

# Campus Policy:

## Regarding the Obligations of Employees to Report Violations of the Policy on Sexual Misconduct, Relationship Violence and Stalking, and Clery Act Crimes

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

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

- Some employees are required to maintain near complete confidentiality; talking to them is sometimes called a “privileged communication.”
- Other employees may talk to a victim in confidence, and generally only report to the College that an incident occurred, without revealing any personally identifying information. Disclosures to these employees will not trigger a College investigation into an incident against the victim’s wishes.
- All other employees at Goucher are required to report all the known details of an incident (including the identities of both the victim and the alleged perpetrator) to the Title IX coordinator. A report to these employees (called “responsible employees”) constitutes a report to the College – and generally obligates the College to investigate the incident and take appropriate steps to address the situation.

This policy is intended to make community members aware of the various reporting and confidential disclosure options available to them – so they can make informed choices about where to turn should they become a victim of, or otherwise know about, sexual misconduct or violence. The College encourages reporters to talk to someone identified in one or more of these groups. For the purposes of this policy, the term “reporter” refers to victims of sexual misconduct as well as other individuals who are not themselves victims but have knowledge of sexual misconduct that has been experienced by another individual.<sup>1</sup>

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<sup>1</sup> Note: The terms “survivor” and “victim” are both used to describe individuals who have been raped or sexually assaulted. Many of these individuals and the advocates who work with them have come to prefer the term “survivor,” because they regard the term as more empowering. The term “victim,” however, is still in widespread use in research studies and in the criminal justice context. It is also the term used in Goucher’s Policy on Sexual Misconduct, Relationship Violence and Stalking and, for purposes of consistency, is the term that is used in this policy.

This policy is also intended to make all college employees aware of their reporting obligations under Title IX and the Clery Act.

I. Confidential Communications

A. Professional and Pastoral Counselors; Off-Campus Advocacy and Support Organizations – Confidential Reporting

Professional, licensed mental-health counselors, licensed members of the clergy and individuals who work for off-campus advocacy and support organizations are not required to report any information about an incident to the Title IX coordinator and will not do so without a reporter's and/or victim's permission.<sup>2</sup>

Following is the contact information for these individuals:

**On-Campus sources:**

- Shira Concool, LGPC, mental health counselor, 410-337-6054
- Doug Girard, Psy.D., psychologist 410-337-6052
- Lauren Greenberg, LGPC, mental health counselor 410-337-3023
- Tim Moslener, LCPC, mental health counselor 410-337-6379
- Monica Neel, Psy.D., psychologist 410-337-6562
- Cynthia Terry, college chaplain 410-337-6048
- Josh Snyder, Hillel rabbi 410-337-6545

**Off-Campus resources:**

- TurnAround (Sexual assault/domestic violence crisis program)
  - Helpline (available 24/7) 443-279-0379
  - Baltimore County office 410-377-8111
  - Baltimore City office 410-837-7000
- House of Ruth (Domestic violence services and shelter)
  - Hotline and Victim Advocate Program 410-889-7884
  - Domestic Violence Legal Clinic 410-554-8463
  - Toll-free Legal Hotline - 1-888-880-7884
- Maryland Coalition Against Sexual Assault, Inc. (referral source but not direct service provider)
  - Office 410-328-7023
- Rape, Abuse & Incest National Network
  - Hotline 800-656-HOPE
- Sexual Assault Legal Institute (assistance with legal issues related to sexual violence)

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<sup>2</sup> While these counselors and advocates may maintain a victim's confidentiality vis-à-vis the College, they may have reporting or other obligations under state law. For example, communications to mental health counselors, licensed clergy and outside advocacy groups may be disclosed if they evidence a direct threat to self or others. Thus, before a victim reveals any information to a counselor or advocate, s/he should clarify that individual's reporting obligations under state law.

- Office 301-565-2277
- Toll free 877-496-SALI
- APS Health Care (Employee Assistance Program provider for Goucher employees only)
  - 1-800-765-0770

B. Health Center employees, including front desk staff, and peer listeners<sup>3</sup> – limited reporting:

Unless a life-threatening situation exists, employees who work in Goucher’s health center, including front desk staff, and Goucher’s peer listeners, can generally talk to a reporter without having to reveal any personally identifying information about an incident to the College. A reporter can seek assistance and support from these individuals without triggering a College investigation that could reveal the reporter’s and/or victim’s identity or that the reporter has disclosed the incident.

While maintaining a reporter’s confidentiality, these individuals or their office must report the nature, date, time, and general location of an incident to the Title IX coordinator. This limited report – which includes no information that would directly or indirectly identify the reporter or victim – helps keep the Title IX coordinator informed of the general extent and nature of sexual violence on and off campus so the coordinator can track patterns, evaluate the scope of the problem, and formulate appropriate campus-wide responses. Before reporting any information to the Title IX coordinator, these individuals will consult with the reporter and/or victim to ensure that no personally identifying details are shared with the Title IX coordinator.

Following is contact information for these individuals:

- Health Services: Appointments and walk-in services are available from 9 a.m. to 5 p.m., Monday through Friday. 410-337-6050. During all other hours and on Saturday and Sunday, call Public Safety at 410-337-6111.
- Goucher Peer Listeners (443) 632-7799 - Available every night, 7 p.m. - 2 a.m.

A reporter who speaks to one of the above individuals must understand that if the victim wants to maintain confidentiality, the College will be unable to conduct an investigation into the particular incident or pursue disciplinary action against the accused individual. Even so, these individuals will still assist the victim in receiving other necessary protection and support, such as victim advocacy, academic support or accommodations, disability, health or mental health services, and changes to living, working or course schedules.

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<sup>3</sup> Though peer listeners are not employees of the college, they have the same reporting obligations as health center employees. <http://www.goucher.edu/student-life/student-services/health-and-counseling-services/peer-listeners>.

A reporter who at first requests confidentiality may later decide to file a complaint with the school or report the incident to local law enforcement, and thus have the incident fully investigated.

## II. All other Goucher employees – required reporting

Goucher College considers all employees other than those identified above to be “responsible employees” under Goucher’s Policy on Sexual Misconduct, Relationship Violence and Stalking. This term is used to describe those individuals on campus who have an obligation, pursuant to Title IX, to report incidents of sexual misconduct and assault to campus authorities.

As responsible employees, all Goucher employees have an obligation to 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 obligation arises under Title IX, which requires the college to:

- Stop the conduct
- Prevent its re-occurrence
- Remedy its effects
- Provide care and support for the reporting person
- Take steps to insure 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 and that the College will need to determine what happened – including the names of the reporter, victim and alleged perpetrator(s), any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident.

To the extent possible, information reported to a responsible employee will be 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 or unless the victim has also reported the incident to law enforcement.

### A. How to Address Requests for Confidentiality

Responsible employees are not able to promise confidentiality to an individual who reports a violation of the Policy on Sexual Misconduct, Relationship Violence and Stalking. 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 will explain to the reporter that even though s/he may be obligated to share the information with college officials who are trained to respond,

the reporter and victim's privacy will be respected to the greatest extent possible, and identities and details will be shared only with those who need to know in order to support the reporting person and to address the situation through the college's processes. The employee can tell the reporter that someone will explain these processes in detail and that the victim will be involved in decisions about what happens as a result of the disclosure.

If the reporter is a student, the employee should refer or accompany the student to the Student Health Center during office hours (M-F, 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 public 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 a disclosure be kept confidential. To help mitigate this challenge, students have been informed that they can report confidentially to designated offices and individuals if they do not want their information to be shared with the Title IX coordinator. These confidential reporting sources are described above.

If a reporter discloses an incident to a responsible employee but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, the College must weigh that request against the College's obligation to provide a safe, 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 in order to provide a safe, non-discriminatory environment for all students.

The College's Title IX coordinator, in consultation with legal counsel, will evaluate requests for confidentiality once a responsible employee is on notice of alleged sexual violence.

#### B. What, How, and When to Report

At the earliest possible time after receiving information that someone has experienced sexual misconduct, relationship violence, or stalking, a responsible employee and an employee with limited reporting obligations (category A.2 above) must either submit an online report form ([Report](#)) or forward the information to the Title IX coordinator (Lucia Perfetti Clark, 410-337-6570; [TitleIXCoordinator@goucher.edu](mailto:TitleIXCoordinator@goucher.edu)).

Employees must report allegations that have been 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).

C. 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 will consider a range of factors, including the following:

The 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 was 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);
- 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. 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 will inform that individual prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the College’s response.

The College will remain ever mindful of the reporter’s well-being, and will take ongoing steps to protect the reporter from retaliation or harm and work with the reporter to create a safety plan. Retaliation against the reporter or victim, whether by students or College employees, will not be tolerated. The College will also take interim measures as set forth in Section XIII.F of the Policy, including, but not limited to restrictions on contact between the parties, restrictions from areas of campus, and removal or relocation from residential areas of campus. 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.

Because the College is under a continuing obligation to address the issue of sexual violence campus-wide, reports of sexual violence (including non-identifying reports) will also prompt the College to consider broader remedial action – such as increased monitoring, supervision or security at locations where the reported sexual violence occurred; increasing education and prevention efforts, including to 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. Take Back the Night and other public awareness events

Public awareness events such as “Take Back the Night,” the Clothesline Project, candlelight vigils, protests, “survivor speak outs” or other forums in which students disclose incidents of sexual violence, are not considered notice to the College of sexual violence for purposes of triggering its obligation to investigate any particular incident(s). Such events may, however, inform the need for campus-wide education and prevention efforts, and the College will provide information about students’ Title IX rights at these events.

### IV. Anonymous Reporting

Although the College encourages victims to talk to someone, the College provides an online system for anonymous reporting. <http://www.goucher.edu/student-life/student-services/office-of-public-safety/sexual-misconduct-reporting-and-information>.

### V. Clery Act Crimes

Goucher considers all employees to be “campus security authorities” as that term 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 public 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 - <http://www.goucher.edu/legal-counsel/all-policies-and-procedures-a-z/clery-report>.

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 has reported a crime to the Title IX coordinator, the coordinator will pass along the information to public safety on behalf of the employee, and the employee need not make two reports.

Additional questions can be directed to the college's Title IX Coordinator, Lucia Perfetti Clark at [TitleIXCoordinator@goucher.edu](mailto:TitleIXCoordinator@goucher.edu).

## Summary of Reporting Resources and Obligations

### Policy on Sexual Misconduct, Relationship Violence and Stalking

Licensed mental health counselors and licensed members of the clergy – confidential reporting; these employees have no reporting obligation.

Health Center staff and peer listeners – quasi-confidential reporting: employees and peer listeners who receive reports must provide to Title IX coordinator the nature, date, time, and general location of an incident, if known, but no information that would directly or indirectly identify the reporter, victim or alleged perpetrator.

All other employees – no confidential reporting; these employees must report to 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 reporter requests confidentiality, the recipient of the report must report that fact to the Title IX coordinator, but confidentiality is not promised or guaranteed.

### Clergy Act crimes

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