

GOUCHER | college

Policy on Sexual Misconduct, Relationship Violence, and Stalking

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I. PREAMBLE

Goucher College commits itself to providing a community of mutual trust and respect for students, faculty, and staff. Therefore, sexual misconduct, relationship violence, and stalking will not be tolerated. Such behavior seriously undermines the achievement of Goucher's mission and its effectiveness as an educational institution and a workplace.

As a community dedicated to the care and respect of all its members, Goucher expects every person to play a vital role in the creation and maintenance of an environment free from sexual exploitation, assault, and harassment. In addition to taking a strong stance against such conduct, a community of care and respect promotes and encourages appropriate attitudes and practices among its members. Such attitudes and practices are also essential components of Goucher's [community principles](#) of inclusion, communication, service and social justice, and responsibility.

The purpose of this policy is to promote an environment free of sexual misconduct, relationship violence, and stalking by educating the community, vigorously investigating reports of such behavior in a manner that is expeditious and sensitive to the needs and rights of both parties, and taking steps to prevent recurrence and correct any discriminatory effects on members of the college community.

II. DEFINITIONS

A. Reporting person

Any person who makes a report to the Title IX Coordinator, Deputy Title IX Coordinator or other person authorized to receive reports (see page 18) about conduct prohibited by this policy.

B. Complainant

Any member of the College community seeking resources, support, and/or a formal or informal disciplinary process in response to conduct prohibited by this policy.

C. Respondent

Any member of the college community who has been alleged to have violated this policy.

D. "Student" means an individual who has paid a deposit, registered, or entered into any other contractual relationship with Goucher College for any form of instruction, whether or not for credit, including those in the undergraduate, graduate, and certificate programs. For purposes of this policy, "student" status begins at the time of such payment, registration, or contractual undertaking, even if the student has not yet arrived on campus or commenced instruction, and continues until such time as the student graduates or otherwise completes the relevant program, formally and permanently withdraws, or is expelled. A student who has taken a leave of absence, is on a medical leave, or has been suspended continues to be considered a "student" for purposes of this policy.

III. SCOPE

This policy prohibits all forms of sexual misconduct, relationship violence and stalking committed by a member of the college community (including students, trustees, faculty, administration, staff, visitors, and volunteers) regardless of the gender, gender identity, or sexual orientation of the complainant or respondent. Vendors and contractors employed by Goucher are required to ensure compliance by their employees as well.

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 if such conduct is likely to have a substantial adverse effect on any member of the Goucher College community.

This policy applies to conduct by a student, even if it occurs outside of an academic term or when the student is not otherwise enrolled in a course at Goucher College (e.g., during summer or holiday break; or participating on a non-Goucher study abroad program). Moreover, Goucher College continues to administer the policy with respect to any such conduct by 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.

Goucher College also continues to administer the policy with respect to any conduct by an employee if the employee subsequently leaves the college even if Goucher College does not learn of such conduct until after the employee leaves 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 (office located in the Department of Human Resources):

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

IV. GOUCHER'S STATEMENT OF COMPLIANCE WITH TITLE IX AND THE VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2013

A. Title IX

Goucher College is subject to the provisions of Public Law No. 92-318, Title IX, and the regulations promulgated thereunder (34 C.F.R. Subtitle A, Part 106), which prohibit discrimination on the basis of sex in any education program or activity receiving federal financial assistance. Sexual and gender-based harassment, which includes sexual violence, is a form of sex discrimination. The College will not tolerate any type of sexual harassment, sexual violence, relationship violence or stalking.

B. §304 of the Violence Against Women Reauthorization Act of 2013

§304 of the Violence Against Women Reauthorization Act of 2013 prohibits sexual assault, dating violence, domestic violence and stalking. Under this policy, dating violence and domestic violence are collectively referred to as relationship violence. These behaviors are sometimes a form of sex discrimination or harassment, but will always be resolved under this policy even where not based on sex or gender.

V. APPLICABILITY OF COMPLAINT PROCEDURE

The complaint procedure described in this policy may be utilized by any Goucher employee or student who believes they have been the victim of sexual misconduct, relationship violence or stalking, as defined in this Policy. It is not available for certain complaints for which other procedures exist, specifically, complaints of discrimination, including gender discrimination, that do not constitute sexual misconduct or harassment. Such complaints shall be addressed under the Nondiscrimination Policy and may not be brought under this policy. They 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. Targeting individuals because of these characteristics is also a violation of the College's Non-Discrimination Policy. Under these circumstances, the College will address such cases under this policy, including allegations related to the targeted individual's race, color, ethnicity, national origin, religion, age, or disability. Coordination of the investigation will not delay the prompt and equitable resolution of a report under this policy.

VI. EDUCATION

Education and training are a key component of creating an environment free from sexual misconduct, relationship violence, and stalking. Goucher College is therefore committed to providing effective educational and training programs implementing this policy to all students, faculty, and staff.

This policy is on-line at 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, Residential Life, Public Safety, Human Resources, and the Student Health and Counseling Center.

Educational programs on sexual misconduct, relationship violence, stalking, 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 other first-year programs. Educational sessions will also be included in Residential Life programs.

Training and education about this policy will be provided for all new faculty and staff, and for resident assistants (RAs). Periodic refresher programs will also be provided for all faculty, staff, and RAs. Individuals with specific responsibilities described in this policy will receive additional training as required to fulfill those responsibilities effectively.

The college's programs to prevent dating violence, domestic violence, sexual assault and stalking are described in more detail in Appendix C to this policy.

VII. PRIVACY AND CONFIDENTIALITY

Privacy. The college is committed to protecting the privacy of all individuals involved in making a report or complaint under this policy and will make every effort to protect the privacy interests of all such individuals in a manner consistent with the need for a thorough review of the allegations. Privacy generally means that information related to a report of misconduct will only be shared with a limited circle of individuals. The use of this information is limited to those college employees who “need to know” in order to assist in the active review, investigation, or resolution of the report or complaint. While not bound by confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process. Reporters should also be aware that the college may be required to disclose information in response to legal process or when the college's need to protect the safety of others outweighs privacy concerns.

Confidentiality. Often a person reporting or otherwise concerned about sexual misconduct, relationship violence, or stalking wants a discussion to be confidential or off the record. Confidential discussions may be available from persons who, by law, have special professional status, which at Goucher include the college chaplain and Hillel rabbi, and all staff at the Student Health and Counseling Center, including medical staff and mental health counselors. Goucher also has a student Peer Listener program and communications with individual peer listeners may also be confidential.

<https://www.goucher.edu/experience/getting-involved/religious-and-spiritual-life/peer-listeners/>. 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.

Other employees' reporting obligations. All other Goucher employees, including faculty, staff, and RAs and other paraprofessional staff, are required to disclose to the Title IX Coordinator information concerning sexual misconduct, relationship violence, and stalking of which they become aware, including identifying information about the parties involved. See, [Goucher College Policy on Required Reporting of Sexual Misconduct, Relationship Violence and Stalking](#).

College employees who wish to engage in confidential discussions about sexual misconduct, relationship violence, and stalking 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. Eligible employees can contact the EAP at 1-800-765-0770.

VIII. CLASSROOM MATERIALS AND CONTENT

Complaints under this policy that classroom 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 constitute sexual harassment and a violation of this policy.

IX. CONSENT

Consent means willingly and knowingly agreeing to engage in mutually understood sexual conduct. Consent must be mutual and ongoing, offered freely and knowingly. Consent may not be obtained through the use of **force** or **coercion**. Consent may not be obtained from a person who is **incapacitated**. These terms are defined below.

Relying solely on non-verbal communication often leads to misunderstandings about consent. **For this reason and for the purposes of this policy, consent to sexual activity must be expressed in explicit words.** For a sexual encounter to be consensual, each participant is expected to obtain or give verbal consent to each act of sexual activity. Consent to engage in one form of sexual activity does not constitute consent to engage in other forms of sexual activity, and either party may withdraw consent at any time.

Consent may not be inferred from silence, passivity, lack of resistance, or lack of an active response. Non-communication or silence constitutes lack of consent. A verbal “no” constitutes lack of consent, even if it sounds insincere or indecisive. If at any time during a sexual interaction any confusion or ambiguity should arise about consent, it is the responsibility of the person initiating the activity to stop and clarify the other’s willingness to continue. If at any time consent is withdrawn, the activity must stop immediately.

A. Force

Force is the use or threat of physical violence to overcome an individual’s freedom of will to choose whether or not to participate in sexual activity. There is no requirement that a party resists the sexual advance or request, but resistance will be viewed as a clear demonstration of non-consent.

B. Coercion

Coercion is the use of pressure to compel another individual to initiate or continue sexual activity against an individual’s will. Coercion can include a wide range of behaviors, including intimidation, manipulation, threats, and blackmail. A person’s words or conduct are sufficient to constitute coercion if they wrongfully impair another individual’s freedom of will and ability to choose whether or not to engage in sexual activity.

Examples of coercion:

- Threatening to “out” someone based on sexual orientation, gender identity, or gender expression if the person does not engage in sexual activity.
- Threatening to harm oneself if the other party does not engage in the sexual activity.
- Repeatedly pressuring someone to engage in sexual activity after the person has indicated that they do not want to engage in such activity.

C. Incapacitation.

Under this policy, a person is considered incapable of giving consent, or “incapacitated,” if her or his judgment is substantially impaired by drugs, alcohol, or some other physical or mental condition. Indications of consent are irrelevant if the person is incapacitated. Engaging in sexual activity with someone who is incapacitated constitutes sexual misconduct and violates this policy.

Examples of incapacitation include, but are not limited to, being passed out, asleep, unable to communicate, or intoxicated at a level that substantially impairs judgment. Physical indicators of incapacitation may include:

- Slurred speech
- Unsteady gait or stumbling
- Vomiting
- Unfocused or bloodshot eyes
- Outrageous or unusual behavior
- Expressed memory loss
- Disorientation
- Unresponsiveness

Consumption of drugs or alcohol by the alleged perpetrator, in and of itself, does not relieve a party of responsibility to obtain ongoing consent.

X. PROHIBITED CONDUCT

If you believe that you have been the victim of conduct that is prohibited by this policy, please consider your option to bring a complaint against the alleged perpetrator. The complaint procedures are described in sections XI-XIV of this policy. If you believe that you have witnessed violence or prohibited conduct directed against another person, please consider reporting the matter to Public Safety, the Title IX coordinator or to other college authorities. Resources for victims of prohibited conduct (including counseling, medical assistance, and assistance reporting the incident to criminal authorities) are described in Appendix A to this policy.

A. SEXUAL ASSAULT

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

- Sexual Assault I, which includes having or attempting to have intercourse, which is any non-consensual sexual intercourse (anal, oral, or vaginal), however slight, with any body part or object, between any persons;
- Sexual Assault II, which is any non-consensual touching or other contact in the unclothed genital area, however slight, with any body part or object, between any persons (except for sexual intercourse; this includes contact with another person's genitals and forcing or coercing another person to touch one's own genitals);
- Sexual Assault III, which is sexual assault that is sexual contact, which is any non-consensual, intentional sexual touching, however slight, with any body part or object, between any persons, that does not otherwise constitute sexual assault.

B. RELATIONSHIP VIOLENCE

Relationship violence is abuse or violence between romantic, intimate, and/or sexual partners or former partners involving one or more of the following elements:

- Physical, emotional, or sexual violence against a person;
- Purposely or knowingly causing reasonable fear of physical, emotional, or sexual violence;
- Purposely or knowingly causing property damage or a reasonable fear of property damage;
- Repeated telephonic, electronic, or other forms of communication, anonymously or directly, made with the intent to intimidate, frighten, harass, or threaten.

C. STALKING

Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or to suffer substantial emotional distress. Examples of stalking include repeated visual or physical proximity to a person, repeated oral or written threats, extortion of money or valuables, implicitly threatening physical conduct or any combination of these behaviors directed toward an individual person. Examples of cyber-stalking include unwelcome/unsolicited emails, instant messages, and messages on on-line bulletin boards, unwelcome/unsolicited communications about a person, their family, friends, or co-workers, or sending/posting unwelcome/unsolicited messages with another username.

D. SEXUAL HARASSMENT

Sexual harassment under this policy includes harassment based on gender, sexual orientation, gender identity or gender expression. Acts constituting such harassment may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.

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.

Sexual harassment may occur in person or by telephone, email, text messaging, or other electronic means. Such conduct is a violation of this policy and may also be a violation of Goucher's Electronic Communications Policy, Goucher's Computer Use Policy, and federal law.

Types of Sexual Harassment

1. 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 (such as withholding of appropriate grades, promotion, or evaluation) 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, tenured to non-tenured faculty member, teacher or teaching assistant to student, student leader to student, supervisor to employee, and administrator to staff or student.

2. 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.

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;
- indecent exposure;
- 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; and
- requests or demands for sexual favors accompanied by implicit or explicit promised rewards or threatened punishment.

Such behavior may be expressed in person or by telephone, email, text messaging, or other electronic means.

E. PROHIBITED OR INAPPROPRIATE INTIMATE AND SEXUAL RELATIONSHIPS

1. General

Persons in positions of power or authority over others should be aware of and sensitive to the problems that may arise from seemingly 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.

2. Relationships with Students

- a. Goucher College specifically prohibits consensual sexual or physically intimate relationships between faculty and students and between staff and students. Such relationships undermine significant educational goals of the college. 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.
- b. There may be occasions when a sexual or physically intimate relationship exists before one or both of the individuals in the relationship becomes a faculty member, staff member, or student, such as to violate the prohibition on consensual relationships with students. In such cases, the faculty or staff member in the pre-existing relationship is required to disclose the relationship promptly 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 student, the faculty or staff member shall take steps to remove him or herself from the position of power or authority.

3. Relationships between Faculty and Staff

- a. 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. The existence of professional influence or authority is determined on a case-by-case basis.
- b. When a consensual sexual or physically intimate relationship exists or develops between a faculty or staff member and a member of the faculty or staff over whom the faculty or staff member 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 him 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 consequences before entering into a sexual or physically intimate relationship.

c. 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.

4. Discipline

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

F. SEXUAL EXPLOITATION

1. Definition

Sexual exploitation occurs when a person takes non-consensual, unjust, or abusive sexual advantage of another person for his/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.

2. Examples

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

- non-consensual photographs, video, or audio recording of sexual activity by any electronic device;
- non-consensual posting or sharing of a consensually-made photograph, video, or audio recording of sexual activity;
- going beyond the boundaries of the consent given, such as by secretly allowing others to watch consensual sex;
- disrobing another person or exposing oneself without consent; and
- voyeurism, cyberstalking, bullying, or intimidation of a sexual nature.

G. COMPLICITY

"Complicity" means any act that knowingly aids, facilitates, promotes or encourages another person to commit any other form of conduct prohibited by this Policy.

XI. PROCEDURES--GENERAL

Any person who feels that they have been subjected to behaviors that violate this policy may choose to implement either the informal or formal procedures described below. These procedures apply to all of the behaviors described in Section X of this policy, and should be followed in as private and sensitive a manner as possible in order to protect all of the individuals involved.

A. Making a report vs. Filing a complaint

A report is defined as notification of an incident of a policy violation to the Title IX coordinator by any reporting person. A report may be accompanied by a request for resources, no further action, remedies based resolution or interim measures, and/or to initiate a formal complaint process by filing a complaint. By contrast, the filing of a complaint initiates the College's formal investigation process.

At the time a report is made, a complainant does not have to decide whether to file a complaint. The College recognizes that not every individual will be prepared to file a complaint with the College or to law enforcement, and individuals are not expected or required to pursue a specific course of action. Choosing to make a report and deciding how to proceed after making the report can be a process that unfolds over time. To the extent possible, the College will respect an individual's autonomy in making these important decisions and provide support that will assist each individual in making that determination. A report may become a formal complaint, either initiated by the complainant or the College, as more fully described in this policy.

To file a complaint, please contact the Title IX coordinator.

Note: Prompt filing of a complaint of sexual misconduct, relationship violence, or stalking facilitates a timely resolution of the matter. An individual, such as a former student or former employee, who has left the Goucher community, may bring a complaint at any time for alleged behavior that occurred while the individual was a member of the Goucher community, although a significant delay in filing a complaint may limit the college's ability to conduct a thorough investigation. Similarly, students and employees may also be held responsible under this policy for conduct that is not discovered until after a degree is awarded or employment has terminated.

B. Amnesty for Drug or Alcohol Use

Goucher College encourages reporting of incidents of sexual misconduct, relationship violence, and stalking. The college recognizes that a student who has been drinking or using drugs during or near the time of an incident may be hesitant to make a report or to respond fully during an investigation because of potential consequences under the Code of Conduct for his or her own behavior. A student involved in informal or formal complaint procedures under this policy, either as complainant, respondent, or witness, will not be subject to disciplinary action under the college's Code of Conduct for their own personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violations were not reasonably likely to place the health or safety of any other person at risk. The college may initiate an educational discussion, or pursue other educational remedies regarding alcohol or other drugs to protect the health and well-being of the student.

C. Goucher's Obligation to Address Allegations

There may be situations or circumstances when a member of the college community is subjected to sexual misconduct, relationship violence, or stalking but does not wish to come forward or pursue a complaint, or when a person observes such behavior directed at another member of the college community. Goucher College will do all it can to respect the complainant's wishes, but may proceed to address allegations if and when college administrators become aware of such allegations, especially where the circumstances present a threat of harm or injury to the complainant or other members of the community. This may include, but is not limited to, the college serving as a complainant, pursuant to Section XII.G.1, 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 accepts responsibility for violating the policy. Any such action will be documented and such documentation will be maintained by the Title IX coordinator.

There may be cases when a member of the community is subject to the policies of another entity with respect to conduct that may violate this Policy. For example, a student participating in an internship program or a study abroad program may be adjudicated by the host institution for conduct that violates the sexual misconduct policy of that institution. This would not prevent the college from also addressing the same conduct under this Policy if it receives a report or complaint about such conduct.

D. Consultants and Advisors Prior to and During the Process

1. If you are concerned about a possible incident of sexual misconduct, relationship violence, or stalking but are unsure of your options and whether or not to report the incident, please consult section VII of this policy for information on persons you can speak to in confidence. Please also consult Appendix A for sources of support on- and off-campus.
2. Both parties are entitled to be accompanied at any meeting or part of the informal or formal proceedings by an advisor of their choice. This person is permitted to be from inside or outside the Goucher community. Parties may choose an attorney as their advisor. Advisors may not speak on behalf of the party but may ask to suspend any meetings, interviews or hearings briefly to provide consultation. Parties may seek assistance from advisors in preparing written statements. Advisors should consult with the Title IX coordinator on any questions that arise during the process.
3. The Title IX coordinator maintains a list of staff and faculty advisors who have been specifically trained in this policy and process, including available support services related to sexual misconduct, relationship violence, and stalking. This list is available to any party who would prefer to use a trained advisor. If you wish to retain an attorney to advise you, please be aware that the college does not recommend particular attorneys, but you may wish to use the referral services of the Baltimore County Bar Association Lawyer Referral

and Information Service, <http://bcba.org/community-resources/lawyer-referral-program/>.

E. Assistance for Persons Involved in Handling Complaints.

Once informal or formal procedures are initiated, the persons charged with investigating or otherwise handling a complaint may consult with the Title IX coordinator and/or the general counsel of the college at any point during the process.

F. Interim Measures

Once a report has been made to a responsible employee and forwarded to the Title IX coordinator, both parties will be informed in writing of interim measures that may be taken pending a resolution of the matter by either the informal or formal process. Interim measures are those services, accommodations, or other assistance that the College puts in place for the parties after receiving notice of alleged policy violation but before any final outcomes – investigatory, disciplinary, or remedial – have been determined. Interim measures include but are not limited to restrictions on contact between the parties (a “no-contact order”), restrictions from areas of campus, removal or relocation from residential areas of campus and changes in transportation and working situations, where appropriate. 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 should be made to the Title IX coordinator, who will consult about such measures (except for the imposition of no-contact orders, which shall be within the discretion of the Title IX Coordinator) with the vice president and dean of students when the party is a student, the provost when the party is a faculty member, and the director of human resources when the party is a staff member. Every effort will be made to grant such requests if interim measures are reasonably available. The Title IX coordinator may also recommend interim measures in the absence of a request for such measures, if, in the coordinator’s judgment, they are necessary to ensure the safety of any member of the campus community. These accommodations will be provided on a time-limited basis. A party may also be entitled to additional services and supports if they have a disability, including those who developed a disability as a result of being the victim of a policy violation.

Factors that might be considered in determining the need for interim measures include, but are not limited to the following: the specific need expressed by the complainant; the age of the students involved; the severity or pervasiveness of the allegations; any continuing effects on the complainant; whether the complainant and respondent share the same residence hall, dining hall, class, transportation or job location; and whether other judicial measures have been taken to protect the complainant (e.g., civil protection orders).

Where the report of sexual harassment, sexual violence, relationship violence or stalking poses an ongoing risk of harm to the safety or wellbeing of an individual or members of the campus community, the College may place an individual student on interim separation. Pending resolution of the complaint, the individual may be denied access to campus. During interim separation, a student may continue coursework as outlined in the interim separation letter. Similarly, the College may impose leave for employees. Such leave will be structured (paid vs. unpaid) at the College's discretion. When interim separation or leave is imposed, the College will make reasonable efforts to complete the investigation and resolution within an expedited time frame. Decisions about interim separation shall be made by the Vice President and Dean of Students (for students); the Vice President for Human Resources (for staff); and the Provost (for faculty).

Interim measures may become permanent sanctions as an outcome of the informal or formal procedures provided in this policy.

Parties may also seek protective measures from outside law enforcement agencies.

The college will maintain as private any accommodations to the extent such privacy would not impair the ability of the college to provide the accommodations or interim measures.

G. Accommodations for Individuals with Disabilities and Speakers of Language Other than English

Any individual who, because of a disability may require special arrangements in order to fully participate in the complaint process, should inform the Title IX Coordinator. Upon receiving a request for and documentation of such disability, and in consultation with the college's Director of Accessibility Services, the Title IX Coordinator will arrange appropriate accommodations for such individual.

Individuals for whom English is a second language may request the assistance of an interpreter and/ or translator during the process.

H. Privacy of Proceedings

Individuals who participate in a proceeding under this policy may share information that they provide or learn during the process with advisors, family members and other supporters as the individual participant deems necessary. Note, however, that this does not allow individuals to unreasonably share private information in a manner that is intended to harm or embarrass another individual, or in a manner that would recklessly do so regardless of intention. Such sharing of information may constitute retaliation, which may result in separate charges under this policy or the Student Code of Conduct.

XII. COMPLAINTS AGAINST MEMBERS OF THE GOUCHER COLLEGE COMMUNITY

A. Reporting

Decisions about reporting a policy violation 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. If you have been harmed by prohibited conduct, we will support your decision to report; you will not be penalized by the college for use of illegal drugs or alcohol related to the incident. You may report the incident directly to:

- the Office of Public Safety 410-337-6111/6112
- the Title IX coordinator 410-337-6570
- the director of residential life 410-337-6297
- the office of the vice president and dean of students 410-337-6402
- the office of the vice president for human resources 410-337-6010

If you are sexually assaulted or physically injured on campus, you are strongly encouraged to contact Public Safety immediately. When appropriate, Public Safety may issue a campus-wide alert for the protection of the college community, without revealing your identity.

B. Criminal Procedures

Complainants may also choose to file a report with the Baltimore County Police Department or the local law enforcement agency where the incident or behavior occurred. The college process and the criminal law system are independent from each other, and complainants may file complaints with either or with both systems. Because the standards for finding a violation of criminal law are different from the standards in this policy, criminal investigations or reports are not determinative of whether a violation will be found to have occurred under this policy, nor does a finding of responsibility made under this policy constitute a criminal conviction. At your request, Public Safety or the Title IX coordinator, as well as your advisor, if requested, will promptly assist you in notifying law enforcement officials. If you wish to notify law enforcement officials but are unable to do so yourself, Public Safety will promptly do so for you with your consent. You also have the right not to report the incident to criminal authorities.

C. Coordination of criminal procedures and internal campus procedures

You, or when appropriate the college, may institute disciplinary procedures against a student, faculty member, or staff member regardless of whether any criminal charges are filed. If a criminal charge is filed, the Title IX coordinator, in consultation with the college's general counsel, shall determine whether action under this policy

should be delayed pending the outcome of the criminal case. The college is not required to await the outcome of any criminal proceedings before taking action under this policy, but may delay the college proceeding while evidence for a criminal case is being collected.

D. Protection of the Community

Pursuant to the college's [policy on Administrative Action](#), persons accused of sexual assault may be removed from campus pending disciplinary action or criminal procedure, to avoid additional conflict within the community and to protect the safety of all those involved and of the campus community.

E. No Contact Orders

The issuance of no-contact orders in connection with a report or an informal or formal complaint under this policy is addressed through the college's policy on no-contact orders, available on the college website.

F. Informal Procedure

When an incident arises in which a person feels that they have been subjected to sexual misconduct, relationship violence, or stalking 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 behavior. The person may choose to confront the respondent, making it clear that he or she does not want any further incidents to occur. The complainant is not, however, required to attempt to confront the respondent directly, and if the person does not feel that they can confront the respondent or needs help in the process, any one of the following administrators may be contacted:

- provost or associate dean for faculty affairs, when the respondent is a faculty member
- dean of students or director of residential life, when the respondent is a student
- human resources director of employee engagement or designee, when the person is a staff member
- director of public safety or designee.

The administrator can provide the person with support and advice on how to confront the respondent and how to discourage any further behavior. 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.

The College will not compel a complainant or respondent to engage in mediation, to directly communicate with one another, or to participate in any particular form of informal resolution. Mediation, even if voluntary, may not be used in cases involving sexual assault.

If as a result of the informal process the respondent accepts responsibility for violating this policy, sanctions or other remedies may result. Sanctions or remedies will be imposed by the dean of students when the respondent is a student, by the provost when the respondent is a faculty member, and by the director of human resources when the respondent is a staff member. Any informal resolution must be agreed to by both parties, will be documented in writing and will be considered a final outcome that cannot be appealed under this policy.

If the informal process does not result in a resolution of the complaint, 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.

G. Formal Procedure

Formal complaints of sexual misconduct are addressed under the procedure outlined in this section. This is a college administrative process, not a criminal law process.

In some cases, a student accused of misconduct under this policy may also be subject to the procedures of other institutions related to the same conduct. For example, a student studying abroad may be subject to the procedures of the host institution with respect to conduct that occurs in the study abroad program; or a student serving an internship may be subject to the employment procedures of the host institution with respect to conduct that occurred during an internship. In such cases, the college will conduct its own investigation under this policy, independent of such other investigations. Because the standards for finding a violation of the policies of other institutions may be different from the standards in this policy, such investigations are not determinative of whether a violation will be found to have occurred under this policy.

The college intends that investigations be completed thoroughly but promptly. Barring special circumstances as determined by the Title IX coordinator, it is anticipated that the entire investigation and decision process will take approximately 60 days.

1. Filing a complaint. All formal complaints under this policy may be made in writing or in person by the complainant. Complaints may be submitted to the following persons and in the following manner:

- [Online](#)

- To the Title IX coordinator, available from 9-5 Monday through Friday at 410-337-6570, in the human resources suite, or at TitleIXCoordinator@goucher.edu.
- To Public Safety, available 24/7 at 410-337-6112 (a Public Safety incident report may also serve as part or all of the written complaint)
- To the dean of students when the complainant is a student, available from 9-5 Monday through Friday at 410-337-6150 or bryan.coker@goucher.edu.

The complainant should contact Public Safety immediately if facing any immediate threat or danger.

In the absence of a formal complaint, 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 students and community members, including the individual who reported the prohibited conduct. Factors to be considered include, but are not limited to, the increased risk that the respondent will commit additional acts of misconduct or violence, such as:

- Whether there have been other similar complaints about the same respondent;
- Whether the respondent has a history of arrests or disciplinary records from a prior school indicating a history of prior misconduct;
- Whether the respondent threatened further sexual misconduct, sexual violence or other prohibited conduct against the complainant or others;
- Whether the misconduct was alleged to be committed by multiple individuals;
- Whether the misconduct was perpetrated with a weapon;
- Whether the complainant is a minor;
- Whether the College possesses other means to obtain relevant evidence of the sexual misconduct or prohibited conduct (e.g., security cameras or personnel, physical evidence); and
- 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 Title IX coordinator will make and document this determination, in consultation with legal counsel. If the college proceeds as complainant, the alleged victim will be kept apprised of the status of the investigation but will otherwise not have the procedural rights accorded to complainants under this policy. The matter will proceed as much as possible in accordance with the procedures of this section.

2. 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. The complainant is also informed of the right to contact law

enforcement authorities concerning the complaint, and is provided a copy of the *Rights of Victims of Sexual Misconduct, Relationship Violence and Stalking, and the Resources and Guidelines for Victims of Sexual Assault*.

3. Notice to respondent. The person accused of misconduct under this policy 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 respondent is provided with a copy of the written complaint or summary of a complaint that is made orally to the persons identified above. The respondent is also provided with a copy of *Rights of Students Accused of Sexual Misconduct, Sexual Assault, Relationship Violence or Stalking*.

4. Cross-complaints. Any cross complaint filed by a respondent will be addressed in a manner to be determined by the Title IX Coordinator, who shall consider whether the cross-complaint deals with a fact pattern relevant to that alleged by the complainant, and should be considered within the same investigation. The Title IX Coordinator will also consider the timing of the cross-complaint and whether the investigation of the cross-complaint may delay timely resolution of the complaint. Any cross complaint that is filed in bad faith or is frivolous will be considered retaliation against the complainant who filed the original complaint, which will be addressed as a separate violation of this Policy, and may subject the respondent to potential sanctions.

5. Investigator. The Title IX coordinator will assign a single external investigator to conduct an investigation of the complaint. The external investigator will be a neutral party outside of the College, usually an attorney, who is trained and experienced in conducting Title IX investigations and the dynamics of sexual misconduct and assault, and is trained in the College's policies and procedures. The complainant or the respondent may submit a written request to the Title IX coordinator to contest the external investigator, if there are reasonable articulable grounds to suspect bias, conflict of interest, or an inability to be fair and impartial. This challenge must be raised within four (4) business days of receipt of the notice of investigation. All objections must be raised prior to the commencement of the investigation. The Title IX coordinator will make the determination whether to seek an alternative external investigator.

The college also reserves the right to appoint a single investigator or two investigators from within or outside the college community to conduct the investigation where warranted, as determined in the sole discretion of by the Title IX coordinator, in consultation with legal counsel.

6. Investigation. The complainant and the respondent shall each be interviewed by the investigator and may have an advisor with them for the meeting. Both parties may present documents, the names of witnesses, and other information to the investigator. The respondent may not be present for the complainant's interview unless the complainant consents, and vice versa, however, where and as deemed appropriate by the investigator, either party may present questions to the

investigator that they believe should be asked of the other party and witnesses and shall have the opportunity to respond to statements made by others.

The investigator may also interview other witnesses or consider other evidence as s/he deems appropriate, subject to the following:

- A party's medical or mental health records are confidential under law. If a party voluntarily decides to share such records with the investigator, the relevant portions of the records will be shared with the opposing party and included in the investigation report.
- The investigator shall have the discretion to bar the admission of evidence that is deemed to be more prejudicial than probative.
- Opinions of expert witnesses are not admissible in the investigation.
- In the sole discretion of the appointed investigator, 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 E hereto.

Note:

Prior sexual history of a complainant. In general, a complainant's prior sexual history is not relevant to an investigation under this policy and will not be considered by investigators or decision-makers. However, where there is a current or ongoing relationship between the complainant and the respondent and the respondent alleges consent, the prior sexual history between the parties may be relevant to assess the manner and nature of communications between the parties. The mere fact of a current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent nor does it preclude a finding of responsibility with respect to the respondent. Any prior sexual history of the complainant with other individuals is not relevant and will not be considered.

Pattern evidence by a respondent. Where there is evidence of a pattern or conduct similar in nature by the respondent, either prior to or subsequent to the conduct in question, regardless of whether there has been a finding of responsibility, this information may be deemed relevant and probative to the determination of responsibility and/or assigning of a sanction. The determination of relevance will be based on an assessment of whether the previous incident was substantially similar to the present allegation or information and indicates a pattern of behavior and substantial conformity with that pattern by the respondent.

7. Investigator's Report. In a timely manner, the investigator shall submit a written report of the investigation to the Title IX coordinator. The report shall describe the investigation and all relevant evidence obtained in it, 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 written investigation report will summarize the information gathered, synthesize the areas of agreement and disagreement between the parties and any supporting information or accounts, and analyze the relevant facts determined through the investigation, referencing any supporting documentation or statements. The investigation report may include summaries of interviews with the Complainant, Respondent, third-party witnesses, and any other individuals with relevant information, credibility assessments of the parties and witnesses, photographs of relevant sites or physical evidence, electronic records and forensic evidence.

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

8. Complaints against faculty or staff. If the respondent is a faculty or staff member, the investigator's 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. The administrator will follow applicable college policy in making a final determination of responsibility and implementing disciplinary action if appropriate.

When the respondent is a faculty member, the provost shall institute sanctions in accordance with faculty legislation. When the respondent is an employee other than a faculty member, the human resources director of employee engagement shall implement sanctions together with the respondent's supervisor and/or division head. Potential sanctions are described in Appendix B.

Both parties will be simultaneously advised of the final determination and the complainant will be advised of any disciplinary action against the respondent that directly impacts him/her. The decision of the administrator in cases involving faculty or staff as respondents may not be appealed under this policy.

9. Complaints against students. If the respondent is a student, both parties will simultaneously be provided a summary of the investigator's report and any other materials that were relied upon by the investigator and/or presented to the decision panel by the investigator. Parties will be permitted to view, but not copy, the full report and materials upon request. The report and materials may be redacted when necessary to protect privileged or confidential information, to protect 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).

a. **Decision Panel.** The investigator's report with recommended finding will be provided to two trained staff members appointed as the decision panel by the Title IX coordinator at the time the complaint is submitted. The decision panel will review the report and, at its discretion, may meet individually with both parties and/or with the investigator and witnesses, and may review any statements or other evidence that is mentioned in the report. Even if the decision panel does not request meetings with the parties, both parties shall be given the opportunity to respond to the report in writing or by meeting with the decision panel. Where and as deemed appropriate by the panel, either party may present questions to the panel that they believe should be asked of the other party and witnesses and shall have the opportunity to respond to statements made by others. This is the parties' opportunity to address any issues, concerns, or disagreements with the report and recommended finding; it is also their opportunity to provide statements about impact of the alleged misconduct and/or sanctions.

After completing its review, the decision panel will make a finding on whether the respondent is responsible for violating this policy. This finding will be based on a preponderance of evidence, meaning whether it is more likely than not that this policy was violated.

b. **Determination of sanctions.**

If a respondent is found responsible for violating this policy, the decision panel shall impose sanctions. Possible sanctions are included in Appendix B.

c. **Written decision.** The decision panel will provide a written decision including its finding with respect to responsibility, and sanctions, if applicable, to the Title IX coordinator, who shall simultaneously distribute copies to the parties. The parties will receive the written decision within approximately 60 calendar days after the date the complaint was submitted, barring special circumstances as determined by the Title IX coordinator. The written decision may be redacted when necessary to protect privileged or confidential information, to protect the safety or well-being of individuals involved in the investigation, or to comply with the provisions of FERPA.

d. **Appeal.** In a case where the student is a respondent, both parties have the opportunity to appeal the written decision. Appeals may be made in writing or in person, and shall be made within ten calendar days of the date the decision is delivered or made readily available to a party. Appeals may be based only on the following grounds:

- The procedures described in this policy were not followed, and the failure to follow procedure may have affected the outcome of the final decision;
- The sanction(s) imposed are disproportionate for the facts of the case and/or the violation of the policy that was found;

- Substantive new information that was not reasonably available at the time of the investigation has now become available and may change the outcome of the final decision.

When a party requests an appeal in writing or in person, the Title IX coordinator shall advise the other party, who will be permitted to respond to the appeal within a timeframe established by the Title IX coordinator. The Title IX coordinator shall provide the responding party with a written summary of the appeal.

e. **Appeal decision.** Appeals will be determined by a three-person appeals panel in a timely fashion but generally within 15 calendar days after receipt of the appeal. Panel members are appointed from a trained pool by the Title IX coordinator. The panel shall review the written decision and any responses made by the parties. At its discretion, the panel may seek further information from the parties, the investigator, or the decision panel, and will then issue a written appeal decision that either accepts or amends the decision of the decision panel, or directs the investigator to re-open the investigation to address specific concerns raised by the appeals panel.

f. **No further appeal.** The decision of the appeals panel represents the final decision of the college. No administrative processes otherwise available to students may be used to further appeal the decision of the appeals panel.

g. **Distribution of final decision.** A copy of the final written decision of the appeals panel is simultaneously provided to both parties to the extent permitted by the provisions of FERPA and as required by the Jeanne Clery Disclosure of Campus Security Police and Campus Crime Statistics Act (Clery Act).

h. **Imposition and enforcement of sanctions against students.** The Title IX coordinator will be responsible for ensuring that any sanctions imposed in the final decision are implemented and completed. This may require contacting college employees in a position to enforce or monitor sanctions, such as the OneCard coordinator, the director of residential life, or an employment supervisor. In contacting such persons, the Title IX coordinator will only disclose as much information as is necessary to ensure that the sanctions are enforced or monitored. Failure to comply with sanctions imposed under this policy may result in additional sanctions, including suspension or expulsion, at the discretion of the Title IX coordinator, in consultation with the Vice President and Dean of Students.

At the discretion of the Vice President and Dean of Students, a student may not register for classes, participate in room draw, participate in commencement, or receive a degree if he or she has not completed or complied with sanctions imposed under this policy or if an investigation is in process. The college may withhold transcripts or awarding a degree otherwise earned until the completion of procedures set forth in this policy, including the completion of any sanctions imposed.

XIII. COMPLAINTS AGAINST PERSONS OUTSIDE THE GOUCHER COLLEGE COMMUNITY

Note that students who have experienced policy violations committed by members outside of the Goucher College Community may be entitled to accommodations under Title IX, as determined by the Title IX Coordinator.

- A. Complaints against students from other institutions or other campus visitors should be reported to the Title IX coordinator who will take appropriate action. This may include forwarding the report, with the complainant's permission, to the respondent's institution for adjudication.
- B. Complaints against employees of entities that do business with Goucher should be reported to the director of public safety, who in consultation with the Title IX coordinator, will investigate the complaint and take appropriate action.
- C. Complaints against individuals at internship sites should be reported to the director of career development or the assistant director of internships, who in consultation with the Title IX coordinator, will investigate the complaint and take appropriate action.
- D. 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 associate provost for international studies at Goucher, who, upon consultation with the associate director and the Title IX Coordinator, will investigate the complaint and take appropriate action.

XIV. 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.

XV. PROTECTION AGAINST RETALIATION

Threats, intimidation, and retaliation against a complainant for bringing a complaint under this policy, or against the respondent or any person for participating in the informal or formal process, serving as a witness, or reporting violations of this policy are violations of Title IX and this policy, and thus may be grounds for disciplinary action and/or the imposition of sanctions under this policy. All individuals are encouraged to report instances of retaliation to the Title IX coordinator. 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, through the Title IX coordinator, will take immediate steps to protect students and employees from retaliation by any individual. 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 of the individual complaining of retaliation, 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, or have another person assigned as an advisor to the student. 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.

XVI. MISUSE OF POLICY

The purpose of this policy is to promote and maintain an environment at Goucher College that is free from sexual misconduct, relationship violence, and stalking. Any member of the college community who believes that the member has been subjected to such behavior 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 reports of charges of misconduct undermine the purpose and effectiveness of this policy. Accordingly, as is the case with any Goucher policy, persons who knowingly fabricate reports or complaints under this policy may be subject to disciplinary action. Allegations of fabricated complaints must be reported within ninety calendar days of the date of the final written decision. Such allegations may be reported to the Title IX coordinator, who shall investigate the allegations and refer the individual to the appropriate administrator for disciplinary action, if warranted.

XVII. 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://dpsscs.md.gov/onlineservs/socem/default.shtml>. 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 Spring, 2007; Fall 2010; Summer 2011; Summer 2012; Fall 2013; Spring 2014,
Summer, 2014, Spring 2015, Summer 2015; Summer 2016; Summer 2017, Summer
2018.

APPENDIX A

RESOURCES AND REPORTING

OPTIONS I. What to Do After an Assault or other policy offense

- Victims of sexual assault or other policy offense are strongly encouraged to take the following steps soon after the assault:
- Seek support. Call a friend, family member, or someone else nearby contact a campus consultant or outside source of support, as described in sections C and D below.
- Report the assault to Public Safety, at 410-337-6111 or 6112. Public Safety officers are trained responders. Reporting the assault is important for your protection, and to pursue any legal remedy related to the assault, such as prosecution, should you decide to do so. Reporting the assault can also help you regain a sense of personal power and control, and can help promote the safety of other potential victims.
- If you feel unsafe, lock the door if possible and call Public Safety at 410-337-6111 or 6112. Wait for your support person or a Public Safety officer to arrive.
- If the alleged perpetrator was unknown to you, try to remember any helpful details that may lead to his or her identification, such as scars or other marks, jewelry, dress, language, approximate height and weight in comparison to your own, vehicle description, tag number. Write these down as soon as you can, and include the date and time of writing.
- At this moment, or later, you will need to decide whether to pursue legal remedy. To support legal remedies, do the following:
 - Do not disturb the area, room, or vehicle where the assault was committed.
 - Do not bathe, shower, douche, brush your teeth, or eat or drink.

Please see section V about forensic examinations and preservation of physical evidence.

II. Campus Sources of Support

On Campus support.

If you have been sexually assaulted or experienced any other policy violation, you may choose to seek support from other members of the college community, such as fellow students, RAs, or faculty. RAs and faculty members may be required to disclose information concerning the incident that is not personally identifiable, and may even be required to disclose personally identifiable information in cases where a member of the college community is at risk.

Persons who by law can offer a greater level of confidentiality because of their special professional status, such as the college chaplain and Hillel rabbi, and the counselors at the Student Health and Counseling Center (identified below), may also be required to disclose personally identifiable information in cases that threaten imminent danger to a member of the college community. If you are concerned, please discuss confidentiality with the person to whom you wish to speak before disclosing the assault.

- 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
- Josh Snyder, Hillel rabbi 410-337-6545
- Cynthia Terry, college chaplain 410-337-6048

Off Campus. If you have been sexually assaulted, or experienced any other policy violation, you may choose to receive assistance from a non-Goucher source. The following resources are available off- campus:

- TurnAround (Sexual assault/domestic violence crisis program)
 - Sexual assault hotline 443-279-0379
 - Baltimore County office 410-377-8111
 - Baltimore City office 410-837-7000
- Baltimore County Domestic violence hotline 410-828-6390
- House of Ruth (Domestic violence services and shelter)
 - Hotline and Victim Advocate Program 410-889-7884
 - Domestic Violence Legal Clinic 410-554-8463
- Maryland Coalition Against Sexual Assault, Inc. (referral source but not direct service provider)
 - 301-328-7023
- Rape, Abuse & Incest National Network
 - Hotline 800-656-HOPE
- Sexual Assault Legal Institute (assistance with legal issues related to sexual violence)
 - Office 301-565-2277
 - Toll free 877-496-SALI
- APS Health Care (Employee Assistance Program provider for Goucher employees only)
 - 1-800-765-0770
- Women's Law Center of Maryland, Inc. (information about protective orders, immigration services and other legal matters)
 - 410-321-8761, www.wlcmd.org.

- Baltimore County Bar Association Lawyer Referral and Information Service (LRIS) (including attorneys who can assist with visa and immigration issues).

(410) 337-9100
100 County Courts Building
401 Bosley Avenue, Towson, MD 21204.

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.

III. Counseling

If you are sexually assaulted or experience any other policy violation, it is important that you talk with a counselor who is trained to assist victims with the emotional and physical impacts of such conduct. This expertise is available in the Student Health and Counseling Center, and also at TurnAround in Towson, the local sexual assault/domestic violence crisis program for this area.

On Campus. Students may receive confidential counseling during work hours, free of charge, from Goucher’s counselors by contacting the Student Health and Counseling Center:

- Appointments may be made by calling 410-337-6481 from 9 a.m. to 5 p.m. Monday through Friday
- Emergency walk-in counseling is available at 1 p.m. every weekday without an appointment

After hours and on Saturday and Sunday, consultation for students is available by calling Public Safety at 410-337-6111 or 6112. You will be referred immediately to on-call staff for support and assistance.

Off Campus. You may contact Baltimore County’s domestic violence hotline or TurnAround in Towson for counseling. Fees are charged on a sliding scale.

- Baltimore County 24-hour domestic violence hotline at 410-828-6390
- 24-hour sexual assault hotline at 443-279-0379
- Daytime general information at 410-377-8111 or 410-837-7000

IV. Medical Attention

Even if you think that you do not have any physical injuries, you are strongly encouraged to have a medical examination and discuss with a health care provider the risk of exposure to sexually transmitted infection and the possibility of pregnancy resulting from the sexual assault. If you suspect that someone gave you a rape drug, such as Rohypnol (“roofies”), ask the hospital or clinic where you receive medical care to take a urine or blood sample.

You may choose to be seen at the Student Health and Counseling Center (410-337-6050) for injuries, testing for sexually transmitted infections, emergency contraception, and counseling. Please note that the Student Health and Counseling Center does not collect evidence or perform forensic medical exams.

The Student Health and Counseling Center provides medical care and counseling for all survivors of sexual assault, regardless of gender.

You may prefer to be taken to a local hospital for medical attention:

- to be examined for injuries
- to have evidence collected
- to receive immediate counseling and referral service
- to receive emergency contraception
- to be tested and treated for STIs

If you desire transportation to the hospital, please contact Public Safety at 410-337-6111 or 6112. If you are a student, please know that the on-call staff will accompany and assist you at the hospital. You will receive full and prompt cooperation from campus personnel in obtaining appropriate medical attention, including providing transportation to the nearest designated hospital.

V. Preservation of Evidence and Forensic Examinations

If you believe that you may choose to pursue a legal remedy related to a sexual assault at any time in the future, please request that the hospital perform a free Sexual Assault Forensic Examination (SAFE). Agencies vary as to the exact length of time, but physical evidence is most effectively obtained within 48 to 72 hours of a sexual assault, however it can be collected up to 120 hours post assault. Maryland law allows a hospital to provide the SAFE exam free of charge, and there is no requirement for you to report an assault to the police; you can remain anonymous and the evidence will be held for a time with no identification. Greater Baltimore Medical Center (GBMC, at 6701 North Charles Street in Towson; ER 443-849-2225) is the closest hospital designated for sexual assault evidence collection and performs SAFE exams. Mercy Hospital (at 301 St. Paul Place in Baltimore; ER 410-332-9477) is the designated hospital in Baltimore City and performs SAFE exams. Both hospitals will perform the exams regardless of where the assault occurred, although GBMC works most closely with Baltimore County prosecutors.

If you are planning to have a SAFE examination, please preserve all physical evidence of the assault. Please do not bathe, shower, douche, brush your teeth, or eat or drink (this can be done after the examination).

If you think you may want to pursue legal remedy related to the assault, it is important to preserve other evidence as well. Please do not wash or throw away any articles of clothing worn during the assault. Please 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).

VI. Obtaining Protective Orders

If you are the victim of relationship violence, you may be entitled to obtain a protective order against your abuser in the State of Maryland. A protective order (also known as a "domestic violence protective order," or "DVPO") is available for incidents of domestic abuse, which occur when someone you have a specific relationship with (current/former spouse; cohabitant, which is someone with whom you have had a sexual relationship and lived with for at least 90 days in past year and includes same-sex partners; relative; someone you have a child in common with; or an individual with whom you have had a consensual or nonconsensual sexual relationship within one year before the filing of the petition) commits one of the following offenses against you:

- Assault;
- An act that places you in fear of immediate serious bodily harm or actually causes you serious bodily harm;
- Attempted or actual rape or sexual offense;
- Stalking;
- False imprisonment, such as holding you somewhere against your will.

You may also be eligible for a protective order if you are a “vulnerable adult” (an adult who lacks the physical or mental capacity to provide for his/her daily needs).

Note: If you are NOT eligible for a protective order (because you do not have the specific relationship with the abuser described above), but you have been the victim of abuse and need protection, you may be eligible to file for a peace order. Information about how to file for a protective order or a peace order can be found on the website of the Maryland Judiciary system.

Protective orders can require the abuser to stay away from you, leave your home, provide emergency family maintenance to you, and attend counseling. They can be valid for up to one year and can be renewed. Peace Orders can provide only a stay away order and require counseling, and are effective for up to 6 months but can be renewed.

APPENDIX B

SANCTIONS FOR POLICY VIOLATIONS

FACULTY

For faculty violations sanctions may include 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 with or without pay, or dismissal.

STAFF

For violations by employees other than faculty members sanctions may include 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 with or without pay, final written warning, or termination.

STUDENTS

Sanctions may include a written letter of warning, a letter of reprimand, mandatory attendance at an educational program on sexual harassment or sexual assault, 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. Students found responsible for sexual assault involving intercourse and/or penetration are likely to receive a sanction of suspension or expulsion.

In determining sanction, the administrators and decision panel should consider 1) the respondent's prior disciplinary history; 2) the nature and violence of the conduct at issue; 3) the impact of the conduct on the complainant; 4) the impact of the conduct on the community, its members, or its property; 5) whether the respondent is likely to engage in the conduct in the future; and 6) any other mitigating or aggravating circumstances, including the college's Community Principles. Alcohol and drug use are not considered mitigating circumstances.

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.

APPENDIX C

Programs to Prevent Dating Violence, Domestic Violence, Sexual Assault, and Stalking

Education and training are a key component of maintaining an environment free from sexual misconduct, relationship violence and stalking. Goucher College is therefore committed to providing effective educational and training programs implementing its Policy on Sexual Misconduct, Dating Violence and Stalking to all students, faculty, and staff. These are programs to prevent dating violence, domestic violence, sexual assault, and stalking. The programs are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research or assessed for value, effectiveness, or outcome. They also consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.

Goucher programs are designed to provide the following information:

- A statement that the institution prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking;
- The definition of “dating violence,” “domestic violence,” “sexual assault,” and “stalking” in the State of Maryland [see Appendix D];
- The definition of “consent,” in reference to sexual activity, in the State of Maryland [see Appendix D];
- A description of safe and positive options for bystander intervention;
- Information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks; and
- Information contained in Goucher’s Policy regarding disciplinary procedures and procedures to follow if individuals are the victim of a sexual offense, relationship violence or stalking, and information about the rights of complainants and respondents under the policy, including resources that are available to them.

A. Primary prevention and awareness programs

Primary Prevention Programs: These include programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.

Awareness Programs: These are community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration.

At Goucher these programs include the following:

1. Mandatory on-line training

Goucher's primary prevention and awareness programs include a mandatory on-line educational program that all staff, faculty and undergraduate students must take. Employees of the college take the course within 30 days of employment, and thereafter as required by the college. When initially implemented in the 2015-16 academic year, all upper-class and transfer students were required to take the course in order to register for classes. Thereafter, the course is required of all incoming students. The online package also allows for the option of refresher courses that can be assigned to students and employees.

2. Orientation program for first-year students

The college's planned programming for first year orientation includes comprehensive coverage of all information included in this policy, specifically emphasizing consent, bystander intervention, disciplinary policies and procedures, available on and off campus resources.

3. Graduate student information program.

Graduate students receive the information identified above through the distribution of written materials at in-person residencies and through the Goucher learning management system.

B. Bystander intervention programs

These programs and trainings offer safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. They include recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

Goucher provides bystander intervention training through the programming described above and presents special programming on the topic.

C. Ongoing prevention and awareness programs

Ongoing prevention and awareness programs include programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the college/university and including information provided in campus education programs, publications and the college website.

Throughout the academic year, Goucher provides ongoing prevention and awareness programs that include the same information covered by the college's primary prevention and awareness programs and is provided in the following formats:

1. Ongoing social media campaigns including a Facebook page and Instagram account.
2. Guest speakers for targeted audiences
3. Resource tables and bulletin boards
4. Panel discussions
5. Recognition of violence awareness months (i.e., Domestic Violence Awareness Month – October; Sexual Assault Awareness month – April).
6. Goucher's website, which provides comprehensive information regarding all of the information listed above.

D. Risk reduction programs

These programs present options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

All of the training identified above promotes the reduction of risk on campus.

E. Training for individuals with specific responsibilities

Individuals with specific responsibilities relating to Goucher's policy on Sexual Misconduct, Relationship Violence and Stalking will receive additional training as required to fulfill those responsibilities effectively. These individuals include the campus Title IX coordinator, investigators, decision and appeals panel members, advisors, and public safety officers. This training includes annual training on how to conduct an investigation and the dynamics of sexual misconduct, relationship violence and stalking. This training is delivered through in-person sessions, attendance at conferences and presentations by experts, and on-line courses. The programs will, where necessary, include trauma-informed training to prevent process administrators from traumatizing participants in the investigation process and to enable them to understand the impact of trauma on victims and survivors.

Training is also provided to all responsible employees regarding their reporting obligations under Title IX, including their obligation to report incidents of sexual misconduct, relationship violence and stalking to the Title IX Coordinator and how to handle requests for confidentiality. This training will be provided through in-person information sessions that will be made available to all employees.

APPENDIX D

Information about Sexual Assault, Domestic Violence, Dating Violence and Stalking in the State of Maryland

As required by the Violence Against Women Act, Goucher's educational programs provide information about the definitions of various crimes within the State of Maryland. The information provided in such educational programs is as follows:

What is the definition of sexual assault in Maryland?

Sexual assault includes:

1. "Rape" (vaginal intercourse with another by force, or the threat of force, without the consent of the other; and, as of October 1, 2017, oral or anal sex; and penetration with an object or any body part); and
2. "Sexual offenses," which include offenses that involve sexual contact, such as fondling.

Charges can be based on a number of legal factors including age of victim (statutory rape), use of force or threat of force, lack of consent, and incapacitation of victim (including from intoxication). <https://www.mcasa.org/assets/files/Table-Two-Final-2011.pdf> [note that Maryland law changed in significant respects on October 1, 2017, so this page should be checked for updates – www.mcasa.org.]

Drug and Alcohol Facilitated Sexual Assault

There are additional criminal penalties for administering drugs (not including alcohol) to someone in order to commit a sexual offense (e.g. "date rape" drugs).

What is the definition of "consent" in Maryland?

Maryland does not define the term "consent" by statute but defines rape, prohibited sexual acts and other sexual offenses as violations if the victim is a "physically helpless individual" or "mentally incapacitated individual."

- "Physically helpless individual" means an individual who is unconscious; or does not consent to the sexual acts or offenses; and is physically unable to resist, or communicate unwillingness to submit to such contact.
- "Mentally incapacitated individual" is one who is incapable of appraising the nature of conduct or resisting sexual acts or offenses due to the influence of a drug, narcotic or intoxicating substance, consumed voluntarily or involuntarily, or an act committed on him/her that occurred without his/her consent or awareness.

http://www.mcasa.org/_mCasaWeb/wp-content/uploads/2011/10/Table-Three-Final-2011.pdf.

What is the definition of stalking in Maryland?

Stalking is defined as "[a] malicious course of conduct that includes approaching or

pursuing another where the person intends to place or knows or reasonably should have known the conduct would place another in reasonable fear of serious bodily injury, an assault in any degree; rape or sexual offense, attempted rape or sexual offense, false imprisonment, or death.

Maryland law also prohibits three other types of activity that are similar to stalking:

- Harassment (following or maliciously engaging in a course of conduct that alarms or seriously annoys the other with the intent to harass, alarm, or annoy the other, after receiving a reasonable warning or request to stop by or on behalf of the other, and without a legal purpose).
- Misuse of telephone facilities and equipment (use of telephone facilities or equipment to make an anonymous call that is reasonably expected to annoy, abuse, torment, harass, or embarrass another; repeated calls with the intent to annoy, abuse, torment, harass, or embarrass another; or a comment, request, suggestion, or proposal that is obscene, lewd, lascivious, filthy, or indecent).
- Misuse of electronic mail (use of electronic communication with the intent to harass, alarm, or annoy the other; after receiving a reasonable warning or request to stop by or on behalf of the other; and without a legal purpose).

What is the definition of domestic abuse or dating violence in MD?

For the purposes of obtaining a protective order (also known as a "domestic violence protective order," or "DVPO"), domestic abuse occurs when someone you have a specific relationship with (current/former spouse; cohabitant, which is someone with whom you have had a sexual relationship and lived with for at least 90 days in past year and includes same-sex partners; relative; someone you have a child in common with; an individual with whom you have had a consensual or nonconsensual sexual relationship within one year before the filing of the petition) commits one of the following offenses against you:

- Assault;
- An act that places you in fear of immediate serious bodily harm or actually causes you serious bodily harm;
- Attempted or actual rape or sexual offense;
- Stalking;
- False imprisonment, such as holding you somewhere against your will.

You may also be eligible for a protective order if you are a "vulnerable adult" (an adult who lacks the physical or mental capacity to provide for his/her daily needs).

Note: If you are NOT eligible for a protective order, but you have been the victim of abuse and need protection, you may be eligible to file for a peace order.

How do I file for a protective order or peace order?

Information about how to file for one of these orders can be found on the website of the Maryland Judiciary system -

<http://www.courts.state.md.us/courtforms/joint/ccdcdvpo001br.pdf>.

Protective orders can require the abuser to stay away from you, your place of

employment or education, leave your home, provide emergency family maintenance to you, to attend counseling and pay court costs. They can be valid for up to one year and can be renewed.

Peace Orders can provide only a stay away order and require counseling and are effective for up to 6 months, but can be renewed.

APPENDIX E 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 final decision and the appeal decision, and all supporting documentation, including investigation exhibits. Drafts of any formal documents shall not be retained.

The notes of investigators and/or recordings of interviews by the investigators, and the notes of decision and appeals panel members 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 or panel member 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 decision 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.