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August 5, 2026

Members of the Bard College Board of Trustees:

For the past 30 years, my organization, the American Council of Trustees and Alumni (ACTA), has served boards of trustees of colleges and universities across the country to assist them in carrying forth their fiduciary duties. We do this to fulfill our own organizational mission of promoting accountability in higher education, as the promise and potential of the nation’s colleges and universities depend on the strength of lay governance.

Trustees have a duty to protect the institution they oversee from legal and financial liability. But they also have the responsibility, as fiduciaries, to maintain the public trust. These roles often come into tension with each other, especially when claims arise at the institution of the most serious and morally reprehensible kind of misconduct. ACTA is acutely sensitive to the vital function of trustees in such situations, having consulted for then–Auditor General of Pennsylvania Jack Wagner in his investigation of governance practices at Penn State University following the revelation of heinous crimes committed by Jerry Sandusky.

The Bard College Board of Trustees has taken some difficult first steps to repair its reputation, including its decision to part ways with its longtime president of five decades. But more is clearly necessary.

Given the severe, pervasive, and ongoing nature of the allegations being reported in multiple outlets, full accountability unfortunately requires yet stronger, more concrete action. Transparency will be key to restoring public trust and building a positive campus culture that will allow Bard to move forward.

PROMOTING ACADEMIC FREEDOM AND EXCELLENCE

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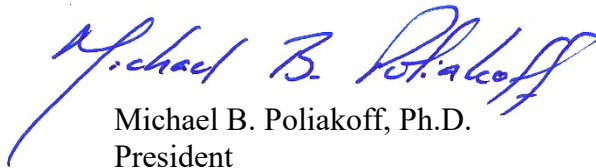
Our understanding is that members of the House Judiciary Committee have asked the board of trustees for records related to the WilmerHale investigation it commissioned of former Bard College President Leon Botstein. We urge you to cooperate with the congressional investigation and provide relevant documents to committee members and staff of both political parties.

The board of trustees also should initiate a fully independent investigation of sexual harassment, sexual abuse, and violence on Bard's campus covering an extended period of time, including allegations going back to the late 1990s. Maintaining the independence of the auditing unit is a best practice for preserving public trust, as the State University of New York (SUNY) board of trustees did in 2010 by retaining former chief judge of the New York Court of Appeals Judith Kaye to lead an investigation of widespread allegations of misconduct in the SUNY-Binghamton men's basketball program.

In the case of Bard, an independent investigation is even more imperative based on the nature of the allegations alongside Bard's potential legal exposure from operating a number of "early college" programs (including a boarding school) that exclusively serve minors. To be sure, the investigation by WilmerHale was limited only to the conduct of President Botstein himself. This is far too limited a scope to assure the board of trustees that it has fulfilled its due diligence.

Finally, given these highly sensitive circumstances, we urge the board of trustees, for the purpose of such an investigation, to release all former employees and students who have signed nondisclosure or non-disparagement agreements (NDAs) in financial settlements with Bard College from their obligation of silence. NDAs are not appropriate in circumstances in which the allegations are so grievous and when the public rightfully demands and deserves answers.

Respectfully,



Michael B. Poliakoff, Ph.D.
President

cc: Acting President Jonathan Becker