lives of students and in the world-at-large. Different faculty members may manifest these qualities differently. Reviews of all faculty shall address the following:

- A. Quality of teaching, including courses taught, curriculum development, and teaching performance; special responsibilities associated with the candidate’s position; responsiveness to students’ academic needs and interests; quality of advising; quality of narrative reports on individual students; fulfillment of required faculty obligations: timely completion of reports, meeting scheduled classes, observing posted office hours; and meeting all other faculty responsibilities;
- B. Quality and quantity of professional work; integration of professional work into the classroom and curriculum.
- C. Professionalism; quality of interaction with faculty, students, administrators, and staff;
- D. Quality of committee and other College service and participation in College-wide initiatives; and
- E. When applicable, quality of work accomplished during sabbaticals and leaves.

## **Faculty Performance Review Committee (FPRC)**

- A. Composition. The Committee will be made up of five members and one alternate elected by the faculty. The provost and dean of the College also is a member of the Committee. Each term, the faculty members of the Committee will select a faculty Chair from among its members. If a faculty position becomes vacant because of resignation or inability to serve before the start of the academic year, the alternate will serve for the full academic year. If a faculty position becomes vacant because a faculty member is on sabbatical or leave for one term or a full academic year, the alternate will serve for the full academic year. If a faculty position becomes vacant during the academic year or at any point between September 1<sup>st</sup> and June 30<sup>th</sup>, the alternate will not serve.
- B. Eligibility for Election. Any faculty member whose contract has been reviewed by FPRC and who has completed three years of service on the faculty prior to the effective date of the open position is eligible for election to the Committee. It is preferable to elect faculty members who teach in both terms of an academic year. Members will serve staggered three-year terms. Elections will be conducted as follows:
1. A list of faculty members eligible for election to the FPRC will be sent to all faculty members by the provost and dean of the College prior to the election. Nominations may be submitted to the provost and dean of the College in writing by any eligible voter on such form as the provost and dean of the College may specify.
  2. Two-thirds of the eligible voters shall constitute a quorum for purposes of holding the election.
  3. A request shall be made for nominations from the floor. Voting shall be by written ballot. If no candidates receive a simple majority of the votes cast, a run-off election between the two candidates who received the highest number of votes will determine the winner.
  4. In any year in which more than one member of the FPRC is elected, each member shall be elected separately according to the voting process specified above, beginning with the vacancy for the longest term on the FPRC. A nominee who is an unsuccessful candidate for a vacancy is eligible to be nominated for a subsequent vacancy.
- C. Voting Eligibility. Faculty members whose contracts are reviewable by the FPRC and/or whose most recent contract was reviewed by the FPRC are eligible to vote.
- D. When a current member of the Committee is under review, the remaining members will act as the Committee in all activities pertaining to that review.
- E. The Committee shall act as it may determine by majority vote in any procedural matters not explicitly addressed.
- F. Members of the Committee will serve impartially in all reviews; it is the obligation of Committee members to avoid personal bias or prejudgment in their approach to each review. This does not remove the expectation that they contribute their perspective and judgment as colleagues to the written information collected for the review, but they should do so through the processes defined below, and prior to the Committee's evaluative deliberations.
- G. All information, discussions, and deliberations that are part of a faculty member's review must be treated by Committee members as confidential.

## **Performance Review Process**

A faculty member's review will normally take place in the year preceding the year in which the faculty member's contract expires. Scheduling of reviews within the year is at the discretion of the Committee and provost and dean of the College. The review will be completed and the candidate notified, by the end of the academic year of the review (June 30). Typically, reviews will occur as scheduled regardless of leave status.

- A. Notification. Normally, the faculty member will be notified by letter sent by the provost and dean of the College in the term preceding the year of the review, setting a deadline for the submission of materials listed in section B below.
- B. Performance Review Materials. The following categories of materials are available for consideration in reviews. Discretion may be exercised by the Committee and provost and dean of the College as to what sources and quantities are used. Submission of materials by the faculty member for review and by colleagues solicited for comment is understood to be part of the contractual obligation of all faculty.
1. After notification of upcoming review, the faculty member shall submit, by August 15 of the review year, an updated curriculum vitae which documents: teaching activities; College committee service; College community activities and initiatives; research and/or performance grants; professional activity such as publications, performances, or exhibitions.
  2. The faculty member shall also submit by August 15 of the review year, a personal statement summarizing the faculty member's perspective on his/her work at the College and addressing: how the faculty member's work fulfills the review criteria (particularly for professional practice) as he/she understands them to apply in his/her field and position; and, especially, professional and teaching plans for the future and how they will benefit the College. In this statement or in a supplementary statement (item 3 below) the faculty member shall address concerns raised in previous review(s) or issues that the faculty member believes will be raised in the current review.
  3. The faculty member may also submit a supplementary personal statement for restricted and confidential distribution to members of FPRC, the provost and dean of the College, and the president and not for distribution to external peer reviewers, internal peer reviewers, students, or staff.
  4. The faculty member shall submit copies of publications and of reviews or other responses to professional work.
  5. The Office of the Provost and Dean of the College shall provide to the Committee: 1) the summary or recommendation letter given the candidate at the conclusion of the previous review, and 2) any stipulations or concerns specified in the most recent appointment letter/contract. (Since some information in the contract may be confidential with respect to the Committee, this information may be made available to the Committee either in an appropriate extract from the letter or in a separate document prepared at the same time as the letter and placed in the file.)
  6. The Office of the Provost and Dean of the College shall provide to the Committee any other documentation of particular expectations articulated in reappointment letters following previous review(s) or in any subsequent evaluation or documented conversation with the provost and dean of the College or the president; this may include relevant correspondence, notes to file, and reports on file in the Office of the Provost and Dean of the College.
  7. The Office of the Provost and Dean of the College shall provide to the Committee lists of classes taught, class enrollments, and internal faculty grants since the last review.
  8. Internal peer reviews.
    - a. Each year, the provost and dean of the College will provide a list of faculty to be reviewed during the year to the faculty, inviting written comments concerning any of the review criteria for reappointment.
    - b. The faculty member under review may be invited to suggest particular faculty members who can comment on professional practice or on other aspects of work at the College. The Committee and provost and dean of the College may add to this list.
    - c. All input to the Committee and provost and dean of the College must be written. Members of the Committee contributing peer review letters must do so before they inspect or discuss any review materials.

- d. The Committee and provost and dean of the College may request interviews with faculty peers. Any information from such interviews must be documented in the form of notes or recordings if it is to be taken into account in the review.
- 9. External peer reviews.
  - a. The faculty member being reviewed will be invited to provide a list of colleagues from outside the College who can provide assessment of work specifically in professional venues beyond the College. The Committee and provost and dean of the College may solicit input from these individuals.
  - b. The Committee and provost and dean of the College may solicit additional external reviews addressing the applicable review criteria for professional practice if they deem necessary.
- 10. Evaluation of teaching and advising. In addition to information from the review letters from internal peers, the following sources of information will be used:
  - a. All submitted course evaluations of the faculty member's courses since the last review.
  - b. A portion, randomly selected by the Office of the Provost and Dean, of student evaluations (course comments) written by the faculty member since the last review.
  - c. All submitted comments from the faculty member's advisees.
  - d. Comments concerning the performance of the faculty member solicited from current members of the student body and staff.
  - e. Comments from class visits by other faculty members designated by the Committee and provost and dean of the College; these visits should be arranged in advance with the faculty member being reviewed.
- 11. Other information deemed by the Committee and provost and dean of the College to be pertinent to the individual situation.
- 12. Any other information that the faculty member wishes to submit (indicating clearly whether such supplementary material may be made available to external reviewers and faculty colleagues), understanding that the relevance and weight of such information shall be determined by the Committee and provost and dean of the College.

### C. Procedures

1. In the case of Group 1, the provost and dean of the College will structure the review in consultation with the Committee. The provost and dean of the College and the Committee will meet at least once jointly with each faculty member under review to discuss concerns or questions arising from assessment of review materials, the faculty member's plans and proposals for the next appointment period, and other questions or statements that might be brought forward by the faculty member under review. The provost and dean of the College in consultation with the Committee may require additional meetings with a faculty member under review. A faculty member may request, in writing, additional meetings with the provost and dean of the College and the Committee (and should explain why such meetings are desired), but the provost and dean of the College and the Committee are not required to oblige. In any case, the provost and dean of the College in consultation with the Committee may design such particular procedures for collecting and reviewing information as they see fit so long as guidelines stipulated elsewhere are met.
2. In the case of Group 2, the Committee will structure the review in consultation with the provost and dean of the College. The Committee and provost and dean of the College will meet at least once jointly with each faculty member under review to discuss concerns or questions arising from assessment of review materials, any concerns remaining from the faculty member's previous review(s), the faculty member's plans and proposals for the next appointment period, and other questions or statements that might be brought forward by the faculty member under review. The Committee and provost and dean of the College may require additional meetings with a faculty member under review. A faculty member may request, in writing, additional meetings with the Committee and provost and dean of the College (and must explain why such meetings are desired), but the Committee and provost and dean of the College are not required to oblige. In any case, the Committee in

- consultation with the provost and dean of the College may design such particular procedures for collecting and reviewing information as they see fit so long as guidelines stipulated elsewhere are met.
3. In the case of Group 3, the president will structure the review in consultation with the Committee and the provost and dean of the College. The Committee and provost and dean of the College will meet at least once jointly with each faculty member under review to discuss concerns or questions arising from assessment of review materials, any concerns remaining from the faculty member's previous review(s), the faculty member's plans and proposals for the next appointment period, and other questions or statements that might be brought forward by the faculty member under review. The Committee and provost and dean of the College will recommend to the president whether or not external reviewers should be consulted. The president will then decide whether or not such external reviewers will be consulted and the faculty member under review will be so informed. The president may require a meeting with the faculty member under review. A faculty member may request, in writing, additional meetings (and must explain why such meetings are desired), but the president is not required to oblige. In any case, the president in consultation with the Committee and the provost and dean of the College may design particular procedures for collecting and reviewing information as the president sees fit so long as guidelines stipulated elsewhere are met.
  4. Typically the Committee and the provost and dean of the College will deliberate together. However, the Committee may meet without the provost and dean of the College for its own deliberations.
- D. Inappropriate Considerations. If a faculty member under review has concerns about inappropriate considerations influencing his or her evaluation on the part of any Committee member(s) or the provost and dean of the College, these concerns should be communicated to the provost and dean of the College or, in the case of such concerns with respect to the provost and dean of the College, to the president, who may address the concern with the Committee, or in the evaluation/judgment he/she submits in the review. Influence of inappropriate considerations on the outcome of the Committee's review may be considered appropriate grounds for grievance or appeal.

## **Results of Review**

### **A. Group 1**

1. Following assessment of all review materials by the individuals involved in the recommendation (the FPRC, the provost and dean of the College, and the president), the provost and dean of the College will meet jointly with the Committee and the president to discuss each faculty member under review. In this meeting, each party to the review may present judgments and concerns for general discussion. The purpose of this meeting will be to voice particular perspectives and concerns that might be of value in the deliberations of each party. This does not exclude the possibility of conversations at other times during the review process.
2. After meeting with the Committee and the president, the provost and dean of the College will prepare a written summary of his/her assessment and judgment of the faculty member under review. This should explicitly address perceived strengths and weaknesses, with regard to the criteria for reappointment, in the faculty member's performance. Finally, the summary should present the provost and dean of the College's judgment as to whether the candidate should be appointed for an additional term and as to whether particular expectations or stipulations should be specified should the candidate be appointed for an additional term. If the committee agrees, members will co-sign the provost and dean of the College's letter. If the Committee's judgment differs from the provost and dean of the College's, or if the Committee wishes to expand on the provost and dean of the College's statement, a separate

statement from the Committee will be written. The document(s) will be delivered to the president.

3. A final and formal recommendation for or against appointment for an additional term will be written by the president and sent to the faculty member. The recommendation of the provost and dean of the College and the Committee will be included. In the event the faculty member is reappointed, the recommendation will be placed in his or her file for the next review. It should be made clear that the president's recommendation is authoritative, the provost and dean of the College's statement and the Committee's statement explicitly advisory; differences in judgment between the president, the provost and dean of the College, and the Committee are not, in themselves, grounds for appeal or grievance.
4. The president will make his/her final recommendation to the Board of Trustees.

## **B. Group 2**

1. Following assessment of all review materials by the individuals involved in the recommendation (the FPRC, the provost and dean of the College, and the president), the Committee will meet with the provost and dean of the College and the president to discuss each faculty member under review. In this meeting, each party to the review will present judgments and concerns for general discussion. The purpose of this meeting will be to voice particular perspectives and concerns that might be of value in the deliberations of each party. This does not exclude the possibility of conversations at other times during the review process.
2. After meeting with the provost and dean of the College and the president, the Committee will prepare a written summary of its assessment and judgment of the faculty member under review. This should explicitly address perceived strengths and weaknesses, with regard to the criteria for reappointment, in the faculty member's performance since the previous reviews. Finally, the summary should present the Committee's judgment as to whether the candidate should be reappointed and as to whether particular expectations or stipulations should be specified should the candidate be reappointed. If the provost and dean of the College agrees, he/she will co-sign the Committee's letter. If the provost and dean of the College's judgment differs from the Committee's, or if the provost and dean of the College wishes to expand on the Committee's statement, a separate statement from the provost and dean of the College will be written. The document(s) will be delivered to the president.
3. A final and formal recommendation for or against reappointment will be written by the president and sent to the faculty member. The recommendation of the provost and dean of the College and the Committee will be included. In the event the faculty member is reappointed, the recommendation will be placed in his or her file for the next review. It should be made clear that the president's recommendation is authoritative, the provost and dean of the College's statement and the Committee's statement explicitly advisory; differences in judgment between the president, the provost and dean of the College, and the Committee are not, in themselves, grounds for appeal or grievance.
4. The president will make his/her final recommendation to the Board of Trustees.

## **C. Group 3**

1. Following assessment of all review materials by the individuals involved in the recommendation (the FPRC, the provost and dean of the College, and the president) the president will meet with the Committee and the provost and dean of the College to discuss each faculty member under review. In this meeting, each party to the review will present judgments and concerns for general discussion. The purpose of this meeting will be to voice particular perspectives and concerns that might be of value in the deliberations of each party. This does not exclude the possibility of conversations at other times during the review process.
2. After the meeting described above, the provost and dean of the College and the Committee will prepare a written summary of their assessment and judgment of the faculty member

under review. This should explicitly address perceived strengths and weaknesses, with regard to the criteria for reappointment, in the faculty member's performance since the previous reviews. Finally, the summary should present the judgment of the provost and dean of the College and the Committee as to whether the candidate should be reappointed and as to whether particular expectations or stipulations should be specified should the candidate be reappointed. If the judgment of the provost and dean of the College and that of the Committee differs, each may write separate letters. The document(s) will be delivered to the president.

3. A final and formal recommendation for or against reappointment will be written by the president and sent to the faculty member. The recommendation of the provost and dean of the College and the Committee will be included. In the event the faculty member is reappointed, the recommendation will be placed in his or her file for the next review. It should be made clear that the president's recommendation is authoritative, the Committee's statement and the provost and dean of the College's statement explicitly advisory; differences in judgment between the president, the Committee, and the provost and dean of the College are not, in themselves, grounds for appeal or grievance.
4. The president will make his/her final recommendation to the Board of Trustees.

## 2.3 Academic Freedom Policy

### Preamble

As an institution dedicated to learning and teaching, Bennington College is committed to the principle of free expression and exploration of ideas in an atmosphere of mutual respect and civility. Like other freedoms, academic freedom requires both the assumption of risk and responsibility. The College recognizes that the free play of ideas, with all its attendant controversies, is indispensable to the act of discovery and to the dissemination of knowledge. However, just as the freedom to act carries with it the responsibility for those actions, the freedom to express ideas carries with it an attendant responsibility and accountability.

In the College, as in society as a whole, freedom of speech and expression cannot be absolute. For example, speech that is libelous, slanderous, incites to riot, or is unlawfully discriminatory or harassing is not constitutionally protected. Subject to these commonly accepted limits, Bennington College endorses the following principles.

### Principles

- Faculty and instructors are free to teach and to discuss any aspect of a topic pertinent to the understanding of the subject matter of the course that is being taught. Approaches in the classroom, so long as they are within the stipulations of the law and of other stated College policies, are the professional province and responsibility of the teacher. Controversial materials and the expression of controversial views by teachers should not be discouraged. However, teachers must recognize the responsibility inherent in the perceived authority of their position and make reasonable efforts to approach material from an informed position, avoid knowing misrepresentation, and avoid using their position of authority to manipulate student opinion.
- Faculty and instructors shall enjoy freedom in artistic creation, in research and in the publication and dissemination of the results of their work, subject to the performance of other faculty duties. The College supports the use of its facilities for professional advancement, but the use of facilities for direct financial gain must be based on a prior written agreement with College officials.
- Faculty and instructors are free to act and to speak in their capacity as public citizens without institutional censorship or discipline, but must indicate in such instances particularly when speaking as professionals that they are not acting as representatives of the College. As professionals and representatives of their disciplines, faculty members take upon themselves a responsibility for honesty and accuracy in professional statements and activity. As members of the College community, they should exercise appropriate restraint and show respect for the opinions of others.

### Procedures Concerning the Alleged Violation of Principles of Academic Freedom

Complaints regarding any alleged violation of the College's principles of academic freedom brought forward by faculty members during the course of their review process should be made in writing to the Faculty Review Appeals Committee.

Complaints regarding any alleged violation of the College's principles of academic freedom outside of the review process by faculty may be made to the associate provost and dean of studies who may refer them to the Faculty Committee on Grievance.

## **2.4 Faculty Availability**

Faculty are expected to meet with all regularly scheduled classes during each term. While there will always be exceptional situations that draw faculty away from campus from time to time, only under extraordinary circumstances should faculty be away during the first two weeks of the term, registration, and plan days. The beginning of the term is crucially important both in terms of advising and in providing students with a coherent launch of all classes.

Requests for planned absences away from campus must be made in writing to the provost and dean of the College no later than two weeks prior to the proposed time away. The request should give a detailed explanation of the purpose of the time away, the specific dates, and contact information. Additionally, the request should include details on class coverage or postponement information (including dates and times) and arrangements for advisee coverage. If the request is approved, faculty may arrange for other Bennington faculty to cover their classes. Only Bennington faculty may be proposed for covering advisees. There will be no remuneration for this coverage. If faculty propose an outside guest lecturer to provide class coverage, the College will not incur any additional instructional cost. Faculty may choose to have their salary reduced by an approved amount in order to provide funds for this type of coverage.

Faculty will be notified in writing if the request has been approved.

All changes in meeting times and days, due to absences of any kind, must be reported to program coordinators by faculty.

## 2.5 Office Assignment Guidelines

The following provisions are offered as general guidelines for faculty office assignments:

- The Office of the Provost and Dean of the College reviews all faculty office space each year over the summer break (this does not apply to faculty taking a sabbatical or leave of absence). Faculty who wish an office reassignment will need to submit their request to the Office of the Provost and Dean of the College. Faculty who have been teaching the longest, on a full-time basis, will have first choice (if tie, a coin toss will decide the winner). Faculty do not have to request an office reassignment should they prefer staying in their current office. *\*This excludes office spaces containing scientific or mathematical labs.*
- Programmatic changes, shifts in faculty numbers, or growth of new disciplines may require office assignment change(s).
- Faculty wishing to use their office while on a sabbatical or leave may do so only if it is not needed for other faculty for the term(s) they are away.
- Faculty sharing an appointment will also share an office.
- Although every attempt is made to give each faculty his or her own office each term, there may be terms when this is impossible. Should this happen, part-time faculty, graduate assistants, interns, technicians, and visiting faculty may be assigned shared office facilities.
- If a graduate assistant, intern, technician or a non-teaching employee is using a space located in an academic/teaching office environment, the office needs of faculty and/or teaching academic staff will be given first priority. The graduate assistant, intern, technician or non-teaching employee may be offered an alternate office, if available.
- Office space for retired faculty may be assigned during the first three years after retirement when space is available and after all other faculty have been accommodated. When the retired faculty is hired to teach part-time, office space will be assigned as for all part-time faculty.

## **3 Faculty Development**

### **3.1 Paid Leaves and The Faculty Library Fellowship**

Described below are several paid leaves available to Bennington faculty with multi-year contracts: sabbatical; early sabbatical; and non-teaching term. All are intended to provide opportunities for professional growth for the benefit of the faculty member and the College. There is additionally a faculty library fellowship, the design of which is outlined separately below.

Notification of a faculty member's eligibility for any of the leaves or the fellowship will take place each spring (a year and a half before the eligibility year). Neither the leaves nor the fellowship may be taken in the terminal year of a faculty contract.

Once an individual has requested and been granted a leave or fellowship for a specific period, the individual may not unilaterally decide to forgo the leave or fellowship in whole or in part. The rescinding of an already-granted leave or fellowship requires the approval of the provost and dean of the College.

By the end of the first month of teaching following a paid leave, a report on activities undertaken during the leave is to be submitted to the provost and dean of the College. This report, along with the sabbatical proposal, will be included in the faculty member's file at the time of the next performance review. Faculty may also be asked by the provost and dean of the College to make a short presentation describing the work and its impact on the College community.

#### **Sabbatical Leave**

The Sabbatical Leave is granted to faculty not only as a recognition of service through teaching and of contributions to the College community, but especially as an aid and inducement to further achievements. Sabbaticals are not to be used primarily for recreation and recuperation. A sabbatical for teaching elsewhere is generally discouraged but may be approved by the APC and the provost and dean of the College in exceptional circumstances. Sabbatical leave terms do not accrue towards a faculty member's next sabbatical.

Faculty members with multi-year contracts reviewable by the Faculty Performance Review Committee who have completed five continuous years of full-time teaching at Bennington are eligible to apply for sabbatical leave. The opportunity for taking a sabbatical at regular intervals is not guaranteed by the College and will be granted, at the sole discretion of the College, only when the faculty member's proposed absence will not impair the interests of the College. The granting of the leave is made by the provost and dean of the College after recommendation from the APC.

Faculty members may choose to apply for either one term at full salary or a year of sabbatical leave at 55% salary. Faculty who choose to apply for one term will be expected to teach three courses in the other term of the academic year. Sabbatical leaves must be taken in the first or second term after eligibility unless the APC recommends and the provost and dean of the College concurs that the needs of the College permit deferral of the sabbatical for an additional period. Time deferred beyond the second term after eligibility will not be credited towards the faculty member's next sabbatical leave.

The College will pay its customary share of all employee benefits while a faculty member is on a sabbatical, with the exception of contributions made by the College to retirement plans as these are determined based on the actual compensation paid, as required by ERISA law, and will be reduced accordingly when a faculty member is on a year-long sabbatical. College contributions to retirement plans remain the same during a one-term sabbatical.

Proposals: A faculty member who wishes to apply for a sabbatical must submit a proposal of no more than five pages by November 15 after receiving notification from the Office of the Provost and Dean. The proposal must include the dates of the requested term or year of leave. It should describe with as much detail as possible the work that will be undertaken and state how the work meets the intent of the leave.

## **Competitively Awarded Leaves**

### **Early Sabbatical**

The Early Sabbatical is a competitively awarded leave intended to provide faculty with the opportunity for continued professional growth at an earlier point in teaching service. As with sabbaticals, the leave is granted to faculty not only as a recognition of service through teaching and for contributions to the College community, but especially as an aid and inducement to further achievements.

Faculty members who have completed a minimum of three continuous years of full-time teaching and who have been reappointed following a Faculty Performance Review are eligible to apply for an Early Sabbatical. Faculty may choose to apply for either one term at full salary or a year of sabbatical leave at 55% salary. Faculty who choose to apply for one term will be expected to teach three courses in the other term of the academic year. College contributions to benefits programs during an early sabbatical are the same as during a regular sabbatical (outlined above).

Early Sabbaticals cannot be deferred. Early Sabbaticals cannot be taken in the year following a regular sabbatical and may not be combined with regular earned sabbaticals. Early Sabbatical leave terms do not accrue towards a faculty member's next sabbatical. Faculty members who are awarded Early Sabbaticals are eligible to apply for their next sabbatical after completing five continuous years of full-time teaching at Bennington following the early sabbatical.

### **Non-Teaching Term Leave**

The Non-Teaching Term Leave (NTT) is a competitively awarded one-term leave intended to give faculty members additional time to devote to the advancement of professional work and/or to the development of courses that take the faculty member's teaching in a significantly new direction. The leave may also include participation in Bennington College courses, if such participation would support professional work, curricular development, or would facilitate greater engagement with the academic life of the College. During the leave, the faculty member does not teach but will continue to advise students and participate in elected or appointed committee work and other College service. Near the end of the NTT, the faculty member will make a presentation to the College community on the work undertaken during the leave.

Faculty members who have completed a minimum of three continuous years of full- or part-time teaching and have been reappointed following a Faculty Performance Review are eligible to apply. The NTT is for one term at full salary. Non-Teaching Term leaves will not be awarded in the year immediately preceding or immediately following a regular sabbatical (if applicable). The leave cannot be deferred. The teaching load of part-time faculty will be reduced by two courses during the term of the leave; the remainder of their contracted course will be taught in either the other term of the academic year or in the term of the leave if they only teach one term per year. Full-time faculty are expected to teach three courses in the other term of the academic year. For those with full-time appointments, the term in which the leave is taken accrues towards sabbatical leave.

### **Faculty Library Fellowship**

The Faculty Library Fellowship provides one faculty member per year with a course release in order to develop a new course incorporating the resources and services of the library. The purpose of the Faculty Library Fellowship is to develop courses for the curriculum that are focused on the library with two intended outcomes: that students develop an understanding of the purpose and use of a library,

and that students create projects and dialogues to highlight and expand the role of the library within the Bennington College community.

Faculty members who are reviewable by the FPRC and who have completed a minimum of two continuous years of full- or part-time teaching at Bennington are eligible to apply. Proposals should include a description of the course and the intended outcomes specifically related to students' understanding and use of the library. It should also indicate the term in which the course would first be given (normally within one year of receiving the fellowship) as well as how the course would fit into the faculty member's range of offerings.

Proposals: A faculty member who wishes to apply for one of the above leaves must submit a proposal of no more than five pages by September 1 after receiving eligibility notification from the Office of the Provost and Dean. The proposal must include the dates of the requested term or year of leave. It should describe with as much detail as possible the work that will be undertaken and state how the work meets the intent of the leave.

Proposals for competitively awarded leaves are evaluated based upon the extent to which the proposal meets the intent of the leave desired, the timeliness of the leave in relation to the work proposed, and the thoroughness of the proposal itself. At minimum, proposals should address the benefits of the potential leave to the applicant's work, the benefits to the College, and why the leave needs to take place during the request term. Proposals are reviewed by a committee consisting of the provost and dean of the College (*ex officio*), the associate provost and dean of studies, the Chair of the APC, and the Chair of the FPRC. The dean of the library is also on the review committee for the Faculty Library Fellowship. The granting of the leaves is made by the provost and dean of the College after recommendation by the committee.

## 3.2 Provost and Dean's Office Faculty Grants

The Provost and Dean's Office faculty grants assist members of the faculty in their professional and scholarly work outside of the College. Faculty grants may be used for a range of activities, such as the presentation of papers at professional conferences, research trips, membership fees in professional organizations, publication costs, research assistance for faculty projects, software, exhibition preparation, or other activities that directly advance the faculty member's professional goals. Grant funds may not be used to purchase equipment, and are typically not awarded for conference attendance only.

Requests should be in the form of a written proposal and include the following: a description of the proposed work, an outline of the time frame, the benefit(s) in advancing the professional goals of the faculty member, and an itemized estimate of the total cost and amount of support requested. The request should also include if the faculty member will be receiving any additional funding, including grants, fellowships, payment from outside sources or sponsoring organizations, and if they are anticipating any projected income from the distribution or sale of their work.

The following guidelines pertain to the process of hiring research assistants under faculty grants:

- Students:  
Bennington students will be paid through the College's student payroll system at the regular pay rate in a position coded as "Research Assistant". For calendar year 2016, the hourly rate for this position is \$9.60/hour; in 2017 it will increase to \$10/hour; and in 2018 it will increase again to \$10.50/hour. In rare situations, if a particular research assistant position requires extensive experience or expertise, the faculty member can petition for an increase to the above-stated hourly wage up to a maximum rate pre-set by the Provost and Dean's Office. When budgeting, faculty need to add an additional 7.65% FICA tax expense (paid by the College) to the hourly rate to determine the full position cost intended to be covered by the grant.

Student Research Assistant positions are not Federal Work Study (FWS) eligible, and do not count against a student's FWS work allotment. (Money earned, however, may impact a student's future financial aid allocation in the same way a non-FWS off-campus position would.) Faculty interested in hiring a Bennington student as a research assistant should review the College's staff webpage on "[Supervising a Student Employee](#)" and notify the Provost and Dean's Office to help coordinate all position approval, hiring, and timesheet management processes. To advertise a research assistant position to the student body, faculty can contact the Field Work Term and Career Development Office.

- Non-students\*:
  - Hired for one term, a summer/field work term, or less:  
Faculty may hire a non-student and pay them directly as an independent contractor or as their employee depending on the nature of the working arrangement. (See federal [guidelines](#) for independent contractor versus employee status.) The faculty member, not the College, is the hiring party or employer of short-term, non-student research assistants. The rate of pay is at the discretion of the faculty member and should be highlighted in the budget portion of the grant application. The faculty member will be reimbursed by the College up the amount of the grant award upon receipt of proof of payment and appropriate invoices.

- Hired for longer than one term or a summer/field work term:  
Non-students must be hired as an employee of the College through Human Resources (HR) and paid an hourly rate approved by the College. Faculty are advised that the recruitment process will require standard HR practices, including but not limited to an employment application, interview process, references, contract development, orientation, and ongoing supervisory responsibilities. Faculty should contact HR directly to determine the full cost of the position and to arrange for the College to conduct its standard hiring process.

*\*If a desired candidate for recruitment is an alumnus/alumna, please contact Human Resources before beginning the recruitment process.*

Faculty will be notified by the Office of the Provost and Dean of the College of the grant application process and deadline. The provost and dean of the College reviews all requests and makes the determination on the funding of each faculty grant.

### 3.3 External Grant Preparation Procedures

At the earliest stage of interest in a grant opportunity (before developing a proposal), the faculty member should e-mail her/his idea to the provost and dean of the College for approval. This initial e-mail should provide a short explanation of the grant opportunity including the following details:

- the foundation, agency, or organization offering the grant;
- a description of the program or grant opportunity;
- a description of the faculty's proposed research project; and
- submission deadlines.

The provost and dean of the College will send a "go ahead" or "don't proceed" e-mail to the faculty member to ensure there are no conflicts of interest with other grants being pursued by the College.

If, after approval, the faculty member decides to pursue the opportunity he/she should draft a letter of inquiry, preliminary proposal or full proposal (whichever step is required for the application) as well as a draft budget (if required at this point) and e-mail a copy of these materials to both the provost and dean of the College and the director of corporate and foundation relations, External Relations Office, at least **three full weeks** before the submission deadline. A longer time frame is needed for significant/multi-year grants or those with a laborious application process (i.e., NEA, NEH, NSF, etc.).

If a draft budget is required, the faculty member should also contact the vice president for finance and administration in the Business Office at least **three full weeks** before the deadline to prepare the proposal budget.

The provost and dean of the College will forward comments regarding proposal content to the faculty member no later than two weeks prior to the submission deadline. Any further changes to the budget may be addressed with the vice president for finance and administration.

The faculty member will forward a final draft of the proposal and budget to the provost and dean of the College once all revisions have been made.

Once the provost and dean of the College signs off on the proposal and budget, the faculty member will obtain the necessary signature from the vice president for finance and administration in the Business Office and submit the proposal directly to the foundation, agency, or organization. The faculty member will send a copy of the signed document to the provost and dean of the College's office.

The faculty member will e-mail the provost and dean of the College upon receipt of either a turn down, acceptance, or invitation to apply to the next round. If approved, the faculty member will also send a copy of the acceptance letter and other related materials to the provost and dean of the College's office. The Office of the Provost and Dean will provide the faculty member with any applicable policies or further paperwork regarding the grant, if necessary. If invited to the next round, the faculty member will also note any relevant submission deadlines in their e-mail to the provost and dean of the College.

### 3.4 Budget Process

Normally, the Office of the Provost and Dean requests budget proposals from the faculty discipline groups at the beginning of the spring term. Faculty are asked to discuss at their discipline meetings any new curricular initiatives or additional budgetary needs they may have for the following fiscal year. This includes the following budgetary areas:

- **Operating Budgets** – day-to-day budgets that run the studios, labs and offices.
- **Small Equipment Budgets** – items under \$1,000 each that are infrequently purchased, such as easels, electronic thermometers, small projectors, scanners, tablets, etc.
- **Academic Capital Expenditures** – items \$1,000 or more each, such as computer equipment for studios or labs, microscopes, lighting kits, etc. This does not include faculty laptops; these are managed by Information Technology. If a faculty member has a question about his/her laptop, they should contact Information Technology.
- **General Capital Expenditures** – studio, lab, and classroom upgrades and construction repairs (i.e., new lighting, work tables, lockers, etc.)
- **Instructional Software** – any upgrades or new software required to run the studio/lab equipment.

Faculty will be asked to provide a written narrative as to the reasoning behind each budgetary request. For capital expenditures, each discipline group is asked to prepare a detailed list of the requested items, prioritize each request, and explain how the item will impact teaching and learning at the College.

Proposals are typically due in the first month of the spring term. The Office of the Provost and Dean will review and organize all of the budget proposals, providing a draft compilation of the capital expenditures to the Academic Policy Committee (APC). The APC will review the full range of these requests and determine a final recommendation for the next fiscal year. The operating, small equipment, and software budgets, as well as the APC recommendation, will be reviewed by the provost and dean of the College and the vice president for finance and administration for final approval and funding. The Office of the Provost and Dean will notify the discipline groups of the approved budgets.

The Office of the Provost and Dean will assess all older equipment replaced by new capital equipment for possible use elsewhere on campus. If an approved request is no longer valid or needed, the funds that were allocated for that request will be returned to the general capital expense budget for future re-allocation. The same applies to any funds remaining after the purchase of an approved item.

## 4 General College Policies

### 4.1 FERPA Information for Faculty

#### **The Federal Family Educational Rights and Privacy Act (“FERPA”)**

FERPA (the federal Family Educational Rights and Privacy Act), also known as the “Buckley Amendment,” applies to all educational agencies or institutions that receive funds under any program administered by the Secretary of Education, including Bennington College.

FERPA protects the confidentiality of student information and gives post-secondary students the following rights: to see the records that the College is keeping on the student; to seek amendment to those records and in certain cases append a statement to the record; to withhold the disclosure of the student’s educational records except for specific situations set forward in the law and regulations; and to file a complaint for any alleged violation with the federal agency with jurisdiction over FERPA.

#### **Records Protected by FERPA**

**FERPA** applies to a student’s “education records,” which are records directly related to a student (“personally identifiable”) and maintained by the College. “Education records” are **not** limited to academic records. Examples include advising notes; admissions information; financial documents; disciplinary records; disability accommodations; biographical information such as social security number, gender, nationality, and race or ethnicity; grades, test scores, courses taken or in progress; and course work, such as papers, exams, and communications that are part of the academic process between a student and a teacher, or between a student and other students in the class. Education records can exist in any form, such as handwritten, typed, computer generated, videotape, audiotape, film, microfilm, microfiche, and e-mail. In general, if personally identifiable information has been recorded in any way by College personnel, that record has become an “education record” covered by FERPA.

There is an exemption for personal notes maintained by and for a sole individual as a memory aid and not made available to **any other person**. However, once those notes are shared, they become an “education record.” In addition, please keep in mind that such “sole possession notes” can always be subject to discovery through a court subpoena in the case of legal action.

There is also an exemption for “directory information,” which at Bennington includes: name, campus address and email, campus telephone number, dates of attendance, class, previous institutions attended, major field of study, honors and awards, degrees conferred (including dates), past and present participation in officially recognized sports and activities, date and place of birth, and photograph. However, each student is permitted to “opt out” of the permission to disclose directory information by notifying the College in writing. Accordingly, no release even of directory information should be made without first clearing the release with the associate provost and dean of studies, where the records are kept of students who have exercised their right to withhold disclosure of directory information.

#### **What is Not a “Record”**

A personal observation that has not been recorded in any way is not a “record” and is not protected by FERPA.

#### **Student Right to Review**

The first important requirement of FERPA is that students have the right to review their educational records upon request. Accordingly, unless the record is a “sole possession note,” the student is entitled to see it.

### **Prohibition Against Disclosure**

The second important requirement of FERPA is the obligation to protect the confidentiality of student information. **Each individual faculty member has a legal obligation under FERPA to protect the confidentiality of student educational records in that faculty member's possession.** Student educational records may not be released without the prior written consent of the student. Student information stored in electronic format must be secure and available only to those entitled to access that information. There may be no posting of student grades, and papers should not be passed back to students in such a way that any student could view the grade of any other student. In addition, grades should not be provided via email due to confidentiality concerns about this method.

In addition, each faculty member is permitted access to student information **only** for legitimate use in carrying out his or her duties as a College employee. You are not entitled to have access to student information simply by virtue of your position as a faculty member, but only to have access to the specific student information that is **necessary to carry out your own duties.** Also please keep in mind that disclosure even to another student at the College is a disclosure prohibited by FERPA. In addition, disclosure to any other College employee who does not have a legitimate educational purpose in having access to that particular student's record is a disclosure prohibited by FERPA.

### **Parents**

Parents are also third parties to whom you may not release education record information about a student, without the prior written consent of the student. Parents are sometimes confused about how FERPA applies in the post-secondary context, because parents of primary and secondary students have the right of access to their children's education records, while parents of post-secondary students do not. The College keeps records on a student-by-student basis of which students have consented to release of education records to their parents. In some instances, the College may, but is not required to, disclose student information to parents under an exception for permissive disclosure when the student is financially dependent for tax purposes on a parent. However, no faculty member should attempt to make a determination whether such an exception applies, and it is generally the College's practice not to make disclosures from a student's educational records involving academic matters to parents without the student's written consent. Accordingly, if you should receive a request from a parent, you should state that you are not permitted to release student information without clearance from the associate provost and dean of studies or the assistant dean for academic services, with whom you should then consult to see if the student has a consent on file. Any additional questions from parents about their children's information should also be directed to the associate provost and dean of studies or assistant dean for academic services.

### **Other Third Parties**

Should you be contacted by local, state, or federal law enforcement (such as the FBI doing a background check), you may not release any information without clearance from the associate provost and dean of studies, which will need to have the student's written consent on file before you may release any information. Likewise, should you receive a subpoena or other court process, you should not respond without first consulting the associate provost and dean of studies.

### **Concerns About Student Health or Safety**

If you have a health or safety concern, you should bring this to the attention of the dean of students and the director of campus safety. FERPA allows disclosures of education records to others within the College who have legitimate interests in the information; those interests include the health, safety, and well-being of students, the effective functioning of the College, and the safety and security of the campus. The dean can consider whether further disclosure is permitted under a FERPA exception for certain health or safety emergencies. Also, keep in mind that your own personal observations of a student's behavior or condition are not educational records and thus are not regulated by FERPA. So, if you have a concern about a student, first and foremost, report it.

**For Questions or More Information**

FERPA contains many restrictions and particularized exceptions, and the law is governed by a complex set of regulations and compliance guidelines, not all of which are covered in this informational discussion. If you have any question in any individual situation, please do not try to resolve the issue yourself, but discuss it immediately with the associate provost and dean of studies.

## 4.2 Academic and Artistic Ethics Policy (as it pertains to students)

Plagiarism and all kinds of academic and artistic dishonesty are contrary to the educational philosophy and aims of Bennington College and are absolutely prohibited. At Bennington, instances of plagiarism and dishonesty affect all students and all faculty, since cheating compromises the spirit of self-governance and the community's commitment to work. The College will not tolerate the disregard of our common academic endeavors by those who fail to take intellectual and ethical responsibility for their work. Academic and artistic dishonesty is not merely an issue for a specific student, class, or faculty member; it is a College-wide issue with institutional consequences.

Plagiarism is submitting the work of others as one's own, whether intentionally or not, and includes failure to acknowledge sources. Proper acknowledgment of sources is the basis of academic honesty. Such sources include words, ideas, data, and images from books, articles, Internet sites, and so on. Sources of images must be noted in the same way that textual material is cited, according to discipline standards. Ample material is available in the library to help students determine how to cite sources properly. Any students with questions about this should consult reference librarians, peer writing tutors, or faculty members for guidance.

Academic dishonesty also includes the submission of the same work for different classes without substantial revision and prior permission from the faculty. Academic dishonesty may also include projects or assignments done collaboratively but not approved in advance by faculty as collaborative work.

Whenever academic or artistic dishonesty is discovered or suspected, the following procedures are followed:

1. The instructor consults with the associate provost and dean of studies or the assistant dean for Academic Services about the particular situation.
2. The instructor normally then discusses the situation directly with the student.
3. If the instructor is satisfied that the suspicion is unfounded, no further action is taken.
4. If, after discussing the situation with the student, the instructor finds that plagiarism or another kind of dishonesty has occurred, the instructor again speaks with one of the academic deans. The faculty advisor will also be consulted. The associate provost and dean of studies and/or the assistant dean then determines the specific consequences for the student. Students normally fail courses in which they have committed any form of academic dishonesty. Students may not withdraw from a course to avoid failure as a result of academic dishonesty.

One or more of the following consequences may be imposed in accordance with the discretion of one of the deans:

**First Offense:** Failure in the class, academic warning, suspension, or dismissal.

**Subsequent Offense:** Failure in the class, academic warning, suspension, or dismissal.

**Appeals:** Appeals of the decision in cases of suspension or dismissal must be made in writing to the provost and dean of the College within 10 days of the letter of notification. Decisions of the provost and dean of the College or designee will be in writing and are final.

## 4.3 Nondiscrimination Statement

### Nondiscrimination Statement

Bennington College is committed to a policy of nondiscrimination as defined under applicable state and federal laws, including but not limited to Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in education programs and activities. The College does not discriminate in its programs and activities on the basis of race, color, age, sex, religion, disability, national or ethnic origin, sexual orientation, gender identity, HIV test, or any other legally protected status. Complaints of any type of unlawful discrimination that do not fall within the Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking Policies and Procedures should be directed the director of Human Resources, whose office is located at Barn 102, whose telephone number is 802-440-4423, and whose email address is hfaley@bennington.edu. The director of Human Resources shall adjudicate any complaint of unlawful discrimination in a prompt and equitable manner, which will permit the complainant to make a written submission, to respond to any submission by the person complained against, to be given a written decision by the director of Human Resources, and to take a written appeal to the vice president for finance and administration, whose decision, which will be rendered in writing, will be final. Except in extraordinary circumstances, such grievance shall be determined by the director of Human Resources within 60 days of the filing of the complaint.

**Please note:** Any complaint determined by the Title IX coordinator to fall within the jurisdiction of the Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking Policies and Procedures must be brought pursuant to that policy.

## 4.4 Workers' Compensation Notice and Procedures

### Notice

Faculty injured on the job will be compensated according to the Vermont Workers' Compensation Act.

The Human Resources Office, the College's workers' compensation carrier, and the Department of Labor will monitor these cases to ensure effective management.

Medical treatment for work-related injuries and return to work planning will be coordinated by the College in conjunction with the Occupational Health Department (OHD) of the Southwestern Vermont Medical Center (SVMC) in Bennington, VT. Employees are required to follow the steps outlined below in the event of a work-related injury:

- Any employee requiring ambulance transportation from the work site due to a life- or limb-threatening accident should be taken directly to the Emergency Department at Southwestern Vermont Medical Center in Bennington, VT, or the nearest emergency care unit.

Employees should always notify Campus Safety (x210) regarding any emergency situation.

- All work-related injuries should be reported to Human Resources within 24 hours. In the event that the office is not open, the report should be made on the first business day that it is open. Employees must file a First Report of Injury form and related Department of Labor forms provided by the Human Resources Office. Employees must contact Human Resources regarding their return-to-work status and other case details.
- Any employee who has a non-life-threatening injury should contact the Occupational Health Department (OHD) of SVMC at 802-447-5317. The OHD nurse can advise the employee on the appropriate course of action and will make necessary appointments for treatment and/or referrals. The OHD will determine the need for additional visits for specialist evaluation and treatment, file claims, and will keep the employer updated with restrictions and return-to-work notices.
- The final decision as to whether compensation shall or shall not be payable in any particular instance rests with the Vermont Department of Labor.

More information may be found at [Workers' Compensation Procedures](#) on the College's website. For questions or concerns regarding work-related injuries or illnesses, please contact Human Resources at x4423.

## **4.5 Drug-Free Workplace**

In compliance with the Drug-Free Workplace Act of 1988 enacted by Congress all faculty are advised that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance or alcohol is prohibited in the workplace. Any faculty member who engages in this activity will face sanctions which may include suspension or termination of employment. Furthermore, faculty members are required to notify the College of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction. Any faculty member so convicted must satisfactorily participate in a drug abuse assistance or rehabilitation program, at the faculty member's expense, or face sanctions including suspension or termination.

The College is committed to providing a drug-free workplace and to this end, from time to time, will provide information about the dangers of drug abuse in the workplace. The College's policy regarding alcohol is designed to be consistent with the laws of Vermont; it stresses moderation, safety, and individual responsibility. In addition, the Human Resources Office maintains a list of local agencies equipped to deal with problems associated with drug and alcohol abuse.

## 4.6 Smoking Policy

In accordance with Vermont state law the College is required to provide employees, students, and visitors with clearly stated guidelines on when and where they may smoke. The State policy restricts smoking in all places of public access. The policy has been formulated in recognition of the Surgeon General's conclusion that:

- smoking is injurious to health; and
- involuntary (or second-hand) smoking is a cause of disease in non-smokers

The College has designated its administrative, academic, and other public buildings smoke-free. Smoking is also prohibited in all shared faculty housing. Smoking is not permitted inside any of these buildings or within 30 feet of entryways and exits of all buildings.

## 4.7 Campus Safety and Security Operations

The Office of Campus Safety is located in the small building at the entrance to the main campus, opposite the Barn. Campus Safety officers are on duty 24-hours a day, 365 days a year.

Annual Clery Act Crime Report: In compliance with the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act*, Bennington College's Annual Report is available on-line at <http://www.bennington.edu/docs/default-source/docs-institutional/CleryAct.pdf?sfvrsn=14>. Printed brochures of this document are also available at the Office of Campus Safety.

Reporting Crimes/Incidents: All crimes, incidents and suspicious activity should immediately be reported to the Office of Campus Safety, who will respond, investigate, provide assistance and document the incident.

- Routine Calls: Dial 0
- Emergency: Dial 767
- From Off Campus: (802) 447-4250

Emergency Notification: Bennington College has developed an Emergency Response Plan to provide a systematic response to emergency conditions that could occur on campus. Part of this Emergency Response Plan is a system that communicates such situations to the community. In the event of a campus emergency, the Office of Campus Safety will send out notifications to campus phones and email addresses, and any other phone/text/email addresses provided, to members of the College community via *Send Word Now*, an immediate emergency notification system. Faculty who are issued a Bennington College email address will receive email notification from the Office of Campus Safety on how to register for *Send Word Now*. Faculty who do not have a Bennington College email address should contact the Director of Campus Safety (extension 4420) to request information on how to register for *Send Word Now*. In addition to the *Send Word Now* notification system, an emergency alert siren has been placed on the Visual and Performing Arts Building (VAPA). This siren will sound an alarm in the event of an emergency.

Training: All Campus Safety Officers are trained and certified in CPR, first aid and the use of the Automated External Defibrillator (AED). Officers receive bi-annual training in all campus safety related protocols and procedures.

Emergency Medical Response: All emergencies should immediately be reported to Campus Safety by dialing extension 767. As trained first responders, Campus Safety Officers will respond, tend to the injured/ill, assess the situation, and request 911 be called as appropriate.

Blue Light Emergency Call Boxes: The Bennington College emergency call box system provides readily available and strategically located call boxes throughout the campus. Identified by blue lights, they connect directly and immediately to the Campus Safety dispatcher, relaying the exact location of the caller. Operation instructions are located on the boxes.

Dispatch/Communications: Operating 24-hours a day, Campus Safety Dispatch receives calls, documents campus activity, provides information, issues parking passes and decals, runs the van reservation program, and operates the campus switchboard.

### Vehicle Assistance:

- Battery Jump Starts – Vehicle battery jump start assistance will be provided by Campus Safety Officers, when available, for vehicles on campus.
- Vehicle Unlocks – With proper photo identification, vehicle unlock assistance will be provided by Campus Safety Officers to individuals who have locked their keys in their vehicles on campus.

Parking/Decals: The Office of Campus Safety issues parking decals to faculty, staff and students, and enforces parking regulations via parking education and the issuance of tickets. All vehicles parked on College property must display a current College decal. Applications for parking decals are available at the Office of Campus Safety; there is no charge for a parking decal.

#### **4.8 Weapons Policy**

Possession of dangerous, potentially dangerous, or unauthorized materials such as explosives, firearms, or other weapons (whether or not loaded with ammunition) on College property is strictly prohibited. Employees may not carry such materials on to College property in their vehicles or by other means. The provost and dean of the College may authorize in writing specific exceptions for job-related activities for faculty and technical staff. The director of Campus Safety may authorize in writing specific exceptions for job-related activities for other personnel. Violation of this policy will be considered grounds for immediate discharge.

## 4.9 Vehicle Operation and Parking Regulations

All employees of the College are required to register any motor vehicle that will be driven on the College campus. Employees must visit the Campus Safety Booth (located just outside of the Barn) to complete this registration within the first few days of employment. *Until a vehicle has been registered, please park in "Lower Barn Lot" to ensure that the vehicle is not ticketed.*

Employees will need to provide the following items to complete the registration process:

- Valid driver's license
- Proof of vehicle registration
- Insurance identification card

Once these requirements have been satisfied, the employee will be given a free parking sticker(s) to be displayed on the motor vehicle(s).

Campus Safety will also provide each employee with a map of the designated employee parking areas as well as information outlining vehicle operation and parking regulations while on campus.

As a reminder, Bennington College is not responsible for any damages to or theft of motor vehicles, or the contents thereof, while parked on Bennington College property.

## 4.10 College Driver Policy

Faculty may use a College-owned or leased vehicle for a field trip or other College-related purpose, provided the faculty member is an approved driver. This means that the faculty member:

- Successfully completes the mandatory on-line defensive driving course. This is arranged through Campus Safety.
- Completes a *Motor Vehicle Record Check Consent* form from the Office of the Provost and Dean, and the faculty member is subsequently approved by the College's insurance carrier.
- Maintains a valid driver's license.
- Observes and obeys all state, local, and College motor vehicle laws and regulations.

It is recommended that all newly approved drivers take a brief informational road test with Campus Safety to familiarize themselves with driving a 15 passenger vehicle. This can be done just prior to driving the vehicle and takes about 15 minutes.

All approved College drivers must report any license suspension or revocation to the Office of the Provost and Dean immediately upon receiving such notification. All approved College drivers are subject to initial and periodic Department of Motor Vehicle record checks and are required to sign any document which may be required to release such information to the College. The College will determine in its sole discretion whether an approved College driver will be permitted to continue to drive a College-owned or leased vehicle in situations where the driver's license has not been suspended or revoked.

#### **4.11 Inclement Weather**

An internal employee communications hotline is available to assist faculty and staff with information about operations during inclement weather and other unique emergent situations. Faculty can contact the hotline at (802) 440-4747 (x4747 from campus) and listen to a recorded message regarding College operations.

Because Bennington College is a residential campus and must provide services and meals for students and continue essential operations, the College is never officially closed. As such, faculty should make every effort to come to work during inclement weather, but should not jeopardize their safety in doing so.

However, due to the fact that individual faculty members are affected differently during inclement weather by virtue of their residence location or transportation requirements, the College recognizes that certain faculty may be delayed in their arrival or unable to travel to work during such situations.

A faculty member should notify his/her program coordinator or the Office of the Provost and Dean if he/she expects to be delayed in arrival at work. If a faculty member wishes to leave early due to inclement weather, he/she is required to notify the Office of the Provost and Dean prior to leaving. Classes missed due to the weather or emergent conditions will be made up at a mutually agreed-upon time by the faculty member and his/her students.

In any situation where telephone systems are inoperable and faculty member is unable to make initial contact with the College, he/she is expected to continue to attempt such contact until successful.

If the weather is severe enough that faculty are sent home due to weather conditions, classes will not have to be made up.

## 4.12 Committee on Research With Human Participants

The charge of the Committee is to ensure that research conducted by Bennington College faculty members, staff, and students fosters the ethical treatment of human research participants. Committee approval is required for all research on human participants conducted by College faculty members, staff, and by students doing research with human participants for senior theses, senior projects, and individual and group tutorials. Research using human participants undertaken by students as a requirement of their enrollment in a regularly scheduled Bennington College course must be approved by the instructor of the course, who may, but is not obligated to, consult the Committee for advice.

The Committee will be composed of three members appointed by the provost and dean of the College, all of whom must be familiar with professional association ethical standards for research with human participants, and at least one of whom has conducted research employing human participants. Members will serve on the Committee for a term of three years, the terms of office to be staggered.

### General Guidelines

Those in the categories described above planning to engage in research using human participants must submit a proposal to the Committee. Proposals from students shall include a standardized cover sheet signed by the student's advisor or the faculty member supervising the research, whichever is appropriate. Proposals should be submitted far enough in advance of the date on which data collection is scheduled to begin to allow for the possibility that the Committee might require changes. Under normal circumstances, the Committee will review and respond to proposals within four weeks of their submission. In all cases, the proposal must be approved by the Committee before data collection begins.

Proposals shall include:

1. A concise description of the major question(s) the project is meant to address, the theoretical frameworks and research literature that have been consulted to this point, and the proposed method of data collection.
2. A detailed description of:
  - a) the types of data to be collected,
  - b) the people (or records, or organization) from whom the data will be collected, and
  - c) the methods to be employed in gathering these data (including the way participants will be recruited).
3. A copy of the proposed Statement of Informed Consent that must be signed by each participant prior to their participation. In instances in which the researcher believes this requirement is not applicable or cannot be met, the researcher must provide a specific explanation and request for exemption. Along with that request, the proposal must include a description of the way in which the researcher will:
  - a) elicit participants' informed consent to participate;
  - b) eliminate or minimize any potential risk of harm to the participants; and
  - c) protect to the extent agreed upon the fact of their participation and the
  - d) confidentiality of the data they provide, including data storage.
4. A description of the way the proposed research responds directly to any specific concerns of the appropriate professional association's (American Psychological Association, American Sociological Association, American Anthropological Association, etc.) code of ethics not addressed in items #1-3 above.

5. A copy of the certificate documenting that the researcher has successfully completed the tutorial on protecting human research participants found on the NIH Office of Extramural Research website. The tutorial is sponsored by the U.S. Department of Health and Human Services, and the National Institutes of Health; it takes about two hours to complete. In the case of proposals by students, the student shall provide a certificate.

Upon receiving the Committee's approval, the responsibility for adhering to these guidelines in the conduct of the research rests with the faculty member (in the case of faculty proposals) and the faculty research supervisor and the student (in the case of student proposals).

## 4.13 Exhibitions of Art on Campus

At Bennington College, we have the opportunity to live and work in an environment of inspiring artistic expression. Art in open public spaces should be an honest meeting between the ideas of the artist and the expectations of the audience. As is the case with all public displays of art, there comes with this opportunity a continuous and lively search for a shared sense of responsibility and understanding. The following is a list of available spaces on campus and the process for requesting their use.

### **VAPA Sculpture Overlook and Galleria**

Good for work seen on intimate level, including small sculptures and site-specific work. Lighting is a mixture of natural and artificial. Process for Showing: Students sign up with Visual Arts program coordinator.

### **Student Houses**

Space depends upon the individual house. Lighting is a mixture of natural and artificial. Process for Showing: House Chairs or individuals complete a Land and Building Use Request form, available from the design and planning coordinator.

### **Dining Halls**

A very public and highly visible space used by all members of the community and guests. These are not good spaces for three-dimensional work. General lighting is a mixture of natural and artificial. Process for Showing: Request forms are available from the design and planning coordinator.

### **Barn East** (area adjacent to Office of the President)

A very public and highly visible open space used by all members of the community and guests. This is a heavily used traffic area with little natural light. Consideration must be given for traffic flow and an audience of primarily staff, students and visitors. Process for Showing: Request forms are available from the design and planning coordinator.

### **Barn West** (hallway from Barn 100 to External Relations)

This is a narrow corridor with light from the east facing windows, which is a public and visible space used by all members of the community. Process for Showing: Request forms are available from the design and planning coordinator.

### **Crossett Library**

Secure cabinets for books, prints, drawings and photographs, along with wall spaces for two-dimensional work. Process for Showing: Proposals to the dean of the library.

### **Outdoor Installation Sites and Buildings** (other than VAPA)

Varies, depending on locations ranging from courtyard spaces to lawns, etc. Works need to be adaptable to all weather conditions and consideration must be made for safety concerns. Process for Showing: Proposals to the Land and Building Use Committee, applications available from the design and planning coordinator.

## 4.14 Copyright Policy

### Guidelines

Faculty are expected to determine fair use of the work they want copied. Following the steps below and working closely with the program coordinator, faculty can perform a fair use analysis by using a form established for this purpose. The program coordinator has copies of the form available. The analysis consists of determining four factors that can favor or oppose copying the materials:

The four fair use factors are:

- The purpose/character of the use
- The nature of the work to be used
- The amount/substantiality of the portion used, and
- The effect the copying will have on the market.

**Step One.** Faculty determine if the work to be copied is:

- In the Public Domain
- One chapter from a book
- One article from a journal
- One poem or excerpt
- A few graphs, charts, illustrations, or photos

### If the answer is:

Yes: OK to copy for classroom use. Copyright notice and citations must be completed and handed into the program coordinator along with the work to be copied.

No: The faculty member completes the Fair Use Analysis form and moves to Step Two below.

**Step Two.** Faculty determine if the selections favor fair use by performing the fair use analysis.

### If the answer is:

Yes: OK to copy for classroom use. Copyright notice and citations must be completed and handed into the program coordinator along with the work to be copied.

No: The faculty member must get copyright permission; this is done through the program coordinators.

### Proper Citation and Copyright Notice

All copying must include the citation information listed below as well as the page numbers of the work to be copied. If the front and back of the title page is copied, all the required information will be included.

- journal/book title or article/chapter title;
- name of author(s);
- volume or issue number
- publisher; place of publication; copyright date/owner

### Internet/Computer Use

Similar guidelines apply to audiovisual materials, internet web sites and other sources protected by copyright. If a faculty member intends to use any of these materials in the classroom, he or she is asked to consult with the Office of the Provost and Dean or dean of the library regarding the fair use guidelines for the specific materials.

## 4.15 College Communication Services and Equipment

All College communications services and equipment, including all messages in any form transmitted or stored by them, are the sole property of the College. Messages or information transmitted over or saved on the College communications equipment and services are not private or confidential to the employee, and the College may access and monitor employee communications and files as it considers appropriate. Communications equipment and services include mail, electronic mail (“e-mail”), facsimile, telephone systems, personal computers (including laptop computers), computer networks, on-line services, Internet connections, computer files, telex systems, video equipment and tapes, tape recorders and recorders, pagers, cellular phones, bulletin boards, and newly developed communications technology as it is introduced into the College system.

Misuse as described in this policy, or transmitting, retrieving, or storing harassing, discriminatory, fraudulent, defaming, threatening, or illegal material, including without limitation illegal pornography, using College communication systems, services, or equipment, is prohibited.

Upon the termination of employment, an employee must return all College computer and other communications equipment to the College. If the employee has stored on any such equipment material that is not the property of the College, it is the employee’s responsibility to make a copy of such material for him or herself; this will not be done by the College.

### **Political Activity Prohibited**

As a tax exempt organization under section 501(c)(3) of the Internal Revenue Code, the College cannot intervene, or use its resources (including its communications system, services, or equipment) or permit its resources to be used, to intervene in any political campaign on behalf of, or in opposition to, any candidate for public office. Violation of this prohibition could cause the College to lose its tax-exempt status or incur excise taxes.

While the College is prohibited from taking an institutional stance or role in elections, individuals within the College community retain their personal rights of self-expression. However,, no College employee while on duty performing his/her job for the College may, whether officially or unofficially, and whether or not the message is marked “Personal” or otherwise, and whether or not the message is sent to all, or only to one or more College employee, transmit on any part of the College communications, system, services, or equipment, any message or other material which is intended to, or may be interpreted as, participating or intervening in any political campaign on behalf of, or in opposition to, any candidate for public office. Examples of activities which have been interpreted by the Internal Revenue Service to be such intervention in a political campaign include:

- Endorsing or opposing any candidate for public office;
- Donating or contributing to any candidate’s campaign;
- Participating or engaging in political fundraising events;
- Publishing or distributing statements for or against any candidate, including doing so by sending or forwarding any such statements over the College computer, email, and internet access system;
- Engaging in any other activity that favors or opposes any candidate for public office.

### **Other**

College communication services and equipment may not be used for any other purpose that is illegal, against College policy, or contrary to the College’s best interests. Equipment such as computers, photocopiers, facsimile machines, etc. should be used for College business only and may not be used for the transaction of unrelated business or for personal gain.

## **4.16 Financial Whistleblower Policy and Procedures**

This policy is intended to encourage and enable employees to raise serious concerns relating to the financial affairs or the financial recordkeeping (“Financial Affairs”) of the College within the organization, for investigation and appropriate action. With this goal in mind, no employee who, in good faith, reports such a concern shall be threatened, discriminated against, or otherwise subject to retaliation or adverse employment consequences as a result of such report.

The following concerns are covered by and may be reported under this policy:

- Providing false or misleading information on the College’s financial documents, tax returns or other public financial document;
- Providing false material financial information to, or withholding such information from, the auditors, accountants, lawyers, trustees or other parties responsible for ensuring the College’s compliance with fiscal and associated legal responsibilities;
- Violation of any law relating to the Financial Affairs of the College, including embezzlement, private benefit, or misappropriation of funds;
- Material violation of the Board of Trustees’ policy on conflict of interest.

### **Procedures to Report Concerns**

An employee may report a concern covered by this policy directly to the president, the chief financial officer, provost and dean of the College, or the director of Human Resources. However, if for any reason an employee is not comfortable reporting to any of these individuals or does not believe the issue is being properly addressed, the employee may report the matter to the chair of the Board or any member of the Board of Trustees. A report must be in writing.

### **Handling of Reported Concerns**

The College will investigate promptly any report made in accordance with this policy. A matter reported to any of the four staff members referenced above will be investigated to determine whether the allegation is true, whether the issue is material, and what actions, if any, are necessary and appropriate to correct the problem.

A matter reported directly to the chair of the Board or any member of the Board of Trustees will be investigated by the chair or her/his designee, unless the matter pertains to the chair. The chair or her/his designee will investigate to determine whether the allegation is true, whether the issue is material, and what, if any, corrective action is necessary and appropriate. If the report pertains to the chair, the president will investigate to determine whether the allegation is true, whether the issue is material, and what, if any, corrective action is necessary and appropriate.

### **Acting in Good Faith**

An employee reporting a concern must act in good faith and have reasonable grounds for believing the matter raised is a serious violation of law or policy relating to the Financial Affairs of the College, or a material accounting or auditing matter.

### **Confidentiality**

Reports of concerns, and investigations pertaining thereto, shall be kept confidential to the extent practicable and permitted by law.

## 4.17 Pet Policy

While Bennington appreciates the special nature of the owner-pet relationship, the College is both a workplace and residence for many individuals, and, as such, the welfare of the entire community has to be considered paramount. The College, therefore, has established strict policies regarding the bringing or keeping of pets (or any other animals) on campus.

With the exception of small fish, service animals, and approved assistance animals, no pets or other animals are temporarily or otherwise permitted to be brought into or kept in (1) any student residences, (2) shared faculty/staff housing (houses accommodating multiple, unrelated tenants occupying apartments or rooms), or (3) any administrative, service or academic buildings or facilities, including classrooms, faculty or staff offices, libraries, studios, food service areas, or public access areas.

Common domestic pets may be maintained in the residence of College employees occupying self-contained College housing (i.e., single-family housing or separate apartment units), provided that (a) such pets do not present a safety, sanitary or nuisance problem (e.g., noise) to other College residents and employees, (b) all aspects of the College Pet Policy are observed, (c) the owner complies with the Town of Bennington regulations regarding pets, (d) a tenant liability insurance policy meeting the College's requirements is in force, (e) housekeeping services are not provided for the tenant by the College and (f) in the case of dogs, registration by the owner with the College's Campus Safety Office and presentation of evidence verifying that the dog has current shots and is properly licensed. The College may decline to register a dog it considers may present a safety issue.

Dogs must be leashed and under the owner's direct control when outside. Under no circumstances are dogs to be allowed to run loose, or to be tied to buildings, handrails, trees, bicycle racks or other objects. Dogs temporarily brought onto the campus by residents, employees or visitors must be in the continuous full control of their owner or other custodian.

The College may direct at any time that a pet be removed from the campus if it has demonstrated aggressive behavior or is believed by the College to be a possible danger to others, or if the owner fails to conform to any aspect of the College's Pet Policy as determined by the College. Failure of a College housing tenant to comply with a directive to remove a pet may result in the tenant being required to vacate his or her housing.

Individuals violating the Pet Policy will be required to remove the animal from the campus immediately. If the owner does not expeditiously remove an animal when requested, arrangements will be made to have it taken to a local kennel and boarded at the owner's expense. Animals considered a possible hazard may be referred for disposition to the Town of Bennington animal control officer and/or removed without notice.

Pet owners are expected to exercise care in ensuring their pets do not create unclean or unsanitary conditions within College premises or on the campus. They also bear full responsibility for any situations or damages attributable to the pets that require, as determined by the College, special clean up, painting and refinishing, or repairs or replacements of College property. The owner will be charged for the related costs. As well, pet owners renting from the College are required to pay a pet deposit which will be applied toward any pet-related damage in a rental property. The pet owners will continue to be financially responsible for additional charges due to pet-related damage. The deposit will be returned if there is no pet-related damage at the end of the lease.

Employees and students are responsible for their guests' compliance with the College's policy. They also will be held accountable for reimbursement of any clean up, repair or other costs incurred by the College arising from the pet's presence on campus.

Owners or others who bring or keep a pet on campus, whether in compliance or not with this Policy, retain complete and sole liability for injury or damage to personal property caused by the pet. The College does not undertake any responsibility or liability for any person's pet while on campus.

Violations of the Pet Policy by College employees or students may result in disciplinary action being taken against the owner, including but not limited to the termination of a tenant's lease or other housing arrangement, or a student's housing privileges; and/or fines assessed in accord with those established by the Business Office from time to time.

Infractions or complaints regarding animals should be brought to the attention of Campus Safety. Campus Safety may arrange removal (with or without notice) of pets on the campus upon violation of policy. Should external assistance be used to remove a pet, the owner will be responsible for any costs incurred. The College does not assume any responsibility for animals removed from the campus.

The Town of Bennington animal control officer or local humane society will be notified to arrange for removal of any animal of unknown ownership roaming loose on the campus.

## **4.18 Disability Accommodations (As They Pertain To Students)**

### **Students with Disabilities**

Bennington College provides reasonable accommodations to otherwise qualified students with documented disabilities when such accommodations are requested and necessary to ensure equal access to College programs and facilities. This is in compliance with Section 504 of the Rehabilitation Act of 1973, The Americans with Disabilities Act of 1990, and the Americans with Disabilities Amendments Act of 2008 and similar state laws. A “disability” is a physical or mental impairment which substantially limits a major life activity, such as caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working, or other activities as defined by law.

Bennington College does not offer programs or courses specifically designed for students with disabilities. However, in addition to reasonable accommodations, the College offers all students a variety of support services such as peer writing and math tutors, faculty advising, academic advising, and health and psychological services. These services, along with small classes, a focus on the individual and easily accessible faculty, create an environment where students thrive and learn to take increasing responsibility for their own education, their own work, and their own lives.

### **Requesting Accommodations**

All students with disabilities are encouraged to work with the assistant dean for academic services to request reasonable accommodations and discuss the various supports available. However, the disclosure of a disability and a request for accommodations is an individual choice and one that the College can encourage but not require. Therefore, students wishing to apply for accommodations for documented disabilities, whether permanent or temporary, must take the initiative in completing the Disability Accommodation Request Form, which is mailed to all students upon acceptance to the College and available at any time online or in the Academic Services Office or the Provost and Dean’s Office. Students are expected to work cooperatively with the assistant dean for academic services to determine appropriate accommodations. The assistant dean for academic services works with students, faculty, and staff to determine, provide, and arrange for reasonable accommodations, which are reviewed and approved on a case-by-case basis.

Requests can be made at any time; however, in order for accommodations to be approved prior to the start of the term, completed forms and documentation must be submitted by June 1 for fall term and January 15 for spring term (these dates vary for Master of Arts and Postbaccalaureate programs). Requests made after the deadlines or during the term will be reviewed and determined as quickly as possible. Housing assignments are made for the full academic year; therefore, housing requests made after the June 1 deadline may be more difficult to fulfill. Accommodations are not retroactive; accommodation requests granted after the beginning of a term will not apply to previous work in courses for that term or previous terms. The assistant dean for academic services will work with students to ensure access to approved accommodations following appropriate review and will assess the efficacy of the accommodations provided.

Once accommodations have been approved, students will receive confirmation in writing and are responsible for communicating with faculty and staff about approved accommodations and working with them to make arrangements for accommodations, where it is necessary to do so. Students are also responsible for communicating with faculty and the assistant dean about the effectiveness and delivery of the approved accommodations.

### **Providing Documentation**

Requests for accommodation must be as specific as possible and normally must be accompanied by the Documentation of Disability form which can be found on the College's website or an equivalent report (e.g. a copy of a psychoeducational evaluation). Completed forms and supporting documentation should be forwarded or provided to:

#### **Laurie Kobik**

assistant dean for academic services  
lkobik@bennington.edu  
(802) 440-4400

### **Grievance Policy for Students with Disabilities**

Students who think they have been denied equal access to the College's academic programs, resources, or other services because of a disability may file a detailed written grievance with the Dean's Office as soon as possible after the alleged discrimination occurred, but in no event more than 60 days thereafter. In order to establish the basis for such a grievance, students must have filed a Disability Accommodation Request Form and supporting documentation with Academic Services and discussed their request with the assistant dean for academic services. The College encourages students to first speak with the assistant dean for academic services in order to resolve their complaints informally. If informal steps do not satisfactorily address the complaints or there is a complaint about the assistant dean of academics services, students may file the written grievance described above to the associate provost and dean of studies, who serves as the College's Section 504 Coordinator. The associate provost and dean of studies will investigate the complaint and issue a finding, normally within 30 days. The associate provost's contact information is:

#### **Duncan Dobbelmann**

associate provost and dean of studies  
[duncand@bennington.edu](mailto:duncand@bennington.edu)  
(802) 440-4400

### **Appeals Process**

Students who are not satisfied with the associate provost's decision may file an appeal by contacting the provost and dean of the college. Appeals must be submitted within 7 business days of when the student receives notice of the associate provost's decision. The provost may affirm or modify previous decisions made and/or may send the matter back for reconsideration by the assistant dean for academic services or the associate provost and dean of studies. The provost will communicate a final decision to the student in writing.

### **Service Animals and Assistance Animals**

The College recognizes the importance of service animals, as defined by the Americans with Disabilities Act Amendments Act (ADAAA), and the broader category of "Assistance Animals" under the Fair Housing Act. An "assistant animal" is not a pet. It is an animal that provides physical and/or emotional support to individuals with disabilities. The College allows individuals with disabilities the use of a service animal on campus to facilitate their access to and participation in the College's programs and activities. The College is also committed to allowing Assistance Animals necessary to provide individuals with disabilities an equal opportunity to use and enjoy College housing.

The College has established strict policies regarding the presence of pets and animals on campus. The College will, however, consider a request by an individual with a disability for reasonable accommodation from the no Pet/Animal policy to allow an Assistance Animal that is necessary because of a disability. A request for an assistance animal may be denied as unreasonable if the presence of the animal: 1. imposes an undue financial and/or administrative burden; 2. Fundamentally alters College housing policies; and/or 3. poses a direct threat to the health and safety of others or would cause substantial property damage to the property of others, including College property.

Individuals wishing to request such an accommodation should follow the process outlined above.

## **5 Academic Policies and Procedures**

### **5.1 Evaluating Student Work**

Integral to a Bennington education is a close connection between faculty and students, and one expectation that follows from this is that faculty will be able to evaluate students throughout each term in multiple ways as needed: through written evaluations on papers, through verbal comments in a group critique, through a discussion of work in an office meeting, or via email in response to work submitted electronically.

There are two set moments in the term for individual student feedback at mid-term and end-of-term. In addition, faculty should complete an Academic Concern Form for any student doing marginal or poor work at any point in the term. These forms are available in the Office of the Provost and Dean and through program coordinators. Concern Forms are part of a student's internal record, but do not appear as part of the student's transcript. Faculty should send the original to the Office of the Provost and Dean and a copy to the student and the student's advisor.

#### **Mid-Term Student Evaluations**

Faculty should structure specific work into their courses that can be individually evaluated. At mid-term, each student must receive feedback either in written form or through individual meetings. It is highly recommended that students in their first term at Bennington receive written mid-term evaluations. Faculty are encouraged to submit an Academic Concern Form at the mid-term point for any student doing marginal or poor work. A "Concern" notice can provide a student the opportunity to improve on his or her initial performance as well as alert the Office of the Provost and Dean and the student's advisor of the student's academic difficulties.

Faculty must complete a Mid-term Evaluation Form for all students on Academic Warning or Probation. The Office of the Provost and Dean will distribute these forms directly to instructors who have probationary students in their classes.

#### **Final Narrative Evaluations**

At the end of the term, all faculty must submit a narrative evaluation for each student. This narrative evaluation summarizes a student's work in 100 words or less, and is intended for an external audience of graduate school admissions officers, employers, and for fellowship and scholarship applications. The comments in the evaluation should address the student's participation in class, how well they achieved their own and the class objectives, their attendance, and their overall progress. A useful guide to these criteria is the four P's: Participation, Performance, Progress, and Presence. It is expected that faculty will make generous use of the space provided to inform students of the details of their performance and progress.

The Final Evaluation includes a judgment of Pass, comparable to (A - C-), Marginal Pass, comparable to a (D), and Fail. No credits are given for classes not passed. While evaluations are not routinely mailed to parents or guardians, the College may do so at the written request of a student.

Faculty will receive evaluation submission instructions via email from the Office of the Provost and Dean. Faculty must submit the evaluations by the due date.

#### **Grades**

Students may also elect to receive letter grades (A, B, C, D, F) in individual courses, in addition to Narrative Evaluations, by requesting them through the Registrar's Office during the first two weeks of each term. Students will receive a Grade Point Average (GPA) based on any courses where letter grades have been assigned. However, it is suggested that a minimum of two years or four terms of

continuous grades be used for a GPA if that GPA will be used for graduate schools, scholarships, fellowships, or other purposes. It is not possible to request grades retroactively.

A grade point average (GPA) can be useful or even necessary in certain situations. Some undergraduate and graduate scholarships require a GPA; some study-abroad programs students might want to pursue while at Bennington require a GPA; certain professions that students might want to consider often require a GPA for admittance to graduate school (education, law, and medicine, for example); international students who might pursue graduate work in any field in their home country are strongly advised to obtain grades; and schools in the U.S. where some students might choose to transfer may require a GPA.

### **Class Attendance**

Critical to Bennington's educational philosophy is the principle of active learning. Attendance and engagement in the classroom, under the guidance of Bennington faculty, are therefore essential components of the learning that takes place at the College. Consistent and attentive class attendance is simply required for the successful completion of coursework here. Missing classes, for whatever reason, fundamentally alters the nature of courses at Bennington.

Course instructors set their own attendance policies (i.e. how many absences are possible) within the general policy that attendance in class is mandatory. The policies are reflective of the importance of being present in class as a participant in discussion, in hands-on experiences and interactive content, which cannot be duplicated outside of the classroom. In the event that a student must miss a class, the student should notify the instructor in advance. Notification of absences does not mean that absences are excused. If an extended absence is anticipated or there is a personal emergency, the student must also notify the assistant dean for academic services, who will notify instructors and the faculty advisor as appropriate. Missing class for any reason does not exempt a student from completing work for that class. Students may fail classes if they do not attend the required number set by the instructor involved, regardless of the reason for the absence. Students who begin a class late (add the class after it has begun) are generally considered absent for the classes they missed. In addition, students who miss two weeks of classes for any reason (including personal and family emergencies) are normally not able to meet course objectives and therefore are not able to pass the course and may be required to stop attending the course. Depending on the circumstances, a student may be permitted to withdraw from the course after the withdrawal deadline.

The Health Services staff does not give medical excuses for missed classes. For those rare cases when students are unable to contact their advisor due to incapacitation, medical emergencies, or hospitalization, Health Services staff will make the assistant dean for academic services aware of the student's absence and the projected date when the student will return to class. It is the student's responsibility to initiate a conference with the instructor to discuss making up work missed and to make up work to the instructor's satisfaction. A student who has been hospitalized must contact the director of Health Services or the director of Psychological Services, prior to the student's anticipated return to the College, with documentation from their attending physician stating that the student is capable of managing their own health and safely resuming full-time academic work and residence in the campus community. Students are not permitted back on campus without this documentation. The director of Health Services and/or the director of Psychological Services will consult with the office of the provost and dean as appropriate to the circumstances.

### **Appealing an Evaluation or Grade**

If after considerable reflection a student thinks that a final evaluation or grade is inaccurate, the student should normally first discuss the matter with the faculty member. If the matter is not resolved

after this discussion, the student may appeal the evaluation in writing to the faculty member, with a copy to the associate provost and dean of studies, stating specifically the nature of the inaccuracy. The associate provost and dean of studies will forward the student's appeal to the Appeals Committee, which may proceed as it deems appropriate to consider the appeal. The decision of the Appeals Committee is final. An appeal must be sent to the faculty member as stated above by the end of the term following that of the evaluation or grade in question. It is not possible to appeal an evaluation only because a student disagrees with a faculty member's assessment of the quality of his/her work.

### **Incomplete Coursework**

All coursework at Bennington College must be completed before the end of the term in which the course was offered/took place. Exceptions may be made to this rule as follows: Students who are unable, for documented health reasons or other serious circumstances, to complete the work of a course during the term in which it is offered may ask the instructor and the Office of the Provost and Dean for approval to complete the course after the end of the term. Candidates for graduation are not eligible for Incompletes.

1. The student must confer with both the instructor and the Office of the Provost and Dean to request an Incomplete before the end of the term. Students need to determine, in consultation with the Office of the Provost and Dean and their instructor, whether the course is eligible for an Incomplete. In situations where an incomplete is possible, the student must fill out an Incomplete Form and obtain the instructor's signature; it is the responsibility of the student to return the form to the Office of the Provost and Dean.
2. The student must provide acceptable written documentation of the health situation.

**Please note:** A student who misses two weeks of a class for any reason, including a health reason, is normally not eligible for an Incomplete and may be given a failing grade in the class or be required to withdraw from the class or the College, depending upon the situation. The Office of the Provost and Dean will consider granting Incomplete status in a course only after these steps have been completed, only with the agreement of the instructor, and only if the student requests the Incomplete before the end of the term in which the student is registered in the course. Work in a course that has been granted Incomplete status is normally due a month after the last day of class (refer to the academic calendar for specific dates) unless the student, instructor, and the Office of the Provost and Dean make other arrangements at the time the request is granted. This deadline also applies to students who either withdraw or take a leave following the end of the term. If Incompletes are not completed by the deadline, instructors evaluate the students on the work received. Extensions on Incompletes are not granted. All Incompletes must be completed/resolved prior to the start of the following term.

### **Academic Progress and Academic Standing**

To proceed successfully through Bennington, a student must meet the academic requirements outlined in the student handbook. Concurrently, students must progress adequately each term, move through the curriculum with broad goals for achieving a liberal arts education, and, within that context, with the more focused goals of developing both an area of primary interest and the ability to do advanced work in that area. Academic advising is central to this process and active participation in advising makes it possible for students to make appropriate choices in their program of study.

### **Academic Progress**

Academic progress at Bennington is both quantitative and qualitative and is evaluated by the Office of the Provost and Dean at the end of each term in four ways:

1. By determining the number of credits a student has earned in a term, in an academic year, and cumulatively. Please see the 'Quantitative Standard' below.
2. By reviewing a student's cumulative number of Pass, Marginal Pass, and Fail evaluations, and grades, if applicable. Please see the 'Qualitative Standard' below.
3. By requiring satisfactory completion of Field Work Terms, generally required annually from each student enrolled for the full academic year.
4. By requiring timely submission and acceptance of a student's academic Plan.

After each academic term, student records are reviewed for academic progress as noted above. Students who do not meet satisfactory progress standards are notified (along with their families, when permitted by law. See Family Educational Rights and Privacy Act (FERPA) Annual Notice. Students who are at risk of academic progress difficulties are placed on "notice." Students facing more severe challenges to their academic progress may be placed on academic warning or may be dismissed. A student may appeal an academic dismissal as described below; if the appeal is granted, the student will be permitted to return on academic probation. Explanations for each designation of academic standing follow the sections on quantitative and qualitative standards.

**Quantitative Standard**

Success in meeting the quantitative standard is evaluated by measuring cumulative pace, which is the term used to describe the ratio of a student's cumulative credits earned versus cumulative credits attempted; it measures how quickly a student is progressing toward graduation within the expected amount of time. Bennington students must complete their undergraduate degree in 10 terms (160 attempted credits) or fewer.\* In order to assure that this will be the case, a certain cumulative pace must be maintained from term to term. Each term, a full-time student is expected to take and complete 16 credits. When calculating cumulative pace, therefore, the number of credits attempted per term is always set at 16 for full-time students, even if a student has registered for more or fewer credits in a given term. The only exception to this is for students who have been granted, by the Provost and Dean's Office, an accommodation of a disability in the form of a reduced course load (see Accommodation for Students with Disabilities). Students granted an accommodation in the form of a reduced course load are still expected to complete their undergraduate degree in 10 terms (160 attempted credits) or fewer, unless this is specifically waived in the form of an additional accommodation. If students complete fewer than a certain percentage (between 75 percent and 80 percent, depending on term standing) of the total expected credits, they will not maintain the necessary cumulative pace to graduate within the maximum amount of time allowed. When this happens, the student will lose good academic standing. The chart below details the minimum number of credits needed at the end of each full-time term at the College in order to maintain the necessary cumulative pace.

<b>Term</b>	<b>Credits required to maintain Minimum Cum. Pace</b>
1	12
2	24
3	36
4	48
5	62
6	74

7	90
8	103
9	116
10	128

In addition, at the conclusion of any term, any student earning a pace of 50 percent or below for the term (e.g., earning 8 or 5 fewer credits in a single term) may be placed on academic warning or be dismissed from the College.

Upon approval from the advisor and the Office of the Provost and Dean, a full-time student may be permitted to take a reduced course load of 12–15 credits for an occasional term, with the understanding that credits will be made up in future terms. Of course, a student’s cumulative pace toward graduation is affected when fewer credits are taken in any given term.

Students may apply for part-time status. This status means that a student is registered for fewer than 12 credits in a term. For these students, the number of credits attempted for the purposes of calculating cumulative pace is the number of credits for which a student has registered at the end of the term’s drop-add period.

Credits earned before attendance at Bennington or elsewhere while in attendance at Bennington and transferred in count as both credits attempted and credits earned in the pace calculation.

**Please note:** Any withdrawal from the College, regardless of the reason, after the term has started will result in zero credits earned out of 16 attempted and Cumulative Pace calculations will have to be adjusted accordingly.

\*This limit does not mean that a student cannot take a leave or withdraw for a period of time; it simply means that a student cannot attend for more than 10 full-time terms.

### Qualitative Standard

A **Pass (P)** reflects satisfactory work and is equivalent to a range of performance from C- to A+. A **Marginal Pass (MP)** does not reflect satisfactory progress, but the student will receive credit for the course. An MP is the equivalent of a D grade. A **Fail (F)** means that the student will not receive credit for the course.

Students will generally lose good academic standing (see below) or be dismissed from the College if they fail six or more credits in a given term (for full-time students) or half a program (for part-time students). A failure in a four-credit course combined with a marginal pass in one or more other courses in a given term will also generally result in the loss of good standing or dismissal from the College, as will a term containing 6 or fewer credits of full passes (e.g. 10 credits of MPs and 6 credits of Ps). Students’ performance over the course of their time at the College will always be taken into consideration when assessing whether or not they meet the qualitative standard.

Any student who has academic difficulties in any course should discuss the problem with the instructor as soon as possible. Students also should bring the problem to the attention of their faculty advisor. The student also may discuss these difficulties with the Office of the Provost and Dean and First-Year Advisor (if applicable).

In addition, students are required to submit Plan essays on time and have an approved academic Plan in place by the end of their fourth term; therefore, timely submission and approval of a student’s academic Plan is considered when evaluating qualitative progress. A student will generally lose good standing if a Plan is not approved, a Plan is deferred twice, a Plan is not in place at the end of a

student's extension, or a Plan is not progressing well. A student who fails to submit a required Plan essay in any given term will also generally lose good standing (see below).

Students are expected to have a cumulative average of C or above (or the equivalent) by the end of their sophomore year; this generally indicates readiness to begin advanced work in an area of study. However, a student may have passed several courses in a particular area of study but still not be deemed able to pursue advanced work in that area; these decisions are made through the Plan process and with individual faculty members. In such cases the student will be advised to propose another area of study and/or will be advised that one or more extra terms are necessary for graduation or he or she will be dismissed from the College.

### **Academic Standing**

The Office of the Provost and Dean determines each student's academic standing after considering academic progress as described above. Any student whose work is not satisfactory or who has not submitted a Plan on time and obtained timely approval of a Plan, or who has not successfully completed the FWT requirement, may be placed on academic warning, academic probation, or dismissed from the College. Typically, students are placed on warning at the conclusion of a term, but a student may be placed on warning at any time. Students who cease attending class for two consecutive weeks for any reason may be dismissed during the term. Students who have failed at least half of their program before the end of the term may be dismissed during the term. Dismissal decisions are made by the associate provost and dean of studies, in consultation with the faculty. Students who have been dismissed must have permission, in advance, from the director of campus safety to visit campus.

**Good Standing.** All students enter Bennington in good standing. However, a student will be placed on academic warning or be dismissed from the College if satisfactory cumulative pace is not maintained, or a satisfactory number of classes and Field Work Terms are not passed, or Plans are not submitted and approved when required.

**Notice.** Students may be placed on "notice" in order to alert them and their advisor that they need to pay particularly careful attention to their academic progress. Students on notice are still considered to be in good academic standing.

**Good Standing – Satisfactory Academic Progress Plan (SAP Plan).** Students who successfully complete a term of academic warning or academic probation but are unable to regain the required minimum cumulative pace after just one term will continue on a SAP Plan until they regain a satisfactory pace. Students who only minimally meet the expectations to return to good standing from academic warning may be placed on a SAP Plan for the term following warning. Students following a SAP Plan must meet the terms of their SAP Plan; those who do not will be dismissed from the College.

**Academic Warning.** In order to return to good standing, students placed on academic warning are expected to pass 16 credits with 6 no marginal passes, Ds, or Fs. In addition, students are expected to submit their Plan on time and have it approved during the term, as well as satisfy FWT requirements for the term. Students on academic warning must also maintain the necessary cumulative pace to be returned to good standing at the end of the term. Normally, only one term of warning is permitted. Students who do not return to good standing following a term of academic warning will be dismissed. Students who have been dismissed may submit an appeal to return for a term of academic probation, which shall be determined by the Appeals Committee at its discretion. The associate provost and dean of studies will advise the student in writing of the Committee's decision, which is final, with no further appeal. Appeals must be submitted within one year from the date of dismissal. Circumstances that may provide the basis for such a request include serious injury or illness, or the injury, illness, or death of a parent or sibling. The appeal to return on probation must explain why the student did not achieve satisfactory academic progress and describe what has changed in the student's situation to allow the student to achieve satisfactory academic progress

during a term of probation. The College may require additional materials following the review of an appeal. If an appeal is not taken or is not granted, the student is dismissed. Students are normally limited to one such appeal during their time at the College.

**Academic Probation.** A student whose appeal has been granted is placed on academic probation for the following term and is required to work with the Office of the Provost and Dean and faculty advisor to complete a Satisfactory Academic Progress Plan (SAP Plan) for regaining and maintaining satisfactory academic progress. SAP Plans must be drafted before students return for their term of probation and given provisional approval by the Office of the provost and dean. The SAP Plans must be reviewed (and may be revised) by the Office of the Provost and Dean and faculty advisor at the beginning of the term of probation and must be signed by the student after such review/revision. Students who fail to complete a SAP Plan for probation, whose SAP Plan is not approved, or students who do not successfully complete the requirements set forth in the SAP Plan will be dismissed from the College.

## 5.2 Faculty Course Evaluations

The course evaluation process is facilitated by the Student Educational Policies Committee or SEPC. SEPC is comprised of students elected by the student body to represent the interests and concerns of discipline and program groups,

The SEPC body and its officers oversee the course evaluation process, though the production and tracking of evaluation forms is handled by the Office of the Provost and Dean.

The process has three components: 1) Election of an SEPC class representative for every class (and every tutorial with 3 students or more). 2) Mid-term discussion. 3) End-of-term discussion and completion of Course Evaluation Forms.

### **Election of SEPC Class Representative**

At the end of the add/drop period, two weeks into the term, faculty are asked to reserve 5 minutes of class time for election of a class representative.

Many faculty recommend leaving the room for the election so that students can undertake this democratic process on their own terms.

Students elect both a class representative and an alternate. Faculty are asked to see that these names and signatures are recorded on a form provided by the Office of the Provost and Dean and to then return the form via campus mail to the address provided.

### **Mid-term discussion**

Faculty are asked to reserve 20 minutes of class time around the mid-term mark (before or after Long Weekend) for a discussion about the progress of the class. This meeting time is intended not as an evaluation, but as a conversation about class goals, student success, assignments, projects, readings, and workload.

A variety of discussion models are in practice:

- The faculty member conducts the discussion, posing particular questions about progression of the class thus far.
- The faculty member reserves class time for discussion and leaves the room. The class representative facilitates a discussion about the class and takes notes, which he/she reports to the faculty member.
- The most commonly used model is as follows: The faculty member provides the class representative with a list of particular questions about class progress and leaves the room. The class representative facilitates the discussion and takes notes which he/she reports to the instructor. The faculty member discusses the class response with the class, either immediately after the mid-term meeting, or during a subsequent class.
- The faculty member generates a written questionnaire. The faculty member also provides time for mid-term discussion to be facilitated by the class representative. The class representative takes notes which he/she reports to the faculty member.

In general, faculty are encouraged to frame the discussion to help students focus their comments on the work of the class and their progress.

### **End-of-term discussion and course evaluation form**

Packets of course evaluation forms are distributed during the 12th week of the term to each faculty member's mailbox. Faculty are asked to provide 20 minutes of class time for the end-of-term discussion on or before the second-to-last class of the term.

Faculty are asked to deliver the packet of evaluation forms to the class representative and leave the room. As the packet instructions indicate, class representatives are encouraged to have the class complete the written evaluation form prior to the class discussion.

The class representative facilitates a discussion about the progress of the course and takes notes on student feedback. The class representative then writes a summary of the discussion to be read back to the class during the next class period. Faculty are asked to provide 5 minutes of class time for this summary report review.

Class evaluation forms and discussion summaries will be forwarded to the faculty member at the conclusion of the term once student evaluations have been completed. Copies of course evaluation forms will be kept in the faculty member's confidential file and, where appropriate, for a faculty member's next performance review. The summary discussion page is not retained in the faculty member's file.

Faculty members should feel free to contact the Office of the Provost and Dean with any questions or concerns after reviewing their course evaluations.

### 5.3 Tutorials

Tutorials are an opportunity to develop special research projects or areas of focused study for those students who have demonstrated the ability to work independently. Given the demands on faculty time, faculty members are expected to reserve tutorials for those particular situations where supplemental courses are essential to a student's plan or where focused study broadens the curriculum for small groups doing advanced work within a discipline. Faculty are not expected to offer tutorials each term, but are rather encouraged to reserve tutorials for special situations. Visiting faculty are not expected to offer tutorials.

Generally tutorials are for students doing advanced work in a discipline and, therefore, not appropriate for first-year students. First-year students are sometimes admitted into group tutorials in their second term. All students are welcome to approach faculty to propose a tutorial topic; all faculty are free to say no. On occasion a faculty member will want to work with a student or group of students on developing ideas or work begun in a class. Certain disciplines have created small group tutorials or advanced projects classes to meet the need of upper-class students working on various projects. Most students (with the exception of graduate students) should not register for more than one tutorial in a given term. Tutorials can be offered for 1-4 credits.

To apply to offer a tutorial, faculty must fill out the application available at the Registrar's office and submit it to the relevant Curriculum Coordinator. Faculty should, of course, only propose tutorials in areas in which they have some expertise. The Coordinator will then review the application, follow up on any concerns, and forward the application to the associate provost and dean of studies. If approved, the associate provost and dean of studies will then give the application to the Registrar for processing; if not approved, the associate provost and dean of studies will return the application to the Curriculum Coordinator for clarification and discussion.

Ideally, all tutorial requests would be initiated before registration. In practice, the system can still accommodate applications given during the first week of each term. Late applications jeopardize students' academic status and financial aid, since both are tied to enrollment status.

Any questions about whether or not to offer a tutorial in a particular subject should be brought to the relevant Curriculum Coordinator.

## 5.4 Co-Teaching Guidelines

Occasionally two or more instructors co-teach classes. There are various reasons for co-teaching—shared interests, curricular initiatives, the supervision of advanced work, the development of new courses and programs—and there have been numerous models for co-teaching here at Bennington. Co-teaching can be fruitful both within and across disciplines.

The act of co-teaching is valued here. However, it is understood that a co-taught course for which each instructor receives full credit must work for the curriculum as a whole, the curriculum for each discipline, and the potential number of students served. Therefore, if two faculty members wish to co-teach a class with each of them receiving full credit for the course, they must submit a proposal to CPC and the Office of the Provost and Dean each year before the start of the spring term. Proposals should include a course description, a maximum number of students, and a description of how the faculty members propose to share the teaching load. These proposals will be considered based on the overall curricular needs of the faculty and student body at that time.

Instructors who only plan to be in the classroom half the time (i.e. only the first hour of a two-hour class, or only the first 7 weeks of a full-term class) will receive half credit each, and these classes need not be formally proposed. Any co-taught class for which the instructors do not seek co-teaching credit does not need to be formally proposed to CPC and the Office of the Provost and Dean and can simply be entered in the curriculum.

## **5.5 Short-Term Study (Field Work Term Courses)**

Faculty may wish to sponsor a class/trip during non-term times (called Short-Term Study) either abroad or within the United States. Interested faculty should contact the provost and dean of the College at least one term in advance of the proposed trip for approval. If approved, the proposal is given to the Field Work Term Office, who will assist the faculty member with the necessary preparations.

## 5.6 Field Trip Guidelines

A field trip is an off-campus educational experience sponsored by a faculty member that is a required part of the faculty member's course.

Faculty work with their program coordinator when organizing a field trip. Faculty are asked to give a 2-week notice for field trips as this allows the program coordinator to reserve a van, hire an approved College driver, and make any other preparations for the trip. The earlier a trip is planned, the greater the chance vans and drivers will be available.

Every attempt should be made to utilize College-owned vehicles and drivers for field trips.

Faculty intending to drive the students in a College-owned vehicle for the field trip must be an approved driver as outlined in the *College Driver Policy*. Faculty with valid licenses may also drive students in their own vehicles, but the liability will rest with the faculty member.

All field trips require:

- Signed release forms for every student participating on a trip, whether or not they are riding in College-owned vehicles. The faculty member should ask their program coordinator for the blank release forms to distribute to their class.
- A roster of students going on the trip and name of the faculty sponsor. This information is entered into the online Field Trip Information Form by the program coordinator and is shared with Campus Safety and Office of Student Life.
- Approval of the Office of the Provost and Dean for all overnight trips.
- A responsible chaperone who takes attendance to/from the trip site. This may be a student selected by the faculty member.
- Vans to be left in the condition in which they were found.

**Please note:** Even if a trip is considered optional, the requirements listed above will apply if a) the College is paying for any part of a trip; or b) a College-owned vehicle is being used for the trip.

## **6 Faculty Benefits and Privileges**

### **6.1 Faculty Benefits Program**

Bennington College offers a comprehensive benefits program to eligible faculty members. Currently, the benefits program includes the following: medical insurance, dental insurance, vision insurance, life insurance, supplemental life insurance (for employee, spouse/partner and/or dependents), long term disability insurance, health-care/dependent care/adoption assistance flexible spending accounts, retirement plan, and educational benefits. Please note that some of these programs may have employee eligibility and contribution requirements and note also that all benefit programs are subject to change from time to time. The benefits information provided is intended only as general information for eligible faculty of Bennington College and is not in any way intended to be a confirmation of benefits enrollment or eligibility. The College reserves the right to change benefit plans and programs at any time. Current benefits are not a guarantee of future benefits and not all employees are eligible for the same level of benefits. Please contact the benefits manager in the Business Office for detailed information on all benefit programs offered. When planning for retirement see Human Resources.

## 6.2 Reimbursement for Meals and Travel

Bennington College follows the IRS Publication 463 regarding reimbursement of travel, entertainment, and car expenses. Primarily, the College will reimburse these expenses (including any sales or other relevant taxes) provided they are reasonable and appropriate, authorized and College-related in nature, and are properly documented. Any questions regarding what is and is not reimbursable may be directed to the faculty member's program coordinator or to the Office of the Provost and Dean.

### Meals and Beverages

Faculty members are, from time to time, asked to entertain a guest speaker, a faculty candidate for an open position, or other invited guests. Faculty also periodically organize a discipline retreat or other College-related meetings. The College will reimburse meal and beverage charges, up to \$30 per person (this includes alcohol or other beverages) provided the following information is submitted to the Business Office with a completed and signed reimbursement form:

- Itemized/detailed receipt,
- Names of those who attended, and
- The purpose of the meeting/meal.

Any amount over \$30 per person must be pre-approved by the Office of the Provost and Dean in order to be reimbursed. Faculty may give their program coordinator all itemized receipts and related paperwork for the program coordinator to process and submit to the Business Office.

### Travel

Faculty may need to make travel plans as part of an internal faculty grant or other College-related event. Wherever possible, faculty are asked to be prudent in their choices, and make the least expensive and most reasonable arrangements. Specific examples of reimbursable expenses include:

- Air Travel: price of a coach class plane ticket,
- Train or Bus: when more convenient and less expensive than a coach plane ticket,
- Personal Automobile: tolls, parking fees, and the current College mileage rate,
- Rental Car: up to and including a full-size car,
- Lodging: moderately-priced room accommodation, and
- Meals: when not included in conference registration fees and not to exceed \$50 per full day; itemized receipts are to be submitted.

Expenses not considered for reimbursements include alcoholic beverages purchased outside a meal, snacks, and mini-bar items.

Receipts must be received by the Provost and Dean's Office within 30 days of the expense for reimbursement.

## 6.3 Unpaid Professional Leave of Absence Policy

### Introduction

All decisions with respect to the granting of unpaid leaves for professional purposes are made by the provost and dean of the College after recommendation from the Academic Policies Committee (APC).

Faculty members may, with the recommendation of the APC and approval of the provost and dean of the College, apply to take unpaid professional leave at a time when they are not eligible to receive College-supported sabbatical leave. Unpaid professional leaves may be granted for research, study, and teaching at another institution, or other forms of professional development provided that such leaves will not interfere with the faculty member's educational responsibilities at the College. Faculty members must be in residence and teaching no fewer than two continuous years (four terms) before each application will be considered. Such leaves may be for a term or a year. No leave of absence may be taken in the terminal year of a faculty contract.

The base salary of faculty members on professional leave will be adjusted on their return by the amount of any general faculty salary increase granted during their absence. Up to two terms of unpaid professional leave may be taken between sabbaticals without canceling terms already accrued towards the next sabbatical. Leave terms will not accrue towards sabbatical. A faculty member proposing such a leave, in order to avoid resetting the sabbatical clock, must propose the leave by December 1 of the academic year preceding the proposed leave, and that proposal must be approved by the APC and by the provost and dean of the College.

### Administration of Unpaid Leaves of Absence

Applications: A faculty member who wishes to apply for a leave must submit an application by December 1 of the academic year preceding the proposed leave whether that leave will be for a year or term. The application must include:

- The dates of the requested term or year of leave.
- A general outline of those purposes and the activities to be undertaken.

Reports: By the end of the first month of teaching following the leave, all faculty members granted a leave are required to forward to the APC and the provost and dean of the College copies of a report on activities undertaken during the period of the leave.

Benefits During Leaves: Benefits during unpaid leaves vary. The College will pay its customary share of medical, disability, and life insurance premiums for faculty on unpaid leaves who have no outside income during that period. Faculty members must continue to pay their own share of these premiums. The same arrangements will exist for faculty members who have outside income from a grant, employer, or other source that will not pay benefits. The College will not, however, provide benefits for faculty members on unpaid leave who have outside income from a grant or employer who pays benefits. The grant or employer will be required to assume the cost of the faculty member's employee benefits in this case.

The College will not make Social Security or TIAA-CREF contributions during unpaid leaves of any kind, since these benefits are tied to salary payments. In all cases, faculty members planning to take unpaid leaves should discuss their individual cases with the Business Office to be sure employee benefits are being properly provided.

Changes of Leave: Orderly planning of program and curricular staffing requires certainty about leaves for individual faculty and has an impact on the size of the faculty. Once an individual has requested and been granted a leave for a specific period, the individual may not unilaterally decide to forgo the

leave either in whole or in part. The rescinding of an already-granted leave requires the approval of the APC and the provost and dean of the College.

## 6.4 Family and Medical Leave Policy

The College will grant a leave in accordance with law and this Policy as outlined below.

In accordance with the Family and Medical Leave Act (FMLA), the College will provide eligible faculty up to 12 weeks of leave in a rolling 12-month period measured backward from the date of any FMLA leave usage. A faculty member must have worked at the College for one year and must satisfy the other FMLA eligibility requirements (see the section below entitled "Definitions") to be eligible to request a family or medical leave.

### Family and Medical Leave

This policy provides only a summary of the main provisions of the Federal and State family and medical leave laws; it is the intention of the College that its policy comply with those laws, where applicable. Note: FMLA laws define the maximum amount of leave available to employees based on the reason for leave. To the extent that this Policy permits a faculty member to leave exceeding FMLA requirements, the additional leave time is being provided pursuant to this Policy only, and not pursuant to any Federal or State law.

Bennington College provides eligible faculty members up to 6 months\* leave during a 12-month period for the following reasons:

- A. Birth of a child, or the placement of a child with the faculty member for adoption or foster care.
- B. A serious health condition affecting the faculty member's spouse, civil union partner, child, stepchild, ward, parent, or spouse/civil union partner's parent for which the faculty member is needed to provide care.
- C. A faculty member's own serious health condition, when he/she is unable to perform the essential functions for his/her job.
- D. Military Family Leave entitlements.

\* Note that the maximum leave time granted may be the lesser of the maximum time indicated in this Policy or the end of the faculty member's current contract. To comply with applicable leave laws and at the same time ensure a quality academic experience with minimal disruption for students, the provost and dean of the College may consult with the faculty member on leave arrangements and make exceptions to this policy.

This leave time shall be unpaid other than as specified in the section below entitled "Pay Policies During Family and Medical Leave."

When the faculty member returns to work after family or medical leave, the faculty member is entitled to be restored to the same position held when the leave started, or an equivalent position, as that faculty member would have had if he or she had been continuously employed during the leave.

For birth, adoption, or foster placement of a child, planned medical treatment for a serious health condition, or in other circumstances where the leave is foreseeable and notice practicable, the faculty member must provide thirty days' notice of intent to use leave. Otherwise, notice must be given as soon as practicable or else the leave may be delayed.

For a leave for a faculty member's own serious health condition or a serious health condition of a spouse, civil union partner, child, stepchild, ward, parent, or spouse/civil union partner's parent:

- A. Leave may be taken intermittently or on a reduced leave schedule under certain circumstances. Please consult with the provost and dean of the College regarding intermittent leave.
- B. For a planned medical treatment for a faculty member or family member, the faculty member must make a reasonable effort to schedule leave time to avoid disrupting operations, subject to the approval of the health care provider.
- C. Medical certification must be provided on forms available from the Office of Human Resources. The medical certification should be provided no later than the time the leave begins and must be provided within 15 days after medical certification is requested. (Additional certification may be required at 30-day intervals; and the College may require a second or third exam at its expense.)

Should a faculty member not return to work, the faculty member may be required to pay the entire cost (College and participant share) of the health insurance premium during the faculty member's leave, in accordance with law.

#### **Definitions**

- A. *Eligible faculty member* is any faculty member who has been employed a minimum of 12 months and has worked a minimum of 1250 hours during the 12-month period immediately preceding the beginning of the leave.
- B. *Child* for the purpose of this policy includes the faculty member's child, stepchild, ward, or foster child.
- C. *Parent* for the purpose of this policy means the faculty member or civil union partner's parent.
- D. *Serious health condition* is generally a condition, illness, injury, impairment, or physical or mental condition which requires inpatient care at a hospital, hospice, residential medical care facility, or a condition that requires continuing care by a licensed health care provider; a full description of a serious health condition is as described by Federal and State family and medical leave law.

#### **Procedure**

- A. The faculty member must notify the provost and dean of the College of the request to take Family/Medical Leave providing date of commencement and expected date of return to work.
- B. The faculty member coordinates the request to take Family/Medical Leave with Human Resources and must obtain any necessary medical certification in a timely manner on forms available from Human Resources.
- C. If necessary, the faculty member must schedule intermittent leave time with consideration for the work schedule with the provost and dean of the College.
- D. While on leave the faculty member must keep the provost and dean of the College and Human Resources informed of intent to return and any changes in scheduled return time.

### **Pay Policies During Family and Medical Leave**

This policy applies only to illnesses or disabilities that are not covered by the Vermont Workers' Compensation Act. Faculty members injured on the job will be compensated in accordance with that Act.

Family or Medical leave may or may not be covered by paid time off, depending on the circumstances. Leaves are to be determined in consultation with the provost and dean of the College. A Family or Medical leave may be taken between sabbaticals without canceling terms already accrued towards the next sabbatical. Leave terms will not accrue towards sabbatical.

- A. **Maternity Leave:** The College will provide one term leave at full pay for the term during or immediately following the birth of the child when the leave is taken because of a faculty member's own serious health condition (childbirth). The faculty member will be expected to teach three courses in the other term of the academic year.
- B. **Adoption Leave:** The College will provide one term leave at full pay for the term during or immediately following the adoption of the child for the faculty member with primary responsibility for the care of the child after the adoption. The faculty member will be expected to teach three courses in the other term of the academic year.
- C. **Parental Leave:** The College will provide a one-course reduction during the term in or after the birth or adoption a child for a faculty member who is not eligible for the **Maternity Leave** or **Adoption Leave** described above.
- D. **Medical Leave:** The College will provide a maximum of twelve weeks of pay when the leave is taken because of a faculty member's own serious health condition (other than childbirth). Pay will commence on the first date of the disability. Such paid leave shall not extend the total amount of the leave available.
- E. Under all other circumstances, family and medical leaves are unpaid.

### **Benefits During Family and Medical Leave**

A faculty member is eligible to continue with health benefits during the leave (by paying his/her required contributions) under the same conditions as would have been applicable if the faculty member had been employed during the leave period. The faculty member is responsible for the full premium payment of other insurance benefits that may be continued during family and medical leave. The faculty member is required to contact the College's Benefits Manager to make arrangements to pay any employee contributions.

### **Short-Term Family Leave**

In addition to the leave provided above, a faculty member shall be entitled to take unpaid leave not to exceed four hours in any 30-day period and not to exceed 24 hours in any 12-month period. The leave must be taken in a minimum of two-hour segments and may be taken for any of the following purposes:

- A. To participate in pre-school or school activities directly related to the academic educational advancement of the faculty member's child, stepchild, foster child, or ward who lives with the faculty member, such as a parent-teacher conference.

- B. To attend or to accompany the faculty member's child, stepchild, foster child, or ward who lives with the faculty member or the faculty member's parent, civil union partner, spouse, or parent-in-law to routine medical or dental appointments.
- C. To accompany the faculty member's parent, spouse, civil union partner, or parent-in-law to other appointments for professional services related to their care and well being.
- D. To respond to a medical emergency involving the faculty member's child, stepchild, foster child, or ward who lives with the faculty member, or the faculty member's parent, spouse, civil union partner, or parent-in-law.

A faculty member shall make a reasonable attempt to schedule appointments for which leave may be taken under this section outside of regular work hours. In order to take leave under this section, a faculty member shall provide the provost and dean of the College with the earliest possible notice, but in no case later than seven days before leave is to be taken except in the case of any emergency. In this subsection "emergency" means circumstances where the required seven days notice could have a significant adverse impact on the family member of the faculty member.

## 6.5 Educational Opportunities

### Courses at the College

After having been continuously employed at the College for one year as a full-time employee (or in accord with the current schedule published by the Business Office of the College for certain part-time salaried employees), with employment continuing, an employee or her/his spouse/partner is permitted to take one undergraduate course per term, tuition-free, at Bennington College if there is room in the course. The registrant must obtain permission from his/her department head and the instructor and must obtain prior approval from the associate provost and dean of studies. An employee may take certain courses (one undergraduate course per term), tuition-free, at other institutions with whom Bennington College has reciprocal tuition agreements. Presently these include Southern Vermont College and Community College of Vermont. Additional approvals and course restrictions/limitations may apply to enrollment at one/all of these institutions; please check with the Office of the Provost and Dean for additional details. It is expected that an employee's course attendance will not unduly affect the office's work schedule. Employees must make up any time taken for class attendance.

If an employee wishes to be considered a matriculated student at Bennington College, she/he must apply to the Admissions Office for entrance in accordance with regular admissions standards and procedures. Please note that the accumulation of individual courses cannot be combined to lead to a degree for a non-matriculated student.

Children of full-time employees who have been employed at the College for two years or more as of the date of the start of the initial term may take up to two individual courses per term at the College free of tuition charges, provided that the registrant obtains permission from the provost and dean of the College and the vice president for finance and administration, that there is room in the course, and that permission has also been obtained from the instructor.

Children of full-time employees who have worked at the College for two years or more as of the date of the start of the initial term and who have been accepted by the Admissions Office in accordance with regular admission standards and procedures, may matriculate for the Bennington degree and receive tuition benefits equal to the cost of tuition minus any federal and state grants for which they are eligible. Room, board, and all other charges must be paid by the employee or student. Further financial assistance from College or federal (loans, work-study) sources is awarded on the basis of financial need. Families must apply in a timely manner for all state and federal aid. No tuition benefits will be available for students who do not apply for these funds (see the Financial Aid Office for further information). Details regarding the tax implications of these benefits may be obtained from the Business Office.

### Tuition Exchange Program

Bennington College is a member of the Tuition Exchange (TE), a cooperative program that provides an opportunity for natural or adopted legally-dependent children of qualifying faculty and staff to receive substantial tuition scholarships at over 600 colleges and universities in the U.S. A list of participating colleges is available from the Financial Aid Office or at [www.tuitionexchange.org](http://www.tuitionexchange.org).

Each year, Bennington can designate a limited number of faculty and staff dependents to apply to other institutions as TE Scholars. The number of available TE opportunities depends on the number of Tuition Exchange students who come to Bennington. Each institution must maintain a balance between students sent to other schools on the exchange (exports) and students received on the exchange (imports). In addition, the institutions to which students are applying may limit the number of Tuition Exchange scholarships offered to applicants, so designation by Bennington College does not assure the dependent a TE scholarship. Children under 25 years of age who are working toward a first associate or bachelor degree may apply.

Eligible to apply are the following:

- Full-time employees who have been on continuous full-time status for at least the most recent three years as of the January 1 or July 1 immediately prior to the date the dependent child expects to enroll, or continues enrollment in a TE member institution's undergraduate program for his or her first associate or bachelor degree and provided the employee remains on full-time, benefits-eligible status.
- Full-time employees who have worked continuously in a part-time, benefits-eligible position prior to becoming full time and whose part-time service is the accumulated equivalent of three years as of the January 1 or July 1 immediately prior to the date the dependent child expects to enroll, or continues enrollment in a TE member institution's undergraduate program for his or her first associate or bachelor degree and provided the employee remains on full-time, benefits-eligible status.
- Part-time benefits-eligible employees who have worked continuously in a part-time, benefits-eligible position and whose part-time service is the accumulated equivalent of four years as of the January or July 1 immediately prior to the date the dependent child expects to enroll, or continues enrollment in a TE member institution's undergraduate program for his or her first associate or bachelor degree and provided the employee remains on part-time, benefits-eligible status.

For the academic year 2015–16, colleges participating in the TE may provide a limited number of scholarships covering \$33,000 or more of annual tuition. [View the current list of participating TE institutions.](#)

Application for a student's participation in the TE program does not guarantee acceptance by a member TE institution, nor does it ensure the award of a scholarship. See the question-and-answer section below for an explanation of TE certification as an "outgoing" applicant, and the awarding of a TE Scholarship by a host institution.

As a TE participant, Bennington College has agreed to provide scholarships for incoming students which, over time, must be in balance with outgoing placements in order for Bennington to stay in the program. Once a student is designated as a TE participant, Bennington expects to certify his or her participation for up to a four-year period.

Note that during the period that a student is participating in the TE, the student's parent must remain in TE-eligible employment status, and the student must remain enrolled at the institution, meeting the host institution's standards of academic performance and conduct.

Additional information may be obtained from the Tuition Exchange Officer in the Financial Aid Office. Employees who have dependents wishing to apply to participate should complete an application form by November 1 prior to the year in which the dependent intends to enroll. The application forms are available in the Financial Aid Office.

## **6.6 Jury Duty Leave**

If jury duty fees (not including reimbursement for expenses) are returned to the College, faculty on jury duty will continue to receive their customary salaries. Otherwise, faculty will be given an unpaid leave. The Business Office and Office of the Provost and Dean should be notified before the jury duty begins.

## 6.7 Campus Housing Policy

Bennington College has a limited amount of campus housing available to accommodate regular faculty and staff, temporary employees, guest faculty, and visitors sponsored by the College. The allocation of housing is reviewed and coordinated by different administrative offices in response to varying needs with the overall objective of serving the best interests of the College. The Business Office establishes rents and other housing charges.

Allocation of housing is based on a number of considerations, with the primary objectives of temporarily facilitating the transition of faculty and staff new to the Bennington area, accommodating long-distance commuting faculty and staff, and providing on-campus residency for some employees in conjunction with their employment responsibilities. In addition, the College provides housing during non-term periods for faculty members and personnel engaged in programs sponsored by Bennington (e.g., Masters in Writing) as well as other groups contracting for use of College facilities (e.g., Chamber Music). There also may be periods when accommodations normally used for faculty and staff must be set aside to meet student housing needs or for other reasons as determined by the College.

All housing arrangements are extended to tenants at the sole discretion of the College. The use of campus housing by faculty and other employees is not intended to be permanent, and the College determines the length of residence for all tenants. The College assumes no obligation to continue providing housing to any tenant beyond that period specified in writing by the College. Tenants who have had extended stays longer than three years in campus housing should expect to be required to release their accommodations to others when housing supply is inadequate to meet the College's space needs or for any reason determined by the College. The Office of the Provost and Dean of the College will notify faculty tenants one year in advance if they need to move.

College housing accommodations vary from separate houses with 3-4 bedrooms to apartments with 1-4 bedrooms and individual rooms in shared houses. Because the housing situation changes from term to term, based on College and individual needs, housing arrangements generally are made for periods of one year or less.

Housing is intended to be for the occupancy of the designated faculty or staff member and his/her spouse/partner and immediate family. While tenants may have guests, College housing is not to be used to provide accommodations to others on a regular basis.

Generally, housing is made available through one of the following arrangements: lease of up to one-year duration; rental on a weekly, monthly or term basis; or daily (rooms only) at a per diem charge. The Business Office normally sets these charges at the end of the spring term for the following academic year.

Tenants leasing houses and apartments are expected to provide their own furnishings. The College may under certain conditions, however, provide basic furnishings for tenants who do not have their own. Some housing arrangements may include utilities.

Tenants residing in rooms or apartments on a per diem, weekly or monthly arrangement must remove their possessions and turn in their keys during all periods not covered by the tenant's occupancy arrangement. The College reserves the right to use such premises for accommodating other persons during periods not covered by the arrangement. (The daily rate will be charged for each day a tenant's premises is not available for this purpose because the tenant's personal possessions have not been removed.) Likewise, tenants residing in any housing facility for a full term must remove their possessions at the end of the term. Because housing not on an annual lease may be used to

accommodate other tenants during the year, no storage of personal effects is permitted unless approved by the College.

Tenants are expected to exercise reasonable care in their use of College housing and to comply with any lease terms or other written or oral instructions. Any damage to premises during occupancy by a tenant will be collectible as additional rent and deducted from the tenant's salary check. Bennington College reserves the right to require an advance deposit from incoming tenants to cover damage or unpaid charges. Tenants living in shared housing also are expected to be respectful of others residing in the facility.

Tenants with pets are required to pay a pet deposit that is determined by the Business Office each year. This will be applied toward any pet-related damage. The tenant will continue to be financially responsible for additional charges, if any, due to pet-related damage. The pet deposit will be returned to the tenant if there is no pet-related damage at the end of the lease.

The College requires tenants to vacate College housing concurrent with a termination of employment. All tenants must comply with relevant College policies, including this Housing Policy, the Pet Policy, and the Smoking Policy. Tenants may be required to vacate housing during a lease or rental period for failure to comply with housing or related policies, or for inappropriate use or damage to the premises. Tenants may not sub-lease or arrange to have other persons occupy their housing in their absence without the written permission of the College.

## **6.8 Faculty Spouse/Partner Support and Family Privileges**

The Human Resources Office is available to work with spouse/partners to make connections with area employers including regional educational institutions, corporations, and businesses.

A faculty member's spouse/partner and children are invited and encouraged to attend all activities on campus that are open to the public.

Crossett Library will provide borrowing cards free of charge to a faculty member's spouse/partner and children.

A faculty member's spouse/partner and a faculty member's children age 14 years old or older accompanied by a parent or guardian with a valid ID card are permitted in the Meyer Recreation Barn and to use any equipment in the facility, including the Rock Wall. No other children are permitted in the facility Meyer Recreation Barn. ID cards will be provided by the Office of Student Life.

## 6.9 Emeritus Faculty Policy

Emeritus is a designated honorary status for faculty. Bennington College confers the title “Emeritus” in recognition of valued years of service and contributions to the community. Emeritus faculty are encouraged to continue to participate as members of the Bennington community and are provided certain privileges and benefits.

All faculty who have served for a minimum of ten years, and have retired from the College will be considered for faculty emeritus status.

The president will make a recommendation of emeritus status to the Board of Trustees.

### **Privileges and Benefits**

Emeritus faculty are eligible for the following:

- Library privileges;
- Continued access to e-mail address;
- Listing in College catalogs and other publications as appropriate;
- Access to Meyer Recreation Barn;
- Invitations to College events; and
- Enrollment in Bennington College courses (maximum of one course per term).
- Office and/or laboratory space upon request and if available (for up to three years post retirement)

## 7 Faculty Appeal and Grievance Procedures

### 7.1 Faculty Review Appeals Committee Policy and Procedures

#### Purpose

The purpose of the Faculty Review Appeals Committee is to facilitate prompt and equitable responses to (1) alleged violations of faculty performance review procedures and (2) alleged violations of the College's Academic Freedom Policy within the review process. All records of grievance proceedings shall be kept confidential within the jurisdiction of the College.

#### Faculty Review Appeals Committee

- A. Jurisdiction. With respect to alleged violations of faculty performance review procedures, the FRAC has jurisdiction to receive complaints only from those faculty members whose contracts have been reviewed by the Faculty Performance Review Committee (FPRC). Those faculty members may submit complaints alleging either that a violation of the College's faculty performance review procedures or that a violation of the College's Academic Freedom Policy occurred in the performance review process.
- B. This policy applies to alleged violations occurring on or after the adoption date of this policy.
- C. Authority. The FRAC has the authority to ask the FPRC, the provost and dean of the College, or the president to rehear a faculty review for all complaints described in the Purpose (above).
- D. Composition. The Committee will be made up of three members and one alternate, elected by the faculty. A chair will be elected by the Committee from among its members.
- E. Terms of Members. Faculty members will serve for a term of three years, the terms of office to be staggered. The alternate will serve for a term of three years.
- F. Eligibility for Election to the FRAC. A candidate must be a current faculty member whose contract is reviewable by the FPRC, and/or whose most recent contract was reviewed by the FPRC, who has completed three years of service prior to the effective date of the open position, and who is not currently serving on the Faculty Performance Review Committee (FPRC) or the Faculty Committee on Grievances (FCG).
- G. Eligible Voters. Faculty members whose contracts are reviewable by the FPRC and/or whose most recent contract was reviewed by the FPRC are eligible to vote.

Nomination and Election of Committee Members. A list of faculty members eligible for election to the FRAC will be sent to all faculty members by the provost and dean of the College prior to the election. Nominations may be submitted to the provost and dean of the College in writing by any eligible voter on such form as the provost and dean of the College may specify.

Two thirds of eligible voters shall constitute a quorum for purposes of holding the election.

A request shall be made for nominations from the floor. Voting shall be by written ballot. If no candidate receives a simple majority of the votes cast, a run-off election between the two candidates who received the highest number of votes will determine the winner.

In any year in which more than one member of the FRAC is being elected, each member shall be elected separately according to the voting process specified above, beginning with the vacancy for the longest term on the FRAC. Any alternates shall be elected following the election of regular

members. A nominee who is an unsuccessful candidate for a vacancy is eligible to be nominated for a subsequent vacancy.

### **Grievance Procedures**

- A. Filing a Grievance. Any faculty member who believes that he or she has cause for grievance regarding an alleged violation of the College's faculty performance review procedures or alleged violations of the College's Academic Freedom Policy in the performance review process shall present a written complaint to the Chair of the Faculty Review Appeals Committee. The complaint must contain a statement of the grounds for believing that there has been such a violation and a description of the alleged violation, specifying whether it is the decision of the FPRC, the provost and dean of the College, or the president, which is being grieved; and a statement of the facts and circumstances relating to the complaint.
- B. Deadline for Filing Complaint. The FRAC will not consider any such complaint submitted to it more than 60 days after the grievant's receipt of the faculty performance review decision, which is the cause for the complaint.
- C. Legal Counsel. Parties to a grievance procedure cannot be represented or accompanied by attorneys at any of the meetings or hearings conducted as part of the appeals process. The parties are always free to consult attorneys before or after such meetings.

### **Faculty Review Appeals Committee Procedures**

- A. Receipt of Complaint. When the chair of the FRAC receives a written complaint, the chair will convene the Committee.
- B. Conflict of Interest of Committee Member. Care must be taken to avoid a conflict of interest of any member of the FRAC with regard to any specific case under review. The chair of the FRAC will determine, with the advice of members of the Committee, whether any member of the FRAC must be excused because of circumstances that would compromise that member's ability to serve in an unbiased capacity. The chair of the FRAC will appoint an alternate to replace the excused member of the Committee. If the grievant feels that the recusal process failed to eliminate conflicts of interest of a member or members of the FRAC, this may serve as a basis for an appeal of the FRAC decision under the guidelines set forth in 'Determination of Remedy/Recommendation,' section C, below.
- C. Investigation. The FRAC shall have access to all documents that it deems pertinent to the case and may call individuals or groups to appear before it. The FRAC shall have the authority to indicate to any office or individual a reasonable date by which information must be received.
- D. Procedures. The FRAC shall determine the format of an appeal. If the FRAC determines that a hearing shall occur, it will not be open to the public. The chair of the FRAC shall send written notification of the hearing to the grievant and to parties it deems appropriate to be present at the hearing. Any hearing will be tape-recorded. If the FRAC concludes that no violations of academic freedom or review procedures have occurred, it will notify the involved parties in writing.

### **Determination of Remedy/Recommendation**

- A. If the FRAC finds a violation of the College's faculty performance review procedures or a violation of the College's Academic Freedom Policy occurring during the review process, it shall so state in a report both to the grievant and to the person and/or Committee whose decision[s] is/are the subject of the grievance. The report shall specify the respects in which the FRAC considers violations of the College's faculty performance review procedures or the College's Academic Freedom Policy in the review process to have occurred and in the case of a violation by the FPRC, shall specify the steps to be taken to remedy the violation; or, in the case of a violation by

the provost and dean of the College or the president, shall make a written recommendation to the president of the steps to be taken to remedy the violation.

- B. If the FRAC finds that no violations of the College's faculty performance review procedures or of the College's Academic Freedom Policy during the review process occurred, that decision is final.
- C. Appeal of FRAC Decision Regarding a Conflict of Interest. Within 10 working days of issuance of the FRAC decision, the grievant may appeal the FRAC decision to the president, only on the basis of a failure of the FRAC to eliminate a Committee member with an alleged conflict of interest. The president shall review the case and send a letter to the grievant and to the FRAC. If appropriate, the president will specify the steps to be taken to remedy the violation. The decision of the president is final.

#### **Decision by the President**

If the president receives a recommendation pursuant to the 'Determination of Remedy/Recommendation' above with respect to a violation by the provost and dean of the College, the president shall review the case and will send a decision letter to the grievant, and if appropriate, to other parties. The decision of the president is final.

If the president receives a recommendation pursuant to the 'Determination of Remedy/Recommendation' above with respect to a violation by the president, the president shall review the case and will send a decision letter to the grievant, and, if appropriate, to other involved parties. The faculty member may appeal the decision of the president to the chairman of the Board of Trustees. The chairman shall determine the format of the appeal. The decision of the chairman of the Board of Trustees is final.

#### **Records**

An official record will be kept consisting of the complaint, a list of all meetings and/or hearings (identifying the time and place of the meetings or hearings and all of the participants in them), and any tape-recorded proceedings. This record will be kept by the senior vice president for strategic initiatives and will only be available to the grievant, the FRAC, the provost and dean of the College, and the president.

## 7.2 Faculty Committee On Grievances Policy and Procedures

### Introduction

The faculty and administration believe that it is desirable, whenever possible, to resolve differences directly with the other party. Assistance and advice may be sought from the associate provost and dean of studies or other members of the faculty with the understanding that the matter is kept confidential. If no satisfactory resolution of the matter can be reached, the individual may file a grievance. The procedure described below provides an avenue for faculty to work out differences if a direct resolution is not possible.

### Types of Grievances

The type of grievance determines the procedures that are available for resolution. The list that follows cites the types and the sources that should be consulted for each.

- A. Faculty grievances related to:
  - 1. alleged violations of the College's Academic Freedom Policy *outside of the review process*,
  - 2. alleged discrimination on the basis race, color, religion, sex, age, national origin, ancestry, place of birth, sexual orientation, disability, gender identity, having a positive HIV test, health coverage status, or any other basis prohibited under federal or state law, and
  - 3. complaints against faculty by faculty either made by the faculty member or referred by the provost and dean of the College may be brought to the Faculty Committee on Grievances (FCG). Such grievances may be addressed through the informal grievance procedure or the formal grievance procedure (see below).
- B. Complaints of sexual harassment or sexual assault must be brought in accordance with the College's Policy and Procedures Governing Sexual Harassment found in the *Faculty Notebook*.
- C. All grievances related to performance review and complaints regarding violations of the College's Academic Freedom *within reviews* shall be addressed to the Faculty Review Appeals Committee (FRAC).
- D. Complaints against faculty by students or other members of the College community may be brought to the provost and dean of the College who will determine in his/her sole discretion the format of such complaints.

### Faculty Committee on Grievances

- A. Composition. The Committee will be made up of three members and one alternate, elected by the faculty. The associate provost and dean of studies will participate in the activities of the Committee. A Chair will be selected by the Committee from among its members.
- B. Eligibility for Election. A candidate must be a current faculty member whose contract is reviewable by the FPRC, and/or whose most recent contract was reviewed by the FPRC, and who has completed three years of service on the faculty prior to the effective date of the open position, and who is not currently serving on FPRC or FRAC is eligible to serve on the FCG.
- C. Eligible Voters. Faculty members whose contracts are reviewable and/or whose most recent contract was reviewed by the FPRC are eligible to vote.
- D. Terms of Members. Faculty members will serve for a term of three years, the terms of office to be staggered. The alternate will serve for a term of three years.
- E. Nomination and Election of Committee Members. A list of faculty members eligible for election to the FCG will be sent to all faculty members by the provost and dean of the College prior to the

election. Nominations may be submitted to the provost and dean of the College in writing by any eligible voter on such forms as the provost and dean of the College may specify.

Two-thirds of the eligible voters shall constitute a quorum for purposes of holding the election.

A request shall be made for nominations from the floor. Voting shall be by written ballot. If no candidate receives a simple majority of the votes cast, a run-off election between the two candidates who received the highest number of votes will determine the winner.

In any year in which more than one member of the FCG is elected, each member shall be elected separately according to the voting process specified above, beginning with the vacancy for the longest term of the FCG. Any alternate shall be elected following the election of regular members. A nominee who is an unsuccessful candidate for a vacancy is eligible to be nominated for a subsequent vacancy.

### **Procedures**

- A. Filing a Grievance. All complaints, informal or formal, must be addressed to the associate provost and dean of studies in writing stating the basis of the complaint, the name of the individual(s) against whom it is directed, and the desired remedy. The complaint must be signed, dated, and must give the date(s) of the alleged incident. It must allege one of the following:
  1. A violation of the College's Academic Freedom Policy outside of the review process.
  2. Unlawful discrimination on the basis of race, color, religion, ancestry, national origin, sex, sexual orientation, place of birth, age, disability, or HIV-positive status.
  3. A dispute(s) between a faculty member and another faculty member(s) that seriously affects the faculty member's ability to function effectively as a member of the College community.
- B. Scheduling. In order to ensure adequate time for the grievance to be acted upon and given the nature of the academic calendar, the Committee will normally receive written grievances during term-time. Complaints may only be brought by currently employed College faculty members and may only be brought against currently employed faculty members. Such a grievance must be filed within 12 months after an alleged incident(s).
- C. Legal Counsel. Parties to a grievance procedure, informal or formal, cannot be represented or accompanied by attorneys at any of the meetings or hearings conducted as part of the resolution process. The parties are always free to consult attorneys before or after such meetings.

### **Informal Grievances**

- A. Role of associate provost and dean of studies. If the informal grievance process is elected by the grievant, the associate provost and dean of studies will conduct an informal inquiry, meeting individually with the complainant and the person complained against. The associate provost and dean of studies may take such interim measures as he or she sees fit pending the outcome of the complaint pursued through the informal grievance process.
- B. Initial Determination. The associate provost and dean of studies shall determine if there are sufficient grounds for continuing the informal grievance process.
  1. If the associate provost and dean of studies determines that there are not such grounds, he/she shall notify the complainant in writing. If the complainant wishes to pursue the complaint, he/she may file a formal complaint. If the FCG decides not to hear the case, the decision of the FCG will be final.
  2. If either party does not agree to participate in the informal grievance process, the complainant will be notified that the grievance may only be pursued under the formal grievance procedure.
  3. The associate provost and dean of studies may determine that the matter is not appropriate for the informal grievance process and, in that event, will refer the case to the FCG as a

formal complaint, under the formal complaint procedure described below. He/she shall notify the complainant in writing.

- C. The Informal Grievance Process Steps. If the associate provost and dean of studies determines that there are sufficient grounds for continuing the informal grievance process, then he/she and the complainant may agree to adopt one of the following courses of action:
1. The associate provost and dean of studies will attempt to resolve the dispute directly and privately with the person complained against.
  2. The associate provost and dean of studies and the complainant will meet together with the person complained against.
  3. The associate provost and dean of studies will appoint someone from the College community who will seek to resolve the complaint informally. This person will meet with both parties, either separately or together.
  4. A complaint pursued through the informal grievance process will be considered to have been resolved when both parties have signed a statement indicating their acceptance of the outcome, and the associate provost and dean of studies has approved and signed the statement. A complaint that has been resolved through the informal grievance process may not be filed as a formal complaint. A copy of this statement will be given to each party and will be kept in the confidential records of the associate provost and dean of studies.
  5. If the complaint cannot be resolved through the informal grievance process, the associate provost and dean of studies will refer the matter to the FCG under the formal complaint procedure described below.
  6. Informal grievance process efforts will be confidential.

#### **Formal Grievances**

- A. Grounds for Formal Grievances. Formal grievances may be filed in the following manners: in writing from the complainant to the Chair of the Committee; referred by the associate provost and dean of studies because of an unsuccessful resolution through the informal grievance process, or because both parties did not agree to mediation; or as an appeal because of a determination by the associate provost and dean of studies that the grievance is does not have sufficient grounds.
- B. Conflict of Interest of Committee Member. The Committee will determine by majority vote whether any member of the FCG must be excused because of circumstances that would compromise that member's ability to serve in an unbiased capacity. In such cases, an alternate will serve. In the case of an unsuccessful resolution through the informal grievance process, the associate provost and dean of studies will not participate in the hearing.
- C. General Procedures. The Committee may formulate its own procedures insofar as they are not specified in this policy, which may include investigating grievances.
- D. Decision to Hear the Case. The FCG shall decide whether or not to accept a formal grievance. A written notice of hearing or a notice of dismissal will be sent by the FCG to both parties.
- E. Hearing Procedures. Hearings shall not be open to the public. The chair of the Committee presides. The grievant and those against whom a grievance is lodged will be given the opportunity to make opening and closing statements and will both have the opportunity to be present throughout the hearing. The grievant and those against whom a grievance is lodged are offered the opportunity to present witnesses and to question one another's witnesses. At the close of the hearing, all parties shall be excluded during the deliberations of the Committee. All parties in a complaint will have the right to have access to all documents and records given to the Committee. The Committee shall reach its decision in a timely manner, normally within three weeks after the end of the hearing.

- F. Committee Recommendation. The FCG will issue a written report to the provost and dean of the College of its findings and make such recommendations, as it deems appropriate. Appended to this report will be all the documents reviewed by the FCG. A copy of this report will be sent to the grievant and those against whom the grievance has been lodged.
- G. Decision. After reviewing the report and appended documents, the provost and dean of the College will decide the case, and may implement or revise the recommendations of the FCG. A copy of the decision will be sent to all parties and to the FCG.
- H. Appeal. Within 10 working days of the issuance of the provost and dean of the College's decision, any party to the grievance may appeal the FCG decision to the president. The president shall determine, in his/her sole discretion, the format of appeals. The president may implement, modify, increase, or suspend the decision of the provost and dean of the College. The decision of the president is final. A copy of the decision will be sent to all parties and to the FCG.
- I. Materials and records of the FCG will be kept by the associate provost and dean of studies.
- J. In cases in which the provost and dean of the College has determined that the respondent(s) to a grievance was responsible for violating items under section A in 'Procedures' above, a copy of the decision letter and the appeal decision letter, if any, will be kept in the faculty member's personnel file in the Office of the Provost and Dean of the College, which file is available for faculty performance reviews and for the president.

## **8 Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence and Stalking Policy and Procedures**

The policy that follows applies to all Bennington College faculty, staff, and students. Questions about the College's policy may be referred to Title IX Coordinator or the Deputy Title IX Coordinator.

### **Title IX Coordinator**

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### **Deputy Title IX Coordinator**

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At Bennington College we value individual responsibility, self-exploration, and discovery, as well as focused self-direction. Sexual harassment, sexual misconduct, and other acts covered in this policy subvert the fundamental core of our values and the educational mission of Bennington College and threaten the well-being of students, faculty, and staff. The College is committed to take action, and may be required to take action, if it learns of potential violations of this policy, even, in some instances, if the person subjected to such misconduct does not wish to formally file a complaint.

### **Consent Policy**

At the foundation of this policy is the understanding that in order to engage in behavior of a sexual nature there must be clear, knowing, and voluntary consent prior to and during sexual activity. Under Vermont law, "consent" to sexual activity is defined to mean "words or actions by a person indicating a voluntary agreement to engage in a sexual act." For purposes of the College's Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking Policy, the following is true of consent:

- Consent is informed, active, and freely given and is grounded in rational and reasonable judgment. It requires clear communication between all persons involved in the sexual encounter.
- Consent can be communicated verbally or by action(s). Consent must be mutually understandable by all parties involved in the sexual experience, which a reasonable person would interpret as a willingness to participate in agreed-upon sexual conduct.
- The person initiating the sexual contact is always responsible for obtaining consent from their partner(s). It is not the responsibility of one party to resist or communicate "no" to the sexual advances of another.
- Consent is not the absence of resistance. Silence is an inactive behavior and does not constitute consent. If a partner is inactive (for example, silent or physically still) sexual activity must stop until both partners have communicated clearly with each other about what, if any, sexual activity is mutually desired.
- Consent to one form of sexual activity does not imply consent to another form of sexual activity. Each new sexual act requires new consent.
- Consent can be withdrawn by either party at any time.
- Consent at one time and to one sexual act does not imply consent at any other time to that or any other sexual act at a later date and regardless of previous relations.
- Consent to engage in sexual activity with one person does not imply to consent to engage in sexual activity with another.

- Consent may not be given by minors, when a physical or mental condition is present such that the person cannot knowingly or voluntarily give consent, or by incapacitated persons. A person may be incapacitated as a result of alcohol or other drug use. A person who is unconscious, unaware, or otherwise physically helpless cannot give consent to sexual activity.
- A person will be considered unable to give valid consent, for example, if they cannot fully understand the details of a sexual interaction (who, what, when, where, why, or how) because they lack the capacity to reasonably understand the situation. Individuals who consent to sex must be able to understand what they are doing.
- Imbalance of power (supervisor–supervisee, faculty member– student, etc.) may lead to confusion about consent.

Consent cannot result from force, or threat of force, coercion, fraud, intimidation, incapacitation (due to drunkenness for example), or imbalance of power. The College will use an objective standard when determining incapacitation-related questions; that is, the College will determine whether from the standpoint of a reasonable person, the respondent knew or should have known that the complainant could not effectively consent because he or she was incapacitated.

It should be noted that ignorance of the policy noted above, or the intoxication of the respondent, will not (particularly given the College’s objective standard) be considered an excuse for violating this policy.

### **Notice of Nondiscrimination on the Basis of Sex**

Bennington College is committed to providing an environment free from discrimination as defined under applicable state and federal laws, including but not limited to, Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in education programs and activities. Prohibited sex discrimination includes sex-based discrimination and sexual harassment and sexual misconduct as described in this policy. The College does not discriminate on the basis of sex, nor does it tolerate sexual harassment or sexual misconduct in its education programs or in the employment setting.

The College expects all members of the campus community to conduct themselves in a manner that does not infringe upon the rights of others consistent with Title IX, and in accordance with amendments to the federal Clery Act made by the Violence Against Women Reauthorization Act of 2013. This policy is intended to define community expectations and prohibited conduct regarding issues of sexual harassment, sexual misconduct, domestic violence, dating violence, and stalking; establish a mechanism for determining when those expectations have not been met; define procedures for responding to incidents of such misconduct; provide resources available to those affected by such behavior; and provide for corrective and remedial action where necessary.

The College is committed to educating our community to effectively identify and reduce the existence of sexual harassment, sexual misconduct, domestic violence, dating violence, and stalking /sexual harassment as defined in this policy and all related laws. This policy reaffirms our commitment to providing a safe and nondiscriminatory working and learning environment.

### **Title IX Coordinator**

The senior vice president for strategic initiatives is the College’s Title IX Coordinator, and is responsible for coordinating the College’s efforts to comply with and carry out its responsibilities under Title IX. The Title IX Coordinator’s core responsibilities include overseeing the school’s response to Title IX reports and complaints and identifying and addressing any patterns or systemic problems revealed by such reports and complaints. To accomplish this, subject to the exemption for confidential employees discussed below, the Title IX Coordinator must be informed of all reports and

complaints raising Title IX issues, even if the report or complaint was initially filed with another individual or office or if the investigation will be conducted by another individual or office. The Title IX Coordinator is available to respond to inquiries regarding sex-based discrimination, sexual harassment, or sexual misconduct, and to meet with students, employees, or third parties regarding Title IX-related issues, such as issues related to the College's compliance with Title IX, response to Title IX reports or complaints, related grievance procedures, relevant patterns of conduct, or related education and prevention programs.

**Title IX Coordinator Deputy**

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## **General Definitions**

### ***Complainant***

For ease of reference and consistency, the term "complainant" is used in this policy to refer to a person who believes that he or she has been subjected to sexual harassment, sexual misconduct, domestic violence, dating violence or stalking, or who is believed by another to have been subjected to such conduct.

For purposes of this policy, a complainant is usually a student, employee, or third party involved in some way in an academic, extracurricular, or residential program of the College ("covered third party") who has allegedly been subjected to conduct in violation of this policy by a student or employee respondent.

### ***Respondent***

For purposes of this policy, a respondent is an individual (student, faculty, staff, or third party over whom the College has some form of jurisdiction) who is reported to have violated the College's Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking Policy.

### ***Retaliation***

Any attempt by a member of the College community to penalize, intimidate, or retaliate in any way against a person because he or she makes a report or complaint, in good faith, of unwelcome conduct of a sexual nature, sexual harassment, sexual misconduct, domestic violence, dating violence or stalking, or for cooperating in the investigation of a complaint of such conduct is prohibited. Such retaliation violates this policy and may be unlawful. Retaliation includes, but is not limited to, adverse actions that have a substantial adverse effect on the working or educational environment of any individual involved in the complaint or an investigation that is motivated by such involvement, such as: intimidation; reprisal; ostracism; actions altering the person's assignments, assessment of his or her work, or his/her academic environment; threats; coercion; or otherwise discriminating against any individual for exercising his or her rights or responsibilities under this policy.

Any person who believes that he or she has been subjected to such retaliation should immediately contact the Title IX Coordinator. Any person who takes such retaliatory actions will be subject to disciplinary action.

## **Sexual Harassment Policy**

Sexual harassment is a form of sex discrimination, which is illegal under state and federal law, including Title IX of the Education Amendments of 1972, as amended (“Title IX”). Conduct, whether intentional or unintentional, that results in sexual harassment is prohibited and will not be tolerated. This policy applies to the entire College and to the conduct of students, faculty, administration, and staff alike, as well as any third parties participating in the College’s programs or activities, regardless of sexual orientation or gender identification.

Bennington encourages members of the College community and covered third parties to report unwelcome conduct of a sexual nature so that the College may investigate reports appropriately, as outlined in the procedures below. If the College determines a respondent’s conduct is sufficiently serious—that is, sufficiently severe or pervasive—to deny or limit a student’s ability to participate in or benefit from the College’s program based on sex and thereby creates a hostile environment, it will take prompt, appropriate, and effective action to eliminate the hostile environment, prevent its recurrence, and address its effects. In the employment context, the College will take prompt, appropriate, and remedial action if it determines that a sexually hostile environment has been created. The College may also choose to take remedial action in cases where conduct is deemed inappropriate, even if it does not rise to the level of sexual harassment as defined in this policy.

### ***The Definition of Sexual Harassment***

Sexual harassment is unwelcome conduct of a sexual nature, and can include, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, where:

- Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual’s employment or education; or
- Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting the individual; or
- Such conduct has the purpose or effect of substantially interfering with an individual’s academic or work performance or creating an intimidating, hostile, or offensive work or educational environment.

Examples of sexual harassment include, but are not limited to the following:

- continuing to ask a student or employee to socialize on or off campus when that person has indicated he or she is not interested;
- displaying or transmitting sexually suggestive pictures, objects, cartoons, or posters if it is known or should be known that the behavior is unwelcome;
- continuing to write sexually suggestive notes or letters if it is known or should be known that the person does not welcome such behavior;
- referring to or calling a person a sexualized name if it is known or should be known that the person does not welcome such behavior;
- regularly telling sexual jokes or using sexually vulgar or explicit language in the presence of a person if it is known or should be known that the person does not welcome such behavior;
- communicating derogatory or provoking remarks about or relating to a student or employee’s sex, sexual orientation, or gender identity;
- directing harassing acts or behavior against a person on the basis of his or her sex, sexual orientation, or gender identity;
- off campus conduct that falls within the above definition and affects a person’s on-campus educational, shared living, or work environment.

Sexual harassment prohibited by this policy may occur regardless of the sex, sexual orientation, or gender identity of any individual involved. Sexual harassment may occur in a setting in which the power inherent in a faculty member’s or supervisor’s relationship to his or her students or subordinates is exploited. While sexual harassment most often takes place between persons of

unequal power and/or status, it can also occur between equals, i.e., student–student, faculty–faculty, or staff–staff.

In determining whether alleged conduct constitutes sexual harassment, those entrusted with carrying out this policy will look at the record as a whole and at the totality of the circumstances, such as the nature of and the context in which the alleged incidents occurred. Bennington College recognizes that the protection of free and open speech and the open exchange of ideas are important to any academic community. This recognition is therefore an important element in the “reasonable person” standard used in judging whether sexual harassment has occurred. This policy is meant neither to proscribe nor to inhibit discussion, in or out of the classroom, of complex, controversial, or sensitive matters, when in the judgment of a reasonable person they arise appropriately and with respect for the dignity of others. Bennington College also recognizes, however, that verbal conduct can be used specifically to intimidate or coerce and to inhibit genuine discourse, free inquiry, and learning. Such abuses are unacceptable. If someone believes that another’s speech or writing is offensive, wrong or hurtful, he or she is encouraged to express that judgment in the exercise of his or her own free speech or to seek redress under the noted procedure(s) when appropriate.

## **Sexual Misconduct Policy**

Bennington College prohibits conduct by students, faculty, or staff that affects other students, faculty, staff, or covered third parties that constitutes sexual misconduct, domestic violence, dating violence, or stalking, as defined below. The College is committed to take action, and may be required to take action, if it learns of potential sexual misconduct, even, in some instances, if the person subjected to such misconduct does not wish to formally file a complaint.

The College encourages individuals who believe they are being or have been subjected to such conduct, and others with knowledge of such conduct, to report the conduct to the College through the procedures described below, and to seek the support of the College and/or external resources identified in this policy. The College also encourages individuals affected by such conduct to seek support from the College and the resources identified here, even if they choose not to pursue a formal complaint with the College.

### ***Definitions***

The definitions of sexual assault, domestic violence, dating violence, and stalking used in this policy below are consistent with the Clery Act, as amended effective 2014. In its primary prevention and awareness programs for incoming students and new employees, and its ongoing prevention and awareness programs for students and employees, the Bennington College includes the definitions of sexual assault, the definition of consent in reference to sexual activity, and the definitions of domestic violence, dating violence, and stalking that are used by Vermont criminal laws. However, the College utilizes its own definitions of these prohibited behaviors for purposes of this policy that are consistent with the Clery Act, as amended effective 2014, and determines responsibility for violations of College policy through its own procedures and standards of proof (that is, by a preponderance of the evidence standard), not through the procedures or standards of proof employed in the criminal justice system.

- **Sexual Misconduct**

- Sexual misconduct may include sexual assault, sexual exploitation, or both.

- ***Sexual Assault***

- Sexual assault may be either rape, fondling without consent, incest, or statutory rape, as defined in the Clery Act and below. Rape is the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. Fondling is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent (as defined below) of the victim, including instances where the victim is incapable of giving consent because of his/ her temporary or permanent mental

incapacity. Incest is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law in the applicable jurisdiction. Statutory rape is sexual intercourse with a person who is under the statutory age of consent in the applicable jurisdiction. Sexual assault can be committed by any person against any other person, regardless of gender, gender identity, sexual orientation, or past or current relationship status. Sexual assault may occur with or without physical resistance or violence.

- *Sexual Exploitation*

Sexual exploitation occurs when a person takes sexual advantage of another person for the benefit of anyone other than that other person without that other person's consent. Examples of behavior that could constitute sexual exploitation include but are not limited to the following:

- Recording or capturing through any means images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nudity without that person's consent;
- Distributing images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nudity, if the individual distributing the images or audio knows or should have known that the person(s) depicted in the images or audio did not consent to such disclosure and object(s) or would object to such disclosure; and
- Viewing another person's sexual activity, intimate body parts, or nudity in a place where that person would have a reasonable expectation of privacy, without that person's consent, and for the purpose of arousing or gratifying sexual desire, if the individual viewing the other person's or persons' sexual activity, intimate body parts, or nudity in such a place knows or should have known that the person(s) being viewed would object to that.

Exception: The College's prohibition of sexual exploitation is not intended to prohibit the use of sexually explicit materials that are reasonably related to the College's academic mission. Specifically, this section is not intended to proscribe or inhibit the use of sexually explicit materials, in or out of the classroom, when in the judgment of a reasonable person they arise appropriately to promote genuine discourse, free inquiry, and learning.

- **Domestic Violence** is violence committed by a current or former spouse or intimate partner of the person subjected to the violence;
  - By a person with whom the person subjected to the violence shares a child in common; 1 By a person who is cohabitating with, or has cohabitated with, the person subjected to the violence as a spouse or intimate partner;
  - By a person similarly situated to a spouse of the person subjected to the violence under the domestic or family violence laws of the jurisdiction in which the violence occurred, or;
  - By any other person against an adult or youth who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the violence occurred.
- **Dating Violence** is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the person subjected to the violence. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse, if involving individuals who are or have been dating as defined here. Dating violence does not include acts covered under the definition of domestic violence stated above.

- **Stalking** is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
  - Fear for the person’s safety or the safety of others; or
  - Suffer substantial emotional distress.

For the purposes of this definition—

*Course of conduct* means two or more acts, including, but not limited to, acts in which the alleged stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.

*Reasonable person* means a reasonable person under similar circumstances and with similar identities to the person subjected to the stalking.

*Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Examples of stalking behaviors or activities include, but are not limited to the following, if they occur in the context of stalking as defined above:

- Nonconsensual communication, including face-to-face communication, telephone calls, voice messages, e-mails, text messages, written letters, gifts, or any other communications that are unwelcome.
- Pursuing, following, waiting for, or showing up uninvited at or near a residence, workplace, classroom, or other places frequented by the person.
- Surveillance or other types of observation including staring or “voyeurism”; gathering information about an individual from friends, family, co-workers; or accessing private information through unauthorized means.
- Threats to harm self or others.
- Defamation and/or lying to others about the person, or
- Using a third party or parties to accomplish any of the above.

### ***Consensual relationships***

The College strongly discourages consensual romantic and sexual relationships where an imbalance of power, authority, or influence exists between the parties. While relationships with students are not explicitly prohibited in the College’s policy, when the College feels that it is unhealthy for a student or disruptive in general, the College will intervene. While the College respects every individual’s right to make personal choices, consensual romantic or sexual relationships between faculty and students, between staff and students, and between supervisors and subordinate employees, are fundamentally imbalanced in nature and raise serious questions regarding conflict of interest. These relationships may be less consensual than perceived by at least one of the parties involved. Individuals who teach, mentor, or supervise exercise power over others, whether in giving them praise or criticism, evaluating them through comments, making recommendations for their further studies or future employment, or conferring any other benefits. Trust and respect are diminished when those in positions of authority abuse this power. It undermines, in fact or by perception, the integrity essential to an effective educational and working environment.

Even when all parties consent at the onset of a romantic or sexual relationship, grounds for a later complaint of sexual harassment, sexual misconduct, or sexual assault may still exist if consent is withdrawn by either party. Individuals who engage in such relationships may risk both disciplinary action by the College and legal liability. Even in cases where no current direct supervisory or instructional relationship exists, individuals should be sensitive to the constant possibility that a conflict of interest may arise if they are placed in a position of responsibility over an individual with whom they have or have had a relationship.

Faculty members should be aware that any sexual relationship with students, and supervisors should be aware that any sexual relationship with subordinate employees, makes them liable for formal disciplinary action if a charge of sexual harassment or sexual misconduct is lodged against them. A sexual relationship between a faculty member and a student occurring during a period of instructional or advising responsibilities carries a presumption of coercion if a charge of sexual harassment or sexual misconduct is lodged against them, or if disciplinary action is otherwise deemed appropriate by the College. Even when a faculty member and student, or supervisor and subordinate employee, have mutually consented at the outset to the development of such a relationship, it is the faculty member or supervisor who, by virtue of his or her special responsibility, will be held accountable.

**Note:** Consensual romantic and sexual relationships are prohibited between students and employees in Health Services, Student Life, Psychological Services, and Campus Safety, who provide resources and support to individuals who may have experienced sexual harassment or sexual misconduct.

## **Options for Reporting and Confidential Disclosures**

The College encourages individuals who experience an incident of sexual harassment, sexual misconduct, domestic violence, dating violence, or stalking to talk to someone about what happened—so they can get the support they need, and so the College can respond appropriately.

There is no such thing as an “unofficial” complaint of sexual harassment, sexual misconduct, domestic violence, dating violence, or stalking. The College takes all complaints seriously and to that end feels it important, and our legal obligation, to address all such complaints appropriately and as practicable given the circumstances of each case, the complainant’s wishes regarding the handling of the complaint, and the College’s obligation to maintain a safe campus community.

However, the College also recognizes that individuals who have concerns about sexual harassment, sexual misconduct, domestic violence, dating violence, or stalking may wish to speak to someone without making a formal complaint, and therefore look for assurances of confidentiality. Different employees on campus have different abilities to maintain a person’s confidentiality. Some individuals are required to maintain near complete confidentiality; talking to them is sometimes called a “privileged communication.” Other employees may talk to an individual in confidence, and generally only report to the College that an incident occurred without revealing any personally identifying information. Third, some employees (called “Responsible Employees”) are required to report all the details of an incident to the Title IX Coordinator.

This policy is intended to make students, faculty, and staff aware of the various reporting and confidential disclosure options available to them—so they can make informed choices about where to turn if they are subjected to conduct that violates this policy. Regardless of whether a victim files a complaint with the College or with local law enforcement, the College will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other available services, both within the College and in the community. Similarly, when a student or employee reports an incident to the College, whether it occurred on or off campus, the College will provide the student or employee with a written explanation of his or her rights and options.

### ***Leniency***

Sometimes, individuals are reluctant to come forward to report perceived violations of this policy out of fear that they may be charged with violations of Student Conduct standards (for example, underage drinking at the time of the incident). It is of paramount importance to the College that all perceived violations of this policy be reported, so that those affected can receive the support and resources needed. Therefore, in order to facilitate reporting, the College may choose to not charge students who report violations of this policy with violations of Student Conduct standards.

### ***Interim Accommodations***

Regardless of whether a victim of sexual assault decides to report the crime to Campus Security Officers, the Title IX Coordinator, and local law enforcement, the College will take interim measures to promote the safety and general well-being of the parties involved and/or the broader College community, provided the complainant requests them and such protective measures are reasonably available. The College will provide written notification to complainants about options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures, described as follows. These measures will be kept confidential unless maintaining such confidentiality would impair the College's ability to provide accommodations or protective measures. Such interim measures may include one or more of the following or additional accommodations as determined by the College:

- academic accommodations (i.e., alter academic schedules, withdraw from/retake a class without penalty, access academic support such as tutoring);
- change in housing;
- changing in dining facilities;
- change in work schedules;
- issue no contact orders;
- change in transportation and/or working situations.

### ***Confidential Resource | On Campus***

Select staff within the Psychological Services and Health Services Offices are not required to report any information about an incident to the Title IX Coordinator without an individual's permission. These individuals are considered to be "confidential resources." This means that in most cases, these confidential resources will not inform anyone of such communications without a complainant's consent, and the College will not endeavor to take any action in response to such communications. These professionals may have the responsibility to disclose otherwise-privileged information appropriately when they perceive an immediate and/or serious threat to any person or property. In addition, medical and mental health professionals are required by law to report any allegation of sexual assault of a person under age 18. Individuals who wish to talk about sexual harassment, sexual misconduct, domestic violence, dating violence, or stalking-related issues confidentially, with the understanding that the College will not take any action based on such confidential communications, are encouraged to contact one of these confidential resources. In accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, these confidential resources will not report Clery crimes they learn about through confidential communications for purposes of the College's compilation of campus crime statistics.

If an individual who makes a report insists that his or her name or other identifiable information not be revealed and the College is able to respect that request, the College will be unable to conduct an investigation into the particular incident or pursue disciplinary action against the alleged perpetrator. Even so, these confidential resources will still assist the individual 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, transportation, or course schedules accommodations, where requested and reasonably available. An individual who at first requests confidentiality may later decide to file a complaint with the College or report the incident to local law enforcement, and thus have the incident fully investigated. These confidential resources will provide the individual with assistance if the individual wishes to pursue those options.

### **Contact information for confidential resources is as follows:**

- Director of Psychological Services 802-440-4451
- All other clinical staff within Psychological Services 802-440-4451
- Director of Health Services 802-440-4426
- All other clinical staff within Health Services 802-440-4426

If you dial x767 (SOS) on campus or 802-447-4250 from any non-campus phone, emergency personnel on campus can arrange for you to speak with the Psychological Services on-call counselor or Health Services on-call clinician.

### ***Partially-Confidential Resources | On Campus***

While certain staff may be able to maintain an individual's confidentiality, these individuals have an obligation to provide select details to the College including the nature, date, time, and general location of an incident.

The following are considered to be partially-confidential resources:

- All non-clinical staff within Health Services
- All non-clinical staff within Psychological Services
- Sexual Harassment/Misconduct Process advisors (SHMP advisors), as explained below.

Sexual Harassment/Misconduct Process advisors (SHMP advisors) (which include students, faculty, and staff) are appointed by the president or the president's designee. Any member of the Bennington College community who believes that he/she has been subjected to conduct in violation of this policy, or who is responding to such a complaint, may seek the assistance of one of the College's Sexual Harassment/Misconduct Process advisors (SHMP advisors) in any or all of the following respects: (1) The advisor will listen to and discuss the case with the advisee; (2) The advisor will outline for the advisee the possible courses of action open to him or her in those cases under this policy, (3) The advisor may assist the advisee with gathering the necessary documentation to bring a formal complaint or to pursue a complaint through informal resolution or mediation and may accompany the advisee through the College's informal resolution, mediation, and/or formal complaint procedures if the advisee has decided to follow such procedures and wants his or her advisor present.

**Note:** If a sexual harassment/misconduct process advisor determines that there is a threat to the advisee or to others, the advisor must report the incident/concern to the Title IX Coordinator.

### ***Non-Confidential Resources (also called "Responsible Employees") | On Campus***

Most faculty and staff at the College are considered to be "responsible employees." A responsible employee is a College employee who has the authority to address incidents of sexual harassment, sexual violence, domestic violence, dating violence, or stalking and is obligated to report such incidents, or whom an individual could reasonably believe has this authority or duty. **Responsible employees are respectful of a complainant's wishes to the extent appropriate and are discreet, but they are not able to maintain confidentiality.** Responsible employees include all College faculty and staff employees, except as defined above in confidential or partially-confidential resources, and all student employees other than Resident Assistants, who are considered to be responsible employees. General inquiries or questions about the Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking Policy and Procedures do not have to be reported, may remain private, and the College will strive to protect the privacy interests of individuals to the extent it can while maintaining its obligations to uphold relevant policies and regulations and/or to take reasonable steps to promote the safety of members of the College community. Otherwise, once any responsible employee learns of an incident of sexual misconduct, sexual harassment, dating violence, domestic violence, or stalking, written or unwritten, the responsible employee must immediately notify the Title IX Coordinator of such complaint. The responsible employee must report all relevant details about the incident (such as the name of the complainant and respondent, any witnesses, and other relevant facts, such as the date, time, and specific location of the alleged incident). Such notice to the College generally obligates the College to investigate the incident and take appropriate steps to address the situation. Within the requirements of applicable laws and policy, confidentiality will be observed as practicable.

If a complainant discloses an incident to a responsible employee but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, the College must weigh that request against the College's obligation to provide a safe,

nondiscriminatory environment for all individuals, including the complainant. If the College honors the request for confidentiality, a complainant must understand that the College will be unable to conduct an investigation into the particular incident or pursue disciplinary action against the alleged perpetrator. Although rare, there are times when the College may not be able to honor a victim's request in order to provide a safe, nondiscriminatory environment for all individuals.

The College will protect the confidentiality of individuals allegedly subjected to sexual harassment, sexual misconduct, domestic violence, dating violence, and/or stalking to the extent practicable in light of the need to do investigations and conduct disciplinary proceedings. Campus security authorities who become aware of Clery crimes will report them to the College's Office of Public Safety so that they may be included in the College's compilation of campus crime statistics. The College will not include the names of complainants or other identifying information in publicly available reports that are compiled as required by the Clery Act.

### ***Additional Resources | Off Campus***

There are a number of local and national agencies available to provide support to individuals who have experienced sexual harassment, sexual misconduct, dating violence, domestic violence, or stalking. The College can assist an individual with accessing these, and other, resources.

- National Sexual Assault Hotline 800-656-HOPE
- National Domestic Violence Hotline 800-799-7233
- Project Against Violent Encounters (PAVE) 802-442-2111
- Southwestern Vermont Medical Center 802-442-6361
- United Counseling Services (UCS) 802-442-5491 Note that an individual is not obligated to notify or utilize any of these resources.

### ***External Reporting Options***

In addition to the off-campus resources noted above, complainants may also seek assistance through other external organizations. Making a complaint pursuant to the College's Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking Policy does not foreclose either civil or criminal legal action by the complainant, and a complainant who wishes to consider pursuing such action should seek legal advice. A complainant may simultaneously pursue a criminal complaint and a complaint under these procedures.

A complainant may also file a complaint by writing or calling the following state or federal agencies, as applicable:

- Bennington Police, 118 South Street, Bennington, VT, 05201, phone: 802-442-1030
- Vermont Attorney General's Office, Civil Rights Unit, 109 State Street, Montpelier, VT 05602, phone: 802-828-3171 (voice/TDD).
- Equal Employment Opportunity Commission, 1 Congress Street, Boston, MA 02114, phone: 617-565-3200 (voice), 617-565-3204 (TDD).
- Vermont Human Rights Commission, 133 State Street, Montpelier, VT 05633-6301, phone: 802-828-2480 (voice/TDD).
- Office for Civil Rights (OCR), U.S. Department of Education, 8th Floor, 5 Post Office Square, Boston, MA 02109, phone: 617-289-0111 (voice), 800-877-8339 (TDD).

These agencies can conduct impartial investigations, facilitate conciliation, and, if it is found that there is probable cause or reasonable grounds to believe sexual misconduct or harassment occurred, they may file a charge or a complaint. The Office of the Dean of Students, the Title IX Coordinator, or the Office of Campus Safety will offer to, and will upon request, assist students or employees in contacting law enforcement agencies. This action may be taken regardless of whether an individual chooses to file a complaint with the College. For his or her own part, a complainant may choose to notify such agencies with or without assistance from the College, or may choose not to notify such authorities.

Individuals who are being or who may have been subjected to domestic violence, dating violence, or stalking may have the right to obtain orders of protection, restraining orders and/ or relief from abuse orders from Vermont courts. The College will support complainants if they wish to have the College's assistance in making contact with law enforcement authorities and other external resources to seek such orders. The College will respect such orders to the extent applicable. In addition, the College can also impose no-contact conditions on students, employees, and third parties over which it has some measure of control. The College will inform complainants of their options in this regard.

### ***Medical Care***

Whether or not a person decides to pursue criminal charges or a complaint at the College, individuals are encouraged to immediately seek any necessary medical care after an incident of sexual misconduct, domestic violence, or dating violence, and to seek help from appropriate law enforcement, medical, or College personnel.

### ***Preservation of Evidence***

Even if a person is unsure initially whether she or he will want to pursue criminal charges or seek a protection order, it is important to preserve all possible evidence in case an individual later decides to do so. Therefore, a person should refrain from changing clothes, showering, or otherwise changing his or her physical state after an incident, until after he or she has consulted with medical personnel about how to best preserve evidence. Any such individual should also consult with College officials, law enforcement officers, or health care professionals regarding his or her ability to have evidence collected by a Sexual Assault Nurse Examiner ("SANE"). Individuals should also endeavor to preserve other evidence that may be relevant to a case of sexual harassment, sexual misconduct, domestic violence, or dating violence, or stalking, such as text messages, email messages, other electronically stored information, and other physical evidence. Anyone with questions about how to do this should consult with College officials.

## **College Procedures for Reviewing/ Handling Complaints**

Any member of the Bennington College community or covered third party who believes that he or she has been subjected to sexual harassment, sexual misconduct, domestic violence, dating violence, or stalking by any member(s) of the Bennington College community may, depending on the nature of the alleged misconduct, make use of some or all of these three options: (1) **informal resolution**, (2) **mediation**, or (3) **administrative investigation**. Whichever option(s) the complainant utilizes, Bennington College endeavors to ensure the complainant and respondent are treated in an unbiased manner with dignity, respect, and sensitivity. A complainant may use all three options (subject to limitations noted below), or may bypass the first two options and proceed directly to an administrative investigation. Even where the College does not appear to have a measure of control over a third party who is believed to have engaged in or who is believed to be engaging in such behavior, the College encourages reporting so that the College can at least refer the complainant to supportive resources.

The complaint process begins by the complainant or other reporting person's making a written or oral complaint with the Title IX coordinator. As explained below, while an initial complaint need not be in writing, a written complaint will have to be submitted if the complainant wishes to have an administrative investigation conducted. The complaint may be written by the complainant, or dictated to a College official and approved by the complainant. For cases involving complaints against the president, the complainant must file a request with the provost and dean of the College, who will transmit the request to the Board of Trustees. The board will proceed from that point in a manner to be determined in its sole discretion.

There is no time limit for the filing complaints. However, prolonged delays in reporting may limit the College's ability to conduct a full and fair investigation. Every effort will be made to investigate and resolve complaints of sexual harassment, sexual misconduct, domestic violence, dating violence, or stalking within a reasonable period of time, which will not exceed sixty (60) calendar days except in

extraordinary circumstances, in which event the complainant and the person charged will be notified of the reason and expected duration of the delay.

The College may take any interim emergency measures it deems fit pending the resolution of a complaint, including such measures as are necessary to protect the complainant, the respondent, or third parties.

A person should contact the Title IX Coordinator if:

1. as a visitor to the College (e.g., a guest of another student a prospective student, or an alumnus or alumna), he or she believes that he or she has been subjected to conduct in violation of this policy by a member or former member of the College community; or,
2. as a member or former member of the College community he or she believes that, while a member of the College community, he or she has been subjected to conduct in violation of this policy by a vendor, contractor, visitor, or other third party.

The College will investigate and respond as appropriate and practicable, given the nature of its relationship to the parties. In some cases (such as, for example, cases in which a student, employee, or covered third party involved in an alleged incident of sexual harassment, sexual misconduct, domestic violence, dating violence, or stalking does not wish to participate in the process but the College decides that the alleged misconduct needs to be investigated and addressed), the College may move forward with an investigation and/or related disciplinary proceedings. In such cases, the College may extend the full rights of a complainant as defined in this policy to affected parties as deemed appropriate by the College.

### ***Sanctions***

Sanctions for violations of this policy may include one or more of the following:

- Expulsion
- Suspension
- Written Reprimand or Warning
- Verbal Reprimand or Warning
- Separation from employment
- Disciplinary Probation
- Employee or Faculty Probation
- Nonrenewal of contract
- Revocation of honors, awards, or degrees
- Restricted access to College facilities or activities, including student organizations or athletic or intramural participation
- Community Service
- Issuance of a "No Trespass" or "No Contact" Order
- Removal from student housing

In addition, the College may determine that additional remedies are warranted, such as education or training for some or all members of the College community. Although sanctions for violation(s) of this policy can include any form of discipline as stated above, students found to have engaged in sexual, sexual violence, or other forms of serious violence will most likely receive a sanction of suspension or expulsion.

### ***Option 1 | Informal Resolution***

**A.** Any member of the Bennington College community or covered third party who believes that he or she has been subjected to conduct in violation of this policy by any member(s) of the Bennington College community may pursue a complaint through informal resolution, except that **informal resolution will not be used to resolve complaints of sexual violence.**

**B.** Complaints may be written or oral. Once a complaint is made, the Title IX Coordinator will appoint an investigator to investigate the complaint, and, in consultation with the investigator, will determine

whether continuing with the informal resolution procedure is appropriate. If the Title IX Coordinator determines that continuing with informal resolution is not appropriate, he or she will notify the complainant in writing. If the complainant wishes to pursue the complaint, he or she may request to proceed with mediation or administrative investigation and review as outlined below. If the Title IX Coordinator decides that continuing with informal resolution is appropriate, then the complainant and the Title IX Coordinator may agree to adopt one of the following courses of action, to be completed within 10 working days of that agreement:

1. The Title IX Coordinator will attempt an informal resolution of the complaint directly and privately with the respondent.
2. The Title IX Coordinator and the complainant will seek an informal resolution of the complaint by meeting together with the respondent.
3. The Title IX Coordinator will appoint someone from the College community who will seek to resolve the complaint informally. This person will meet with both parties, either separately or together.

**C.** Each party may be accompanied by an advisor of his or her choice in any stage of this informal procedure. Such persons may, but need not be, chosen from among the College's Sexual Harassment/Misconduct Process advisors (SHMP advisors).

**D.** A complaint pursued through informal resolution will be considered to have been resolved when both parties have signed a statement indicating their acceptance of the outcome of the process, and the Title IX Coordinator (or appointee who has directed the procedure) has also approved and signed the statement. A complaint that has been resolved through informal resolution may not be filed as a formal complaint.

**E.** If a complaint cannot be resolved through informal resolution, or if the Title IX Coordinator determines at any point that the case is not appropriate for informal resolution, the Title IX Coordinator will refer the case to mediation or administrative investigation and review as described below.

### ***Option 2 | Mediation***

**A.** Any member of the Bennington College community or covered third party who believes that he or she has been subjected by any other member(s) of the Bennington College community to conduct in violation of this policy may pursue a complaint through a mediation procedure. Mediation is generally defined as intervention between parties to promote reconciliation, settlement, or compromise. Mediation is different from the "Informal Resolution" procedure outlined above because a neutral, independent, third party (i.e., someone other than the Title IX coordinator) will meet with the complainant and respondent, either separately or together, in order to understand the parties' respective positions, and then attempt to help the parties come to a mutual understanding. **Mediation will not be used to resolve complaints of sexual violence.**

**B.** A complaint may be written or oral. Once a complaint is made, the Title IX Coordinator will appoint an investigator to investigate the complaint, and, in consultation with the investigator, will determine whether there are grounds for continuing with the mediation procedure. If the Title IX Coordinator determines that mediation is not appropriate, he or she will notify the complainant in writing. If the complainant wishes to pursue the complaint, he or she may request to proceed with administrative investigation and review as outlined below. If the Title IX Coordinator decides that mediation is appropriate, then the Title IX Coordinator will appoint a mediator who will seek to resolve the complaint using mediation. This person will meet with both parties, either separately or together. Both parties must consent in order for the mediator to meet with both parties together.

**C.** Each party may be accompanied by an advisor of his or her choice any stage of this mediation procedure. Such persons may, but need not be, chosen from among the College's Sexual Harassment/Misconduct Process Advisors (SHMP Advisors).

D. A complaint pursued through mediation will be considered to have been resolved when both parties have signed a statement indicating their acceptance of the outcome of the mediation procedure, and the Title IX Coordinator (or appointee who has directed the procedure) has also approved and signed the statement. A complaint that has been resolved through mediation may not be pursued through administrative investigation.

E. If the complaint cannot be resolved through mediation, or if the Title IX Coordinator determines that the case is not appropriate for mediation, the Title IX Coordinator will refer the case to administrative investigation and review as described below.

### ***Option 3 | Administrative Investigation and Review***

Any member of the Bennington College community or covered third-party who believes that he or she has been subjected to conduct in violation of this policy by any other member(s) of the Bennington College community or covered third parties may pursue a complaint through an administrative investigation. All proceedings will include a prompt, fair, and impartial process from the initial investigation to the final result. The investigation and decision-making process are conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking, and on how to conduct an investigation process that protects the safety of victims and promotes accountability.

Throughout the process, the College will provide the complainant and the respondent with the same opportunities to have others present during an institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice. While the College will not limit the choice of advisor or presence for either the complainant or the respondent in any meeting or institutional disciplinary proceeding, the College has established restrictions regarding the extent to which the advisor may participate in the proceedings, as described below.

A written complaint must be filed with the Title IX Coordinator in order to initiate an administrative investigation. This could be prepared in writing by the complainant, or dictated by the complainant to the Deputy Title IX Coordinator, Director of Campus Safety, or the Title IX Coordinator and approved by the complainant. Once a written complaint is filed, the Title IX Coordinator will appoint an investigator to investigate the charges. The Title IX Coordinator, in consultation with the investigator, will determine whether there is sufficient evidence to determine whether a violation has or has not occurred. If it is determined that there is sufficient basis to pursue an investigation, the College will handle the case in the manner described below. Otherwise the Title IX Coordinator will issue a notice of dismissal.

A complaint may also be filed (to be handled through the administrative investigation procedure) by the provost and dean of the College, the associate provost and dean of studies, or the vice president for Finance and Administration, if it has come to such person's attention that a member of the Bennington College community may have been subjected to conduct in violation of this policy by any other member of the College community or a covered third party.

In all cases, the final decision of whether to conduct an administrative investigation rests with the Title IX Coordinator. The issuance of a notice of dismissal cannot be appealed. The complainant is free at any time to pursue civil or criminal action against the respondent.

Where there is sufficient basis to pursue an investigation, both parties will receive written notice that an investigation is being conducted. The written notice will include a copy of this policy. The complainant and respondent will be afforded the same rights throughout this investigation.

A "No Contact Order" is normally issued to restrict contact and communication between a complainant and respondent for the duration of the investigation. No contact orders are not

disciplinary in nature (though violation of them could result in College discipline). This is in addition to other measures that may be taken as previously outlined, such as changing the living accommodations for one of the parties.

The investigator will conduct a thorough fact-finding investigation (which will conclude with a final report to be reviewed by the Title IX Coordinator to make a determination whether any alleged violation of this policy occurred). The investigation will include meetings with the complainant and the respondent separately, as well as any witnesses to the events that are the basis of the complaint. The investigator may also collect and examine any physical evidence or documents, emails, text messages, etc. that may be relevant to the events in question. At any time during the investigation, the complainant and respondent may provide written statements or other supporting materials that may be helpful to the investigator.

The complainant and respondent are entitled to be accompanied by a support person of their choice whenever meeting with the investigator. Such persons may, but need not be, chosen from among the Sexual Harassment Misconduct advisors (SHM advisors). Advisors can confer privately with their advisee, but cannot act as advocates or address the investigator. At no point will the complainant be forced to be in contact or in the same room as the respondent. The parties will be given periodic status updates throughout the investigation.

Should a respondent who has been notified of an investigation/adjudication fail to cooperate with the investigator, the investigation may proceed, a finding may be reached, and a sanction may be imposed based on the information available.

The complainant may request that the investigation be stopped at any time. Bennington College, in coordination with the Title IX coordinator and the investigator will determine whether the investigation can be terminated, or whether, due to countervailing concerns of campus safety, it is unable to honor the complainant's request to terminate the investigation.

At the conclusion of the investigation, before the investigator's report is finalized, the complainant and respondent will be given the opportunity to review their own statement and, to the extent appropriate, may also be provided with a summary of other information collected during the investigation. The complainant and respondent will then have five calendar days to submit any comments about their own statements, or on any investigation summary that might be provided.

### ***Making a determination***

The investigator will submit a final report to the Title IX Coordinator. The final report will include the investigator's recommended finding of whether the policy or policies under investigation have been violated, the investigator's rationale, and investigation materials, including both parties' written responses and supporting materials, if submitted. The investigator's recommendation will be based on the preponderance of evidence standard, i.e., whether it is more likely than not that the policy was violated.

After careful review of the full report, the Title IX Coordinator is responsible for making the determination of whether any Bennington policy under investigation has been violated. The Title IX Coordinator's determination will also be based on a preponderance of the evidence standard, i.e., whether it is more likely than not that the policy was violated. The Title IX Coordinator is not bound by the investigator's report (rather, it serves to advise) and may accept or reject the investigator's recommended finding in whole or in part, and may request additional relevant information before making a determination. The Title IX Coordinator may consult with the investigator, the Deputy Title IX Coordinator, and/or other persons at the discretion of the Title IX Coordinator.

Either party may choose to meet individually with the Title IX Coordinator prior to the Title IX Coordinator's determination. The Title IX Coordinator may also request an individual meeting with

either party or any other person(s) as appropriate. This meeting is intended to provide each party with an opportunity to make a brief statement. This meeting is not intended to serve as a hearing or a cross-examination, although the Title IX Coordinator may ask questions as needed.

If the Title IX Coordinator does not find that a violation of this policy has occurred, he/she will so inform the parties, simultaneously and in writing. In such cases, the complainant may appeal the decision within five working days to the provost and dean of the College on the grounds, and pursuant to the procedures, set forth below.

If the Title IX Coordinator finds that a violation of this policy has occurred, a written notification recommendation is sent to the associate provost and dean of studies. This notification includes recommended sanctions (if any).

In those cases in which the Title IX Coordinator recommends that disciplinary action against a student should be imposed, it may recommend an appropriate sanction, up to and including expulsion from the College. This recommendation will be made to the associate provost and dean of studies, or his or her designee, who will decide the case and may implement, modify, increase, or suspend the recommended sanctions. The associate provost and dean of studies (or designee) will send the complainant and the respondent simultaneous written notice of the outcome of the complaint, the option to appeal, and the Title IX Coordinator's letter of finding and recommendation.

**If either the complainant or the respondent are faculty or staff employees** the Title IX Coordinator will schedule the case for administrative review following receipt of the investigator's report. An administrative review of the case will be conducted by the provost and dean of the college (for cases involving faculty) and conducted by the director of Human Resources (for cases involving staff) to determine the appropriate sanction.

Where formal disciplinary action is to be taken against a faculty or staff member, appropriate sanctions may range from a verbal warning up to and including discharge from employment. The complainant and the respondent will receive simultaneous written notice of the outcome of the complaint and the option to appeal. The faculty or staff employee may appeal the decision of the provost and dean of the College or vice president for Finance and Administration within five working days to the provost and dean of the College.

The complainant or the respondent may appeal the decision within five working days to the president (in the case of faculty members) or to the provost and dean of the College (in the case of staff employees) on the grounds, and pursuant to the procedures, set forth in the Appeals section below.

### ***Appeals***

Either the complainant or the respondent may appeal the determination of a case and/or the sanctions. The right to appeal is contingent upon participation in the administrative investigation process. Appeals by students must be filed with the **provost and dean of the College** within 5 working days of the case determination. Appeals by faculty must be filed with the **president** within 5 working days of the case determination. Appeals by staff employees must be filed with the **vice president for Finance and Administration** within 5 working days of the case determination.

The president or provost and dean of the College will determine, in his or her sole discretion, the format of appeals. The president or provost and dean of the College may implement, modify, increase, or suspend the sanctions recommended or imposed and will send his or her appeal decision letter to the appellant. A notice of the appeal decision letter will also be sent simultaneously to the complainant and to the individual who conducted the administrative review. The decision of the president or provost and dean of the College is final in all cases.

Appeals may be based only upon the following:

1. Newly discovered evidence that could not have been discovered at the time of the hearing and would have had a significant effect on the outcome;
2. A violation of the procedures under this Policy that had a significant effect on the outcome; or
3. An appeal of the sanction(s) imposed.