

Nondiscrimination Policy

Statement of Nondiscrimination

Goucher College prohibits unlawful discrimination against and harassment of employees, students, and applicants for admission or employment on the basis of race, color, national origin, ethnicity, sexual orientation, gender identity, religion, sex, marital status, age, disability or genetic information.

Scope of Policy

This policy applies to all constituencies of the college: students, trustees, faculty, administrators, staff, and all other employees and volunteers. Vendors and contractors engaged by Goucher are required to ensure compliance by their employees as well.

The complaint procedure described in this policy may be utilized by any Goucher employee or currently enrolled student who believes he or she has been discriminated against or subjected to harassment in employment or in access to an educational program or activity on the basis of the complainant's race, color, national origin, ethnicity, sexual orientation, gender identity, religion, sex, marital status, age, disability or genetic information. This procedure is not available to applicants for admission to or employment by the college or to former employees or students. It is also not available for certain complaints for which other procedures exist, as described below.

This policy applies to conduct occurring on Goucher College property or at or within college-sanctioned events or programs that take place off campus, including study abroad, community-based learning and internship programs. This policy also applies to off-campus conduct that violates this policy, in particular conduct that is likely to have a substantial adverse effect on any member of the Goucher College community or Goucher College.

“Student” means any individual taking a course, writing a thesis, or doing a study-abroad program or internship through Goucher College, including those in the undergraduate, graduate, continuing education, non-degree, and certificate programs. This policy applies to conduct by a student while a student, even if it occurs outside of an academic term or when the student is not otherwise enrolled at Goucher College (e.g., during summer or holiday break; or participating on a non-Goucher study abroad program), but the student has a new or continuing relationship with the college.

Moreover, Goucher College continues to administer the policy with respect to any such conduct by a student while a student even if the student subsequently graduates, withdraws, takes leave, or is otherwise absent from Goucher College, and even if Goucher College does not learn of such conduct until after the student graduates, withdraws, takes leave, or is otherwise absent from the College.

Any Goucher employee who is also taking a class or classes at the college will be considered an employee for the purposes of this policy.

Questions about this policy should be directed to Goucher's Title IX Coordinator:

Lucia Perfetti Clark, lpclark@goucher.edu, 410-337-6570.

Alternative Procedures for Complaints of Discrimination or Harassment

1. Complaints against campus visitors or contractors. Complaints of discrimination or harassment against campus visitors or contractors may not be brought under this procedure, but may be reported to the director of Public Safety, who shall investigate the complaint and take appropriate action.
2. Complaints of sexual misconduct, relationship violence, or stalking.

Complaints of sexual misconduct, relationship violence, or stalking shall be addressed under the Policy on Sexual Misconduct, Relationship Violence, and Stalking and may not be brought under this procedure. Such complaints should be reported to the Title IX Coordinator. The College recognizes, however, that harassment related to an individual's sex, sexual orientation, gender identity or gender expression can occur in conjunction with conduct related to an individual's race, color, ethnicity, national origin, religion, age, or disability. Under these circumstances, the College will coordinate the investigation and resolution efforts of such cases under the Policy on Sexual Misconduct, Relationship Violence, and Stalking to address harassing conduct related to the targeted individual's sex, sexual orientation, gender identity or gender expression together with the conduct related to the targeted individual's race, color, ethnicity, national origin, religion, age, or disability.
3. Complaints against individuals at internship sites. Complaints of discrimination or harassment against individuals at internship sites may not be brought under this procedure, but may be reported to the assistant director for internships or the director of career development, who shall investigate the complaint and take appropriate action.
4. Complaints against individuals at international study sites. Complaints of discrimination or harassment against individuals at international study sites may not be brought under this procedure, but may be reported to the resident director or to the site's international student officer, and to the associate provost for international studies, who, in consultation with the associate director of international studies, shall investigate the complaint and take appropriate action.
5. Complaints concerning denials of student requests for accommodations. Such complaints are heard pursuant to the college's Disability Accommodations Appeals Policy.

I. DEFINITIONS

- A. **Discrimination.** Discrimination under this policy is defined as conduct directed at an individual because of his/her race, color, national origin, ethnicity, sexual orientation, gender identity, religion, sex, marital status, age (except when sex or age is a bona fide qualification), disability (when the person is otherwise qualified) or genetic information that subjects the individual to different treatment so as to adversely affect the individual's employment or educational experience at the college. Discrimination includes retaliation against an individual for reporting instances of discrimination or harassment under this policy.
- B. **Harassment.** Harassment is conduct directed at an individual because of his/her race, color, national origin, ethnicity, sexual orientation, gender identity, religion, sex, marital status, age (except when sex or age is a bona fide qualification), disability (when the person is otherwise qualified) or genetic information that has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive academic or work environment on the Goucher campus. Harassment may include, but is not limited to, use of racial, ethnic, sexual, religious, or personal slurs or epithets, or other threatening, intimidating, hostile or abusive treatment directed at a person because of characteristics protected by this policy.

To constitute a hostile environment, the harassment must be sufficiently severe or pervasive enough to create a work or learning environment that a reasonable person would consider intimidating, hostile or abusive. A single incident or isolated incidents of offensive conduct 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.

II. EDUCATION

Education and training are a key component of maintaining an environment free from discrimination and harassment. Goucher College is committed to providing effective educational and training programs for students, faculty, and staff, on this policy and the issues it addresses.

This policy is included in the Campus Handbook and is also available [on-line](#).

III. CONFIDENTIALITY

Goucher College recognizes that confidentiality is important in matters involving complaints of discrimination or harassment. 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 discrimination or harassment 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 discrimination or harassment wants a discussion to be confidential or "off the record." 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. Confidential discussions about discrimination or harassment may be available from persons who, by law, have special professional status, such as the college chaplain, Hillel rabbi, and the counselors at the Student Health and Counseling Center. Other staff members in the Student Health and Counseling Center, athletic trainers and peer listeners may be required to disclose information concerning discrimination or harassment that is not personally identifiable, and they may even be required to disclose personally identifiable information in cases where a member of the college community is at risk. All other Goucher employees, including faculty, staff, and resident assistants (RAs), are required to report to the college's Title IX coordinator incidents of discrimination and harassment of which they become aware.

College employees who wish to engage in confidential discussions about discrimination or harassment may also choose to use Goucher's Employee Assistance Program (EAP), provided by APS Health Care. Discussions with EAP personnel are confidential and are not reported to the college. EAP can be contacted at 1-800-765-0770.

IV. COURSE MATERIALS AND CONTENT

Complaints under this policy that course materials, projects, or classroom discussions are offensive because they discriminate against individuals on an impermissible basis and/or create a hostile environment in the classroom 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, course content or teaching methods that focus attention on characteristics protected by this policy which are not germane to the academic discussion, or on such characteristics of individual students, faculty, or staff, are inappropriate and may constitute a violation of this policy.

V. ADVISORS

Both parties in the informal resolution process or the formal complaint process of this policy may have an advisor present throughout those processes. The advisor may not be a practicing attorney and must be a member of the college community (faculty, staff, or student). The college places restrictions on advisors of both parties regarding the extent of their participation in the investigation process. Advisors may assist a party with understanding the investigation process and preparing for interviews and meetings; attend interviews and meetings with the party; provide emotional support; and otherwise assist, support and provide guidance and advice as the party moves through the process. Advisors may not speak on behalf of the party at any interviews or meetings or through any written documents. Advisors should consult with the Title IX coordinator about any questions that arise during the process.

VI. PROCEDURES: GENERAL

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 discrimination and harassment. Any person who feels he or she has been subjected to discrimination or harassment, 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 to protect all of the individuals involved.

1. **Reporting Deadline.** Prompt reporting of a complaint of discrimination or harassment as defined in this policy is strongly encouraged because it facilitates a timely resolution of the matter. Ordinarily, formal complaints of discrimination or harassment must be filed under these procedures within one year of the date when the incident is alleged to have occurred. However, there may be instances when the person making a complaint is reluctant to report the alleged discrimination or harassment within one year. The Title IX coordinator is authorized to process a complaint of discrimination or harassment after the one-year period when the coordinator is satisfied as to the adequacy of the complainant's written explanation of the delay.
2. **Goucher's Obligation to Address Allegations.** There may be situations or circumstances when a member of the college community is subjected to discrimination or harassment but does not wish to come forward, pursue a complaint under this policy, or seek redress through the faculty grievance process, or when a person observes discrimination or harassment directed at another member of the college community. Goucher College will do all it can to respect the complainant's wishes, but it may proceed to address allegations of discrimination or harassment if and when the college becomes aware of such allegation, especially where the circumstances present a threat of harm or injury to the complainant or other members of the community. This may include the college serving as a complainant, pursuant to Section VIII.A, and taking appropriate action based on an investigation of the complaint. The college may also impose sanctions or take other remedial action when a person self-reports and/or accepts responsibility for violating the policy. Any such action will be documented and such documentation will be maintained by the Title IX coordinator.
3. **Interim Measures.** Once a complaint has been made, both parties may request that interim measures be taken pending a resolution of the matter by either the informal or formal process. Interim measures include but are not limited to restrictions on contact between the parties, restrictions from areas of campus, removal or relocation from residential areas of campus, change in office location, change in supervision, and change in course or work assignment. Academic relief, including requests for a grade of "incomplete" in a course or taking a course as an independent study, may also be appropriate.

Requests for interim measures may be made to the Title IX coordinator, who will work with the appropriate administrators to implement such requests. Every effort will be made to grant requests for interim measures if they are reasonably available, and both parties will be notified in writing of any interim measures that are

implemented. Interim measures may become permanent sanctions as an outcome of the informal or formal process.

VII. INFORMAL RESOLUTION PROCESS

When an incident arises in which a person feels that he or she has been subjected to discrimination or harassment 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 respondent, 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 respondent or needs help in the process, any one of the following administrators may be contacted:

- provost or associate provost for faculty affairs, when the respondent is a faculty member
- vice president for human resources or director of human resources, when the respondent is a staff member
- vice president and dean of students, when the respondent is a student

The administrator can provide the person with support and advice on how to confront the respondent and how to discourage any further misconduct. At the person's request, the administrator may also intervene directly with the respondent. In such cases, the administrator will provide the respondent an opportunity to respond to the allegation, and 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, other remedial action may also result.

If as a result of the informal process the respondent person accepts responsibility for violating this policy, sanctions or other remedial action may result. Sanctions or remedial action will be imposed by the provost when the respondent is a faculty member, by the vice president for human resources when the respondent is a staff member and by the vice president and dean of students, when the respondent is a student.

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.

If a community member is unsure about seeking assistance under this policy, or pursuing a formal or informal complaint, the community member may speak with a confidential adviser (see Section III), and/or submit a complaint to the college's [Bias Education Response Team \(BERT\)](#). The submission process allows for anonymous reporting. BERT will refer complaints that rise to the level of a potential violation of this policy to the college's Title IX Coordinator.

VIII. FORMAL COMPLAINT PROCEDURE

- A. Filing a complaint. Formal complaints under this policy can be made in writing as noted below, or in person to the Title IX Coordinator. Complaints should describe

the particulars of the alleged misconduct. Complaints may be submitted to the following persons or in the following manner:

- Online at <http://www.goucher.edu/legal-counsel/policies-and-procedures/nondiscrimination-notice-and-policy>
- To the Title IX coordinator, at 410-337-6570 or TitleIXCoordinator@goucher.edu.

The complainant should contact Public Safety at 410-337-6112 if facing any immediate threat or danger.

In the absence of a formal complaint by the alleged victim, the College reserves the right to initiate a complaint and to serve as a complainant if the college determines that such action is necessary to provide a safe and nondiscriminatory environment for all members of the community, including the individual who reported the incident. The Title IX coordinator will make this determination, in consultation with legal counsel. The alleged victim will be kept apprised of the status of the investigation. The matter will proceed as much as possible in accordance with the procedures of this section.

- B. Notice to complainant. The person making a complaint under this policy is notified in writing that the complaint has been received, who will be investigating the complaint, and what to expect during the investigation process, including a proposed timeline.
- C. Notice to respondent. The person accused of harassment or discrimination is notified in writing and in person (if feasible) of the complaint, who will be investigating the complaint, and what to expect during the investigation process, including a proposed timeline. The accused person is provided with a copy or summary of the written complaint.
- D. Investigators. The Title IX coordinator will assign two trained investigators to conduct an investigation of the complaint. At least one investigator shall be a member of the faculty when the complaint is against a faculty member, or of the staff when the complaint is against a staff member. Any concerns a party has about an assigned investigator should be addressed to the Title IX coordinator early in the investigation process; the Title IX coordinator has the discretion to change an investigator if deemed appropriate. The college reserves the right to appoint a single investigator or two investigators from outside the college community to conduct the investigation where warranted, as determined in the sole discretion of the Title IX coordinator, in consultation with legal counsel.
- E. Investigation. The complainant and the respondent shall each be interviewed by the investigators and may have an advisor with them for the meeting(s). Both parties may present documents, the names of witnesses, and other information to the investigators. The respondent 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 and consider other evidence as they deem appropriate.

In the sole discretion of the investigator(s), interviews may be tape-recorded with the consent of the interview subjects. No other individual is permitted to record interviews or other proceedings. Tape recordings of interviews shall be treated and maintained as provided in Appendix A hereto.

- F. **Investigators' Report.** In a timely manner, the investigators shall submit a written report of the investigation to the Title IX coordinator. The report shall describe the investigation and all relevant information obtained in the investigation, and shall recommend one of the following findings:
- The respondent is responsible for violating this policy
 - The respondent is not responsible for violating this policy
 - There is insufficient information to determine whether the respondent is responsible for violating this policy.

The report shall provide specific support for the recommended finding based on information obtained during the investigation. The investigators shall arrive at their conclusions based on a preponderance of evidence, meaning whether it is more likely than not that this policy was violated. Sanctions will not be addressed in the investigators' report.

- G. **Final Determination.** The investigators' report with recommended finding will be provided to the appropriate administrator for further consideration and possible disciplinary action. When the respondent is a faculty member, the report will be provided to the provost; when the respondent is a staff member, the report will be provided to the director of human resources; when the respondent is a student, the report will be provided to the vice president and dean of students. The administrator will follow applicable college policy in making a final determination of responsibility and implementing disciplinary action if appropriate.

- H. **Sanctions.** If the administrator makes a final determination that the respondent has violated this policy, the administrator shall implement sanctions.

When the respondent is a faculty member, the provost shall implement sanctions in accordance with faculty legislation. If suspension or dismissal is imposed, the Provost will bring the case before the Dismissals and Suspensions Committee (DSC) for informal or formal resolution before that Committee. Faculty members have the right to grieve the imposition of any lesser sanctions, including written reprimands, before the Faculty Grievance Committee.

When the respondent is an employee other than a faculty member, the director of human resources shall implement sanctions after consulting with the respondent's supervisor and/or division head. Employees who are members of a union shall have the right to file a grievance regarding any discipline imposed, as provided in the applicable collective bargaining agreement. Non-union employees do not have the right to appeal or grieve the final decision and/or discipline imposed. The determination of the director of human resources represents the final decision of the college.

When the respondent is a student, the vice president and dean of students shall implement sanctions. The determination of the vice president and dean of students represents the final decision of the college.

Sanctions may include, but are not limited to:

1. for faculty violations a written warning, a letter of reprimand, mandatory attendance at an educational program on discrimination or harassment, mandatory referral for psychological assessment and compliance with any resulting treatment plan, restriction of responsibilities, restriction of activities and/or access to campus facilities, reassignment, denial of salary increase, suspension without pay, or dismissal;
2. for violations by employees other than faculty members a written warning, a letter of reprimand, mandatory attendance at an educational program on discrimination or harassment, mandatory referral for psychological assessment and compliance with any resulting treatment plan, restriction of responsibilities, restriction of activities and/or of access to campus facilities, reassignment or transfer to another department, denial of salary increase, suspension without pay, final written warning, or termination.
3. for student violations a written letter of warning, a letter of reprimand, mandatory attendance at an educational program on discrimination and harassment, mandatory referral for psychological assessment and compliance with any resulting treatment plan, change in room assignment, restriction of activities and/or on access of campus facilities, probation, expulsion from the residence halls and/or from nonacademic campus activities, suspension or expulsion from the college and revocation of a degree.

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

- I. Notice of final determination. The administrator shall advise the parties of the final determination. The complainant (or alleged victim, in the event the college serves as a complainant) will only be advised of any sanctions imposed on the respondent that directly impact the complainant or alleged victim.

IX. COMPLAINTS AGAINST CERTAIN ADMINISTRATORS

If the president, or any member of the president's senior staff (a senior vice president, vice president, executive director or general counsel) is the subject of a complaint under this policy, either the reporter or the recipient of the report shall inform the chair of the Audit and Governance Committee of the Board of Trustees, who will oversee the investigation process, which shall be carried out, to the extent practicable, in accordance with the procedures of this policy. The chair of the Audit and Governance Committee shall notify the chair of the Board about the complaint, and shall keep the chair of the Board informed throughout the investigation process. A written report of the

investigation shall be made to the Audit and Governance Committee, which, in consultation with the individual's supervisor, if applicable, shall recommend appropriate corrective and/or disciplinary action.

A confidential report will be made to the chair of the Board of Trustees at the conclusion of every investigation of the President or senior staff member conducted under this policy. Such report may be shared with the Board of Trustees, or any members thereof, at the chair's discretion.

X. PROTECTION FOR COMPLAINANTS AGAINST RETALIATION

Threats, intimidation, and retaliation against a complainant for bringing a complaint under this policy, or against any person for participating in the informal or formal process, serving as a witness, or reporting violations of this policy are violations of this policy and thus may be grounds for disciplinary action. Complaints of retaliation may be addressed within an ongoing formal complaint process, or within a separate complaint proceeding, at the discretion of the Title IX coordinator.

The college will take steps to protect students and employees from reprisal by the respondent. Such protection will need to be appropriate to the individual's circumstances. For students, this may include the opportunity to change a residence hall assignment, drop a course, transfer to another section of a course, complete a course independently, have a pass/fail option, have a third party grade the student's 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, or change a work assignment. For employees, such protection may include having a third party conduct the annual evaluation, changing a work assignment of the complainant or respondent, or transferring the complainant or respondent to another department, if feasible.

XI. MISUSE OF POLICY

The purpose of this policy is to promote and maintain an environment at Goucher College that is free from discrimination and harassment. Any member of the college community who believes that he or she has been subjected to discrimination or harassment is encouraged to use the procedures provided in this policy, for the benefit and protection not only of that individual but ultimately of the entire college community. However, fabricated charges of discrimination and harassment undermine the purpose and effectiveness of this policy. Accordingly, as is the case with any Goucher policy, persons who knowingly fabricate complaints under this policy may be subject to disciplinary action. Allegations of fabricated charges must be reported within ninety days of the date of the final determination. Such allegations may be reported to the Title IX coordinator, who shall investigate the allegations and take any appropriate action. The failure of a complaint to result in a finding of discrimination or harassment is not alone evidence that the charges were knowingly false.

Updated August 2013; September 10, 2013; August 2014; July 2015, August 2016; October 2017.

APPENDIX A RECORDKEEPING

The college will retain records related to incidents processed under this Policy in either secure data systems and/or in locked storage areas in the office(s) of the Title IX coordinator. The college will retain such records for a minimum period of seven (7) years, regardless of case outcome. The college will destroy all case records after the applicable retention period. Records to be retained include the investigators' report, the administrator's final determination and sanctions, and all supporting documentation, including investigation notes and exhibits. Drafts of any formal documents shall not be retained.

The notes of investigators and/or recordings of interviews by the investigators are considered by the college to be sole possession records within the meaning of FERPA and are to be used by the investigators only as a personal memory aid in preparing the investigation report; are not to be made accessible or revealed to any other person; and shall be maintained by the investigator in a confidential file for a period of seven years.

In addition the following record maintenance practices will be followed:

If the person is found responsible, the final determination will be maintained as described below for a period of seven years after the individual's employment has terminated at the college, or the student has ceased attendance at the college.

- Faculty: The final decision will be kept on file in the Office of the Provost in the faculty member's file;
- Staff: The final decision will be kept on file in the Department of Human Resources with the personnel file of the employee;
- Student: The final decision will be kept on file in the Office of the Vice President and Dean of Students with the student's disciplinary file.

If the respondent is found not to have violated the Policy, a copy of the decision will be retained in the office of the Title IX Coordinator.