

Obligations of Employees to Report Violations of the Sexual Misconduct Policy and Clery Act Crimes

This policy makes community members aware of the various reporting and confidential disclosure options. So they can make informed choices about where to turn should they become a victim of, or otherwise know about, sexual misconduct or violence. For this policy, the term “reporter” refers to victims of sexual misconduct and other individuals who are not themselves victims but have knowledge of sexual misconduct that another individual has experienced. This policy makes all College employees aware of their reporting obligations under Title IX and the Clery Act.

I. SUMMARY OF REPORTING RESOURCES AND OBLIGATIONS

A. Sexual Misconduct Policy

1. All employees¹ except confidential sources: no confidential reporting; these employees must report to the Title IX coordinator all known information, including the nature, date, time, and general location of the incident and the identities of the victim and alleged perpetrator. If a reporter requests confidentiality, the recipient of the report must report that fact to the Title IX Coordinator, and confidentiality is not promised or guaranteed. Any volunteer who plans on representing the College for an extended period (a period longer than one (1) month) is also subject to these reporting obligations.²
2. Licensed mental health counselors, licensed clergy members, and Student Health Center staff – confidential reporting; these employees have no reporting obligations.

B. Clery Act Crimes

All employees, except for licensed mental health counselors, licensed clergy, and Student Health Center staff, must report crimes that occur on campus to the Office of Campus Safety. Reporters may omit identifying information but are encouraged to provide as much information as possible.

¹ Volunteers are not considered Goucher College employees. Therefore, they are not considered mandatory reporters.

² Members of the Goucher College Board of Trustees, while not employees of the College, are considered mandatory reporters.

II. REPORTING UNDER THE SEXUAL MISCONDUCT POLICY

The College encourages individuals who have been subjected to sexual misconduct, including sexual violence, to talk to somebody about what happened—so they can obtain the support they need and so the College can respond appropriately.

Different employees on campus have different abilities to maintain confidentiality concerning these communications:

A. Mandatory Reporting – All employees except Confidential sources

Goucher College considers all employees other than those identified above to be **“responsible employees”** under Goucher’s Sexual Misconduct Policy. According to Goucher’s policy, this term describes those individuals on campus who must report sexual misconduct and assault incidents to campus authorities.

As responsible employees, all Goucher employees must report to the College’s Title IX coordinator incidents of sexual harassment, sexual assault, relationship violence, stalking, and any other sexual misconduct of which they become aware. This reporting will enable the College to:

- Stop the conduct
- Prevent its re-occurrence
- Remedy its effects
- Provide care and support for the reporting person
- Take steps to ensure the safety and security of our community

When a reporter tells a responsible employee about an incident of sexual misconduct or sexual violence, the reporter has the right to expect the College to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably. Therefore, a responsible employee must report to the Title IX coordinator all known relevant details about the alleged sexual violence shared by the reporter. The College will determine what happened—including the names of the reporter, victim, and alleged perpetrator(s), witnesses, and other relevant facts, including the alleged incident’s date, time, and location.

Information reported to a responsible employee is shared only with people responsible for handling the College’s response to the report. A responsible employee should not share information with law enforcement without the victim’s consent unless the victim has also reported the incident to law enforcement. If the victim is a minor, under the age of 18, the incident is to be reported to both law enforcement and to those listed as the victim’s emergency contact(s).

1. How to Address Requests for Confidentiality

Responsible employees cannot promise confidentiality to an individual who reports a violation of the Sexual Misconduct Policy. Therefore, before a reporter reveals any information to a responsible employee, the employee should ensure that the reporter understands the employee's reporting obligations—and, if the reporter wants to maintain confidentiality, direct the reporter to confidential resources.

A responsible employee explains to the reporter that even though they may be obligated to share the information with College officials trained to respond, the reporter and victim's privacy is respected to the greatest extent possible. Identities and details are shared only with those who need to know to support the reporting person and address the situation through the College's processes. The employee can tell the reporter that someone explains these processes in detail and that the victim is involved in decisions about what happens due to the disclosure.

If the reporter is a student, the employee should refer or accompany the student to the Student Health Center during office hours (Monday-Friday, 9 a.m. to 5 p.m.), if appropriate. In an emergency, the employee should walk any reporter (student, employee, or campus visitor) to the office of campus safety, which is open 24 hours, 7 days a week, or call the office (410-337-6112). The College recognizes the significant trust relationship students may have with faculty and staff members and the difficult situation in which employees are placed when a student requests that disclosure be kept confidential. Therefore, students are informed they can report confidentially to designated offices and individuals if they do not want their information to be shared with the Title IX coordinator to mitigate this challenge. These confidential reporting sources are described above.

If a reporter discloses an incident to a responsible employee and wishes to maintain confidentiality or requests that no investigation into a particular incident is conducted or disciplinary action is taken, the College must weigh that request against the College's obligation to provide a safe, non-discriminatory environment for all students, including the reporter. If the College honors the request for confidentiality, a reporter must understand that the College's ability to meaningfully investigate the incident and pursue disciplinary action against the accused individual(s) may be limited. Although rare, there are times when the College may not be able to honor a reporter's request to provide a safe, non-discriminatory environment for all students.

The College's Title IX coordinator evaluates requests for confidentiality once a responsible employee is on notice of alleged sexual violence.

2. What, How, and When to Report

Responsible employees and employees with limited reporting obligations (Section A.2) must either submit an [online report form](#) (Report) or forward the information to the Title IX Coordinator (TitleIXCoordinator@goucher.edu) when they receive information of sexual misconduct, relationship violence, or stalking as soon as possible.

Employees must report allegations reported to them regarding the policy violation, including the nature, date, time, and general location of an incident, to the Title IX Coordinator. Responsible employees must also include personally identifiable information (name of the victim and/or reporter, name of the alleged perpetrator, and any other details that may identify the individuals involved in the incident).

3. What Happens After a Report

When weighing a reporter's request for confidentiality or that no investigation or discipline be pursued, the Title IX Coordinator considers a range of factors, including the following:

An increased risk that the alleged perpetrator will commit additional acts of sexual or other violence, such as:

- whether there have been other sexual violence complaints about the same alleged perpetrator;
- whether the alleged perpetrator has a history of arrests or records from a prior school indicating a history of violence;
- whether the alleged perpetrator threatened further sexual violence or other violence against the victim or others;
- whether the sexual violence is alleged to be committed by multiple individuals;
- whether the sexual violence was perpetrated with a weapon;
- whether the victim is a minor;
- whether the College possesses other means to obtain relevant evidence of the sexual violence (e.g., security cameras or personnel, physical evidence); and/or
- whether the report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

The presence of one or more of these factors could lead the College to investigate and, if appropriate, pursue disciplinary action. Conversely, if none of these factors is present, the College will likely respect the reporter's and/or victim's request for confidentiality.

If the College determines that it cannot maintain a reporter's and/or victim's confidentiality, the College informs that individual before starting an investigation and will, to the extent possible, only share information with people responsible for handling the College's response.

The College remains mindful of the reporter's well-being. It takes ongoing steps to protect the reporter from retaliation or harm and works with the reporter to create a safety plan. Any retaliation against the reporter or victim, whether by students or College employees, is not tolerated. The College also implements supportive measures as set forth in the Sexual Misconduct Policy, including, but not limited to restrictions on contact between the parties, restrictions from areas of campus, and removal or relocation from residential areas.

Academic relief, including requests for a grade of "incomplete" in a course or taking a course as an independent study, may also be appropriate.

The College may not require a reporter or victim to participate in any investigation or disciplinary proceeding.

The College has an obligation to address the issue of sexual violence campus-wide and reports of sexual violence (including non-identifying reports). The College implements broader remedial action—such as increased monitoring, supervision, or security at locations where the reported sexual violence occurred; increasing education and prevention efforts, including targeted population groups; conducting climate assessments/victimization surveys; and/or revisiting its policies and practices.

If the College determines that it can respect a victim's request for confidentiality, the College will also take immediate action as necessary to protect and assist the victim.

III. CLERY ACT CRIMES

Goucher considers all employees as "campus security authorities," which is used in the Clery Act. Campus security authorities who witness, learn of, or hear about a Clery Act crime must contact the Office of Campus Safety and report what happened and where it happened; reporters may identify the victim or keep the victim's identity confidential. Note that pastoral counselors and professional counselors are not required to report crimes unless they have a legal obligation to report a particular crime. Forms for making such reports are available on the [website](#).

Clery Act reportable crimes include:

- Criminal homicide

- Manslaughter
- Sex offense: forcible & non-forcible
- Aggravated assault
- Burglary
- Robbery
- Motor vehicle theft
- Arson
- Domestic violence
- Dating violence
- Stalking
- Hate crimes (based on race, gender, religion, disability, sexual orientation, ethnicity/national origin, gender identity).

If an employee reports a crime to the Title IX Coordinator, the Coordinator passes along the information to the Office of Campus Safety on behalf of the employee, and the employee need not make two reports.

Any questions can be directed to the College's Title IX Coordinator.

IV. SANCTIONS FOR FAILING TO COMPLY WITH THESE OBLIGATIONS

Failure to comply with these obligations leads to progressive discipline. Discipline and discharge from the College will be for just cause. While employees will generally be progressively disciplined, Management, at its discretion, may warn, reprimand, transfer, demote, suspend, or discharge employees without first providing progressive discipline when circumstances warrant. Additional information on progressive discipline can be found in Section 304 of the Exempt and Non-Exempt Employee Handbook. Language related to reprimands, suspensions, and dismissals of faculty members is found in the faculty handbook and legislation. For further questions, reach out to the Office of the Provost.

V. DEFINITIONS

Clergy Act: Federal law requiring public and private higher education institutions participating in federal student aid programs to disclose college safety information and to impose basic requirements for handling incidents of sexual violence and emergency situations.

College Community: Refers to employees, students, and trustees of the College, as well as ...

Complainant: Individual who is alleged to be the victim of conduct that could constitute sexual misconduct.

Confidential Source: College employees who do not have reporting obligations; these employees include licensed mental health counselors, licensed clergy members, and Student Health Center staff. See Section II. B. for contact information.

Mandatory Reporter: All College employees, with the exception of Confidential Sources, are required to report.

Responsible Employee: Same as mandatory reports.

Respondent: Individual who is alleged to have been involved in an incident of prohibited conduct.

Title IX Coordinator: The Title IX Coordinator is responsible for the implementation of Title IX for the College and for coordinating the institution's compliance with Title IX in all areas covered by the implementing regulations. The overall responsibility is the prevention of sex discrimination.

VI. RESPONSIBLE OFFICIAL

The individual responsible for this policy is the Assistant Vice President for Diversity, Equity, Inclusion and Title IX. Questions may also be directed to the Associate Vice President for Human Resources and the Director of Campus Safety.