

# **GOUCHER COLLEGE**

## **SEXUAL MISCONDUCT POLICY**

### **I. PREAMBLE**

Goucher College commits itself to providing a community of mutual trust and respect for students, faculty and staff. Therefore, sexual misconduct will not be tolerated. Such behavior seriously undermines the achievement of Goucher's mission and its effectiveness as an educational institution and a workplace. Each member of the Goucher College community shares a common responsibility to maintain an environment free from sexual misconduct.

It is the purpose of this policy to promote and maintain such an environment, by educating the community and vigorously investigating reports of sexual misconduct in a manner that is expeditious and sensitive to the needs and rights of the victim and the accused. The policy applies to all constituencies of the college: students, trustees, faculty, administration, staff, and all other employees. Vendors and contractors employed by Goucher are required to ensure compliance by their employees as well.

### **II. EDUCATION**

Education and training are a key component of maintaining an environment free from sexual misconduct. Goucher College is therefore committed to providing effective educational and training programs to all students, faculty and staff.

This sexual misconduct policy is on-line at [www.goucher.edu/misconduct](http://www.goucher.edu/misconduct)., included in the Campus Handbook, and described in other informational brochures as appropriate. Such materials are available in the offices of the dean of students, provost, Community Living, Public Safety, Human Resources, and the Student Health and Counseling Center.

Educational programs on sexual misconduct and this policy will be provided for all new students, including transfer, graduate, and Goucher II students. Whenever possible, this will occur within the first four weeks of each semester. Sessions for first-year students will occur during orientation or in the Connections program.

Training and education on sexual misconduct and this policy will be provided for all new faculty and staff, and for Community Assistants. Periodic refresher programs will also be provided for all faculty, staff and CAs. Individuals with specific responsibilities described in this policy will receive additional training as required to fulfill those responsibilities effectively.

### III. CONFIDENTIALITY

Goucher College recognizes that confidentiality is important in matters of sexual misconduct. All persons responsible for implementing this policy will respect the confidentiality and privacy of the individuals involved, to the extent reasonably possible. Those individuals reporting, accused of, or otherwise involved in a sexual misconduct complaint are also required to keep the matter as confidential as is reasonably possible. Absolute confidentiality may not be maintained in all circumstances, including when the college is required to disclose information in response to legal process or when the college's need to protect the rights of others must outweigh confidentiality concerns.

Often a person reporting or otherwise concerned about sexual misconduct wants a discussion to be confidential or "off the record." Confidential discussions about sexual misconduct may be available from persons who, by law, have special professional status, such as the college chaplain and the director and counselors at the Student Health and Counseling Center. The level of confidentiality depends on what legal protections are held by the specific persons receiving the information, and should be addressed with them before specific facts are disclosed. Faculty, staff, and CAs may be required to disclose information concerning sexual misconduct that is not personally identifiable, or, if a member of the college community is at risk, to disclose personally identifiable information to the appropriate administrators.

### IV. COURSE SITUATIONS

Complaints under this policy that course materials, projects or classroom discussions are offensive because they include references to sexual terms are to be evaluated with due regard to principles of academic freedom. Consistent with those principles, course content and teaching methods remain the province of individual faculty members. However, content or methods that focus attention on sexual terms or characteristics not germane to the academic discussion, or on sexual characteristics of individual students, faculty or staff, are inappropriate and may be a violation of this policy.

### V. DEFINITIONS

- A. "Consent" or "consensual" means willingly and knowingly agreeing to engage in specific sexual conduct. Consent may be expressed by mutually understandable words or actions. In order for consent to be valid, all parties must be capable of making a rational, reasonable decision about the sexual act, and must have a shared understanding of the nature of the act to which they are consenting. The use of drugs or alcohol may render a person incapable of giving consent. Silence conveys a lack of consent. All parties are responsible for expressing and obtaining consent, and if at any time consent is withdrawn, the conduct must stop immediately.
- B. "Student" means any individual taking a course, writing a thesis, or doing an internship at Goucher College, including those in the undergraduate, graduate, continuing education, non-degree, and certificate programs.

## VI. SEXUAL EXPLOITATION

### A. Definition

Sexual exploitation occurs when a person takes non-consensual, unjust or abusive sexual advantage of another person for his or her own benefit, or for the benefit of anyone other than the person being exploited, and which conduct does not otherwise constitute sexual misconduct under this policy.

### B. Examples

Examples of conduct prohibited by this policy include, but are not limited to:

- non-consensual video or audio taping of sexual activity;
- non-consensual sharing of a consensually-made video or audio tape of sexual activity;
- prostituting another individual;
- going beyond the boundaries of the consent given, such as by secretly allowing others to watch consensual sex;
- voyeurism of a sexual nature.

## VII. SEXUAL ASSAULT

### A. Definition

Sexual assault is defined as non-consensual physical contact of a sexual nature. Sexual assault includes rape, acts using force, threat, intimidation or coercion, or using advantage gained by the victim's inability (whether temporary or permanent) to make rational, reasonable decisions about sex, of which the accused was aware or should have been aware. Sexual assault includes:

- non-consensual sexual intercourse, which is any sexual intercourse (anal, oral, or vaginal), however slight, with any object, between any genders, without effective consent; and
- non-consensual sexual contact, which is any sexual touching (including disrobing or exposure), however slight, with any object, between any genders, without effective consent.

### B. Reporting

Victims of sexual assault may report an incident directly to (1) the Office of Public Safety, (2) the director of Community Living, (3) the dean of students or (4) the director of Human Resources. A victim of an attack or rape on campus is strongly encouraged to contact Public Safety immediately. When appropriate, Public Safety will issue a campus-wide alert for the protection of the college community.

### C. Criminal Procedures

All victims of sexual assault have the right to file criminal charges. Victims have the option of notifying the appropriate law enforcement officials, including local police, of an incident of sexual assault. At the victim's request, Public Safety, as well as the victim's consultant, if requested, will promptly assist the victim in notifying law enforcement officials.

### D. Campus Sources of Support

#### Goucher Consultants

The victim may choose to contact a sexual assault consultant who will assist the victim in making decisions about the reporting process. Such decisions include whether to report the assault to the college administration, whether to file a complaint under the formal disciplinary procedures of this policy, and whether to bring criminal charges. At the victim's request, the consultant may accompany the victim to report the assault. **Consultants will maintain confidentiality to the extent reasonably possible.** The following people are sexual assault consultants on campus:

- Jeannette Hadfield, director of Student Health and Counseling (410-337-6053)
- Gayle Davis, counselor (410-337-6563)
- Raymond Green, counselor (410-337-6054)
- Sharon Spector, counselor (410-337-6052)
- Patricia Wick, psychologist (410-337-6562)
- Cynthia Terry, college chaplain (410-337-6048)

#### Other Sources of Support

A victim may choose to seek support from other members of the college community, such as students, Community Assistants, or faculty. CAs and faculty members may be required to disclose to the administration information concerning the incident that is not personally identifiable. In cases where a member of the college community is at risk, CAs and faculty members may be required to disclose personally identifiable information concerning the incident to appropriate administrators.

A victim may choose to receive assistance from a non-Goucher source. The following resources are available off-campus:

#### Turn Around

hotline 410-828-6390

Baltimore County office 410-377-8111

Baltimore City office 410-837-7000

#### House of Ruth

hotline and Victim Advocate Program 410-889-7884

Domestic Violence Legal Clinic 410-889-0840

#### STTAR Center (Sexual Trauma Treatment, Advocacy and Recovery Center)

hotline 410-997-3292

office 410-290-6432  
Maryland Coalition Against Sexual Assault, Inc.  
office 410-974-4507  
Rape, Abuse & Incest National Network  
hotline 800-656-HOPE

Contact information for off-campus resources may change, and other resources may become available, over time. Goucher College will periodically update this list as appropriate.

#### E. Counseling

Victims of sexual assault may receive confidential counseling from the college's counselors by contacting the Student Health and Counseling Center from 9 a.m. to 5 p.m. Monday through Friday, at 410-337-6050. On Saturday and Sunday consultation is available by calling Public Safety at 410-337-6111. The victim will be referred immediately to the counselor on call.

Alternatively, victims may contact Turn Around in Towson for counseling (daytime general information 410-377-8111 or 837-7000; 24-hour hotline 410-828-6390). Turn Around is the nearest state-designated rape crisis program. It may be important to talk with a counselor who is trained to assist rape victims about the emotional and physical impacts of the assault.

#### F. What to Do; Preservation of Evidence

It is extremely important to preserve all evidence of a sexual assault if a criminal prosecution is to be considered. Victims of sexual assault who may wish to consider criminal prosecution should immediately contact Public Safety. Victims should follow these procedures:

- *Call Public Safety immediately. This is important for your protection, and for prosecution: evidence of sexual assault by medical examination is most effectively obtained within 72 hours of the assault. Reporting the assault can also help you regain a sense of personal power and control, and can help ensure the safety of other potential victims.*
- *If you are in a secure environment (such as your room), lock the door and wait for Public Safety to arrive.*
- *Do not disturb the area, room, or vehicle where the offense was committed.*
- *If you feel unsafe, call a friend, family member or someone else you trust and ask her or him to stay with you. If the assault occurred in your room, do not allow anyone to enter. Once your support person has arrived, secure the door and go to a safe area.*
- *Preserve all physical evidence of the assault. Do not bathe, shower, douche or brush your teeth (this can be done after a medical examination). Do not wash or throw away any articles of clothing worn during the assault. Place the items in a paper bag (plastic may break down the evidence), with each*

*separate item in a separate bag if possible. Paper bags are available from Public Safety.*

- *Try to remember any helpful details that may lead to the identification of the person responsible, such as scars, marks, jewelry, dress, language, approximate height in comparison to your own, vehicle description and tag number.*

#### G. Medical Attention

It is the victim's option to be taken to a local hospital for a medical examination:

- (1) to be examined for injuries, semen, vaginal secretion, and disease,
- (2) to have evidence collected for prosecution,
- (3) to receive immediate counseling and referral service.

*Even if you think that you do not have any physical injuries, you should still have a medical examination and discuss with a health care provider the risk of exposure to sexually transmitted diseases and the possibility of pregnancy resulting from the sexual assault. If you suspect that you may have been given a rape drug, such as rophynol ("roofies"), ask the hospital or clinic where you receive medical care to take a urine sample.*

The dean on call or designee will accompany and assist student victims at the hospital. Turn Around in Towson (24-hour hotline 410-828-6390) also offers "ER companion" advocates who will escort a victim to the hospital. Victims of sexual assault shall also receive full and prompt cooperation from campus personnel in obtaining appropriate medical attention, including transporting the victim to the nearest designated hospital. Any victim desiring transportation to the hospital should contact Public Safety, which will arrange for transportation.

Greater Baltimore Medical Center (GBMC) is the nearest hospital equipped with Maryland State Police Sexual Assault Evidence Collection Kits.

#### H. Special Disciplinary Procedures for Sexual Assault

The college may institute disciplinary procedures against an accused student, faculty member, or employee regardless of whether any criminal charges are filed. Pursuant to Goucher's Administrative Action policy (under "Campus Policies" in the Campus Handbook), persons accused of sexual assault may be removed from campus pending disciplinary action or criminal procedures to avoid additional conflict within the community and to protect the safety of all those involved and of the campus community.

Disciplinary procedures pursuant to this policy (see section IX.D) may be instituted by the victim or by the college. If a criminal charge is filed, the college's general counsel shall determine whether action under this policy should be delayed pending the outcome of the criminal case. The college need not await the outcome of any

criminal proceedings before taking action under this policy. If a student or employee is found guilty of, or pleads guilty to, a rape charge in a criminal case and no appeal is filed within the appeal period, the student shall be immediately expelled from Goucher or the employee shall be immediately terminated without further investigation or hearing. If a student or employee is found guilty of, or pleads guilty to, any other charge of sexual assault in a criminal case and no appeal is filed within the appeal period, the student may be immediately expelled or the employee may be immediately terminated without further investigation or hearing. Such individuals may not return to campus.

## VIII. SEXUAL HARASSMENT

### A. Definition

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

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

Such conduct is a violation of this policy and may be a violation of federal law.

### B. Types of Sexual Harassment

- Quid Pro Quo Harassment

Quid pro quo sexual harassment may occur when anyone in an institutional position of power or authority over another uses any academic or supervisory reward (withholding of appropriate grades, promotion, evaluation, etc.) to subject such other person to unwanted sexual attention or to subject such other person to verbal or physical conduct of a sexual nature. Examples of relationships involving institutional positions of power or authority include but are not limited to, department chair to faculty member, teacher or teaching assistant to student, supervisor to employee, and administrator to staff or student.

- Hostile Environment Harassment

Sexual harassment may also occur when unwelcome sexual advances, requests for sexual favors, inappropriate displays of sexually suggestive material, and other verbal or physical conduct of a sexual nature unreasonably interfere with an

individual's work or academic performance or create an intimidating, hostile, or offensive campus environment. Such conduct may create a hostile environment for individuals other than those at whom the conduct is directed. Hostile environment harassment includes peer harassment, such as student-to-student or colleague-to-colleague.

To constitute a hostile environment, the harassment must be sufficiently severe or pervasive to affect the conditions of the complainant's employment, academic standing or participation in an educational program or activity, and must create an offensive or abusive environment. A single incident or isolated incidents of offensive sexual conduct or remarks may create a hostile environment, but generally do not unless the conduct is quite severe. Even instances that may not constitute a hostile environment should, however, be addressed under the Informal Procedures of this policy, so that they are not repeated.

### C. Examples

Examples of conduct prohibited by this policy include, but are not limited to:

- insults of a sexual nature, including lewd, obscene, or sexually suggestive displays, remarks, or conduct;
- unwanted patting, pinching, hugging, or other touching;
- sexist remarks and sexist behavior;
- unwelcome flirtation, advances, inappropriate social invitations, or unwanted requests for sexual favors;
- unwanted discussions of sexual matters;
- requests or demands for sexual favors accompanied by implicit or explicit promised rewards or threatened punishment.

## IX. CONSENSUAL RELATIONSHIPS

### A. General

Persons in positions of power or authority over others should be aware of and sensitive to the problems that may arise from apparently consensual relationships with their subordinates. The power differential inherent in such relationships may compromise free choice. Any perceived abuse of authority diminishes trust and respect among members of the college community. For example, others not involved in the relationship may believe they are being treated or evaluated unfairly as a result of the relationship. Claims of sexual harassment may emerge, from the subordinate person in the relationship or from third parties.

Accordingly, all members of the college community are expected to maintain appropriate professional relations with one another. Moreover, Goucher College specifically prohibits consensual sexual relationships between members of the college community when one of the individuals involved has professional influence or authority over the other. Even in the absence of such influence or authority,

consensual sexual relationships of faculty or staff with students undermine significant educational goals of the college, and may lead to difficulties for the parties.

The existence of professional influence or authority is determined on a case-by-case basis.

## B. Relationships with Students

### 1. Professional Influence or Authority.

An individual may be found to have professional influence or authority over a student when that individual teaches, supervises, or evaluates the student in any capacity, teaches in a department in which the student is a major, serves as a counselor or academic advisor, or has influence over the student's academic or monetary awards, employment, housing, participation in athletics, or any other college activity.

### 2. Faculty Relationships with Students.

When a consensual sexual relationship exists or develops between a faculty member and a student over whom he or she has professional influence or authority, the faculty member shall promptly report the existence of the relationship to the provost. With the provost's assistance, and in a manner that causes the least detrimental effect for the student, the faculty member shall take steps to remove himself or herself from the position of power or authority, including any supervisory, evaluative, advisory, or other pedagogical relationship with the student. Because such steps may deprive the student of educational, advising, career, or other opportunities, may jeopardize the faculty member's position at the college, and may inconvenience or cause undue hardship to other members of the college community, both parties should be mindful of the potential costs before entering into a sexual relationship.

### 3. Staff Relationships with Students.

When a consensual sexual relationship exists or develops between a staff member and a student over whom he or she has professional influence or authority, the staff member shall promptly report the existence of the relationship to the director of Human Resources. With the director's assistance, and in a manner that causes the least detrimental effect for the student, the staff member shall take steps to remove himself or herself from the position of power or authority, including any supervisory, evaluative, or administrative relationship with the student. Because such steps may deprive the student of educational, employment, extracurricular, or other opportunities, may jeopardize the staff member's position at the college, and may inconvenience or cause undue hardship to other members of the college community, both parties should be mindful of the potential costs before entering into a sexual relationship.

Subject to the appropriate approvals, an individual department or office within the college may implement more restrictive policies for its employees, according to the special nature and requirements of their employment. For example, Public Safety, Athletics, and Community Living prohibit their employees from dating students.

#### C. Relationships between Faculty and Staff

1. Professional Influence or Authority. An individual may be found to have professional influence or authority over a faculty or staff member when that individual supervises or evaluates performance, or recommends or awards salary, reappointment, promotion, or tenure of the faculty or staff member.
2. When a consensual sexual relationship exists or develops between a faculty or staff member and a member of the faculty or staff over whom he or she has professional influence or authority, the person with professional influence or authority shall promptly report the existence of the relationship to either the provost, in the case of faculty, or the director of Human Resources, in the case of staff. With the assistance of the provost or director, and in a manner that causes the least detrimental effect for the other person, the faculty or staff member shall take steps to remove himself or herself from the position of power or authority. Because such steps may adversely affect the other person in the relationship, may jeopardize the position at the college of the person with influence or authority, and may inconvenience or cause undue hardship to other members of the college community, both parties should be mindful of the potential costs before entering into a sexual relationship.

#### D. Discipline.

Failure to comply with this policy or to self-report the existence of a relationship as required by this policy is considered sexual misconduct, and will be subject to the appropriate disciplinary procedures. Sanctions may result, up to and including suspension without pay or dismissal.

### X. PROCEDURES

Goucher College wishes to protect the rights and the integrity of all members of its community. This includes the right of individuals to be free from sexual misconduct. Any person who feels that he or she has been subjected to sexual misconduct as defined in this policy may choose to implement either the informal or formal procedures described below. These procedures should be followed in as confidential and sensitive a manner as possible in order to protect all of the individuals involved.

The persons charged with handling and investigating sexual misconduct complaints may consult with the General Counsel at any point during the informal and formal process.

## A. Campus Protective Order

Any person who brings a complaint of sexual misconduct under this policy may seek a campus protective order pending administrative disciplinary action. Campus protective orders are written orders issued by the director of Public Safety to the accused, that restrict or prohibit contact with the complainant or impose such other restrictions as may be appropriate. Requests for campus protective orders may be made to the administrator handling the complaint, who will consult with the director of Public Safety. Complainants may also seek protective measures from outside law enforcement agencies.

## B. Changes in Housing, Class, Internship, Office, or Work Assignment

Any student who brings a complaint of sexual misconduct under this policy may request a change in housing (i.e. a new room assignment in the residence halls), class assignment (i.e. a change to a different section of a course), or internship placement (i.e. a change to a different intern site) so that the student will be removed from the influence of the accused. Such requests may be made to the administrator handling the complaint, who will consult with the appropriate individuals and grant the request if alternative arrangements are reasonably available.

Any faculty or staff member who brings a complaint of sexual misconduct under this policy may request a change in office location or in work assignment so that the person will be removed from the influence of the accused. Such requests should be made by faculty to the provost and by staff to the director of Human Resources, and will be granted if alternative arrangements are reasonably available.

## C. Informal Procedure

Note: The informal procedure generally is not appropriate and will not be implemented in cases of sexual assault.

When an incident arises in which a person feels that he or she has been subjected to sexual misconduct as defined in this policy, the situation should be addressed as soon as possible. In many cases, informal actions can be taken that will effectively stop the misconduct. The person may choose to confront the accused, making it clear that he or she does not want any further incidents to occur. If this does not stop the misconduct, or if the person does not feel that he or she can confront the accused or needs help in the process, any one of the following administrators may be contacted:

- provost or associate dean for faculty affairs, when the accused is a faculty member
- dean of students, associate dean for student engagement, or director of community living, when the accused is a student
- director of Human Resources, when the accused is a staff member
- director of Public Safety

The administrator can provide the person with support and advice on how to confront the accused and how to discourage any further misconduct. At the person's request, the administrator may also intervene directly with the accused. In such cases, the administrator will provide the accused an opportunity to respond to the allegation, then after discussions with both parties may attempt to mediate or suggest another person to mediate a solution, which may result in a written agreement between the parties. In appropriate cases, disciplinary or other remedial action may also result, but such action may only be taken by the provost, the dean of students, or the director of Human Resources.

Both parties in the informal process may have an advisor present throughout the process. The administrator will make every effort to resolve informal complaints in a timely manner.

At any time either party may end the informal process and begin the formal complaint procedure. The formal procedure may also be implemented if the informal complaint procedure has been exhausted without resolution satisfactory to the complainant.

#### D. Formal Procedure

Prompt reporting of a complaint of sexual misconduct as defined in this policy is strongly encouraged, as it facilitates a faster resolution. Ordinarily, formal complaints of sexual misconduct must be filed under these procedures within four years of the date when the incident is alleged to have occurred. However, there may be instances where the person making a complaint is reluctant to report the alleged misconduct within four years. The administrator with whom the complaint is filed is authorized to process a complaint of sexual misconduct after the four-year period when such administrator is satisfied as to the adequacy of the complainant's written explanation of the delay in reporting the complaint. An individual, such as a former student or former employee, who has left the Goucher community may bring a complaint within the four year period for misconduct that occurred while the individual was a member of the Goucher community.

There may be situations or circumstances when a member of the college community is subjected to sexual misconduct but does not wish to come forward or pursue a complaint, or when a person observes sexual misconduct directed at another member of the college community. Goucher College will do all it can to respect the victim's wishes, but may proceed to address allegations of sexual misconduct if and when college administrators become aware of such allegations, especially where the circumstances present a threat of harm or injury to the victim or other members of the community.

1. Complaint Panel: Formal complaints of sexual misconduct will be received and decided by a three-person panel. Two panel members and one alternate member shall be appointed for two-year terms by the president of the college. The names of current panel members are available upon request from Goucher's general counsel.

In addition to the two appointed members, each panel shall include one of the

following administrators:

- the provost, when the accused is a faculty member;
- the dean of students, when the accused is a student;
- the director of Human Resources, when the accused is a staff member.

The alternate member shall serve on a panel when one of the appointed members is unavailable or must be recused from a particular case due to conflict of interest. All panel decisions shall be made by majority vote.

2. Filing a complaint: All formal complaints of sexual misconduct must be made in writing by the complainant, and describe the particulars of the alleged misconduct. Complaints may be filed with any of the appropriate panel members.
3. Notice to accused: The person accused of sexual misconduct is notified in writing and in person (if feasible) of the complaint and investigation, and is provided with a copy of the written complaint.
4. Investigation: The panel shall promptly appoint two individuals to conduct an investigation of the complaint. One of the investigators shall be female and one shall be male. At least one investigator shall be a faculty member when the complaint is against a faculty member. The director of Public Safety or his or her designee shall be one of the investigators for complaints of sexual assault. To the extent possible, no investigator appointed by the panel shall be a direct supervisee of any panel member.

The complainant and the accused shall each be interviewed by the two investigators and may have an advisor with them for the meeting. Both parties may present documents, the names of witnesses, and other evidence to the investigators. The accused may not be present for the complainant's interview unless the complainant consents, and vice versa. The investigators, either alone or together, may also interview other witnesses.

5. Report and Recommendation: In a timely manner, but barring special circumstances no later than one month from the date the complaint is filed, the investigators shall make a report with recommendations to the panel. The report shall describe the investigation and all relevant evidence obtained in the investigation, provide support for the conclusions drawn by the investigators, and make recommendations for sanctions or other remedial action as appropriate.

The parties shall be provided a copy of the investigators' report with recommendations. However, a redacted copy or summary of the report will be provided when necessary to protect privileged information or the safety or well-being of individuals involved in the investigation, or to comply with the provisions of the Family Educational Rights and Privacy Act (FERPA).

6. Response: Both parties shall be given the opportunity to respond to the report and recommendation before the panel. Such response may be in writing or in person, and shall be made within the timeframe established by the panel.
7. Decision: The panel shall review the investigators' report and recommendation, and any responses made by the parties. The panel will then issue a written decision that includes the imposition of sanctions, if appropriate. In determining sanctions, the panel will take into account any previous violations of this policy.

If the accused is a college employee, copies of the written decision are provided to the complainant and the accused. If the accused is a student, a copy of the written decision is provided to the accused, and the complainant shall be advised of the panel's decision as permitted by the provisions of FERPA.

8. Sanctions: If the panel determines that the accused has violated the sexual misconduct policy, the appropriate administrator (provost, dean of students, or director of Human Resources) shall implement any sanctions imposed by the panel. When the accused is an employee other than a faculty member, the director of Human Resources shall institute sanctions together with the accused's supervisor and/or department head. Sanctions may include, but are not limited to:
  - a. for student violations an oral warning, a written letter of warning, a letter of reprimand, mandatory attendance of an educational program on sexual harassment or sexual assault, mandatory referral for psychological assessment and compliance with any resulting treatment plan, change in room assignments, probation, expulsion from the residence halls and/or from nonacademic campus activities, suspension for up to one year, or expulsion from the college;
  - b. for faculty violations an oral warning, a written warning, a letter of reprimand, mandatory attendance of an educational program on sexual harassment or sexual assault, mandatory referral for psychological assessment and compliance with any resulting treatment plan, restriction of responsibilities, reassignment, denial of salary increase, suspension without pay, or dismissal;
  - c. for violations by employees other than faculty members an oral warning, a written warning, a letter of reprimand, mandatory attendance of an educational program on sexual harassment or sexual assault, mandatory referral for psychological assessment and compliance with any resulting treatment plan, restriction of responsibilities, reassignment or transfer to another department, denial of salary increase, suspension without pay, final written warning, or termination.

The sanctions described in this policy are not exclusive of and may be in addition to other actions taken or sanctions imposed by outside authorities.

9. Appeals: Either party may appeal the panel's decision to the president of the college. Appeals may be based only on the ground that proper procedure was violated and the

procedural error caused material prejudice to the complainant's or accused's case, or that new and relevant evidence has arisen that was not reasonably available at the time of the hearing and that would have a material effect upon the outcome of the case.

Appeals must be submitted in writing within seven business days after the panel's decision is issued, and must state the specific reason(s) for the appeal. The non-appealing party shall be provided a copy of the appeal, and shall be given the opportunity to submit a written response within five business days of receiving the appeal.

The president may affirm, reverse or modify the decision of the panel, or may remand the decision to the panel for further consideration. The President's decision shall be in writing, and shall be issued within 15 business days of the date the appeal is submitted.

This is the exclusive process for appeal in cases of sexual misconduct. No administrative processes otherwise available to faculty, staff, or students may be used for appeal of a decision brought under this policy.

10. Complaints against persons who are not Goucher students or employees:  
Complaints against students from other institutions or other campus visitors should be reported to the director of Public Safety, who shall investigate the complaint and take appropriate action.

Complaints against employees of entities that do business with Goucher should be reported to the director of Public Safety, who will investigate the complaint and take appropriate action.

Complaints against individuals at internship sites should be reported to the associate director for internships, who in consultation with the director of Career Development will investigate the complaint and take appropriate action.

Complaints against individuals at international study sites should be reported to the resident director or to the site's international student officer, and to the assistant director of International Studies, who in consultation with the director of International Studies will investigate the complaint and take appropriate action.

## XI. PROTECTION FOR COMPLAINANTS AGAINST RETALIATION

Threats, intimidation, and retaliation against a complainant for bringing a sexual misconduct complaint are violations of this policy and thus may be grounds for disciplinary action.

The college will take steps to protect students and employees from reprisal by the accused. Such protection will need to be appropriate to the individual's circumstances. For students, this may include the opportunity to drop a course, transfer to another section, complete the course

independently, have a pass/fail option, have a third party grade the work, have another person assigned to write recommendations or references on behalf of the student, have another person assigned as an advisor to the student. For employees, such protection may include having a third party conduct the annual evaluation or the option to transfer to another department, if feasible.

## XII. FALSE CHARGES

The purpose of this policy is to promote and maintain an environment at Goucher College that is free from sexual misconduct. Any member of the college community who believes that he or she has been subjected to sexual misconduct is encouraged to use the procedures provided in this policy, not only for the benefit and protection of that individual but ultimately of the entire college community. However, false charges of sexual misconduct undermine the purpose and effectiveness of this policy. Accordingly, persons who knowingly make false charges of sexual misconduct may be subject to disciplinary action. Allegations of false charges must be reported within six months of the date the complaint was brought. Such allegations may be reported to the administrator handling the complaint, who shall investigate the allegations and take any appropriate action. The failure of a complaint to result in a finding of sexual misconduct is not alone evidence that the charges were knowingly false.

## XIII. INFORMATION CONCERNING REGISTERED SEX OFFENDERS

As required by the Campus Sex Crimes Prevention Act, the college community is advised that law enforcement agency information provided by the State of Maryland concerning registered sex offenders may be obtained at the following web site:  
<http://www.dpscs.state.md.us/onlineservs/sor/>. In addition, the Baltimore County Police Department provides Goucher's Office of Public Safety with notice of registered child sex offenders who reside in Baltimore County. This information is available for review upon request by all members of the college community.

APPROVED BY GOUCHER PRESIDENT SANFORD J. UNGAR ON AUGUST 6, 2003  
Amended Summer, 2004, Spring, 2006, Fall 2008