

Sexual Misconduct Policy

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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 will not be tolerated. Such behavior seriously undermines the achievement of Goucher's mission and its effectiveness as an educational institution and 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 misconduct. 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 respect, inclusion, communication, service and social justice, and responsibility.

The purpose of this policy is to promote an environment free of sexual misconduct 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. **Complainant** means an individual who is alleged to be the victim of conduct that could constitute a violation of this policy.
- B. **Employee** means any person, whether or not also incidentally a student, who is currently employed by the college, but does not include independent contractors. The term employee will also include:
 - 1. Applicants for employment
 - 2. Employees currently on paid or unpaid leave, whether administrative leave, sabbatical, or other type of approved leave
- C. **Reporter** means a person who reports a potential policy violation to the Title IX Coordinator, and can be a person other than the Complainant.
- D. **Respondent** means an individual who has been reported to be the perpetrator of conduct that could constitute a violation of this policy.
- E. **Sexual misconduct** means Prohibited Conduct that is defined in Section IX of this policy.
- F. **Student** means any individual who has applied for admission, 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 application, 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 sexual misconduct committed by a member of the college community. College community members include students, trustees, alumni, faculty, administration, staff, visitors, volunteers, independent contractors, and any individuals regularly or temporarily employed, studying, living, visiting, conducting business, or having any official capacity at the college.

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, including the use of technology off-campus, that violates this policy if such conduct may have 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 in 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 Alumnae/i House):

TitleIXCoordinator@goucher.edu

410-337-6570

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

Goucher College is subject to the provisions of Public Law No. 92-318, Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681 et seq., 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. Section 304 of the Violence Against Women Reauthorization Act of 2013 prohibits sexual assault, dating violence, domestic violence, and stalking. 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. EDUCATION

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

[This policy](#) is located online, and described in other informational brochures as appropriate. Such materials are available in the offices of the Dean of Students, Provost, Residential Life, Campus Safety, and Human Resources, and the Student Health and Counseling centers.

Educational programs on sexual misconduct and this policy will be provided for all new students, including transfer, graduate, post-baccalaureate, continuing education, and certificate program 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.

VI. 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.

VII. PRIVACY AND CONFIDENTIALITY

A. 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.

B. Confidentiality

Often a person reporting or otherwise concerned about sexual misconduct 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 centers, 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. 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.

C. 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 of which they become aware, including identifying information about the parties involved. See the 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 may also choose to use Goucher’s Employee Assistance Program (EAP), provided by BHS. Discussions with EAP personnel are confidential and are not reported to the college. Eligible employees can contact the EAP at 1-800-327-2251.

VIII. 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. Examples of force or a threat of harm include using physical force or a threat, express or implied, that would place a reasonable person in the Complainant's situation in fear of physical harm to themselves or another person.

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:

1. Threatening to "out" someone based on sexual orientation, gender identity, or gender expression if the person does not engage in sexual activity
2. Threatening to harm oneself if the other party does not engage in the sexual activity
3. 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 their 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 a reasonable person would determine to be 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:

1. Slurred speech
2. Unsteady gait or stumbling
3. Vomiting
4. Unfocused or bloodshot eyes
5. Outrageous or unusual behavior
6. Expressed memory loss
7. Disorientation
8. Unresponsiveness

Consumption of drugs or alcohol by the Respondent does not relieve a party of responsibility to obtain ongoing consent.

IX. PROHIBITED CONDUCT

Prohibited Conduct includes the following:

A. Sex Offenses

Non-consensual physical contact of a sexual nature, including attempted sex offenses. This includes any acts using force or coercion, or using advantage gained by the reporting party's inability (whether temporary or permanent) to make rational, reasonable decisions about sex, of which the responding party was aware or should have been aware. Sex Offenses include:

1. Sex Offenses, Nonforcible:
 - i. Incest—Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - ii. Statutory Rape—Nonforcible sexual intercourse with a person who is under the statutory age of consent.
2. Sex Offenses, Forcible: Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their temporary or permanent mental or physical incapacity.
 - i. Sexual Penetration—any penetration, however slight, with any object or body part, as follows: (a) penetration of the vagina by a penis, object, tongue, or finger; (b) anal penetration by a penis, object, tongue, or finger; and (c) any contact, no matter how slight, between the mouth of one person and the genitalia of another person.
 - ii. Forcible Fondling—The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will or not forcibly or against the person's will, in instances where the victim is incapable of giving consent because of their youth or because of their temporary or permanent mental or physical incapacity.

B. Relationship Violence

1. **Domestic Violence** is a felony or misdemeanor crime of violence committed:
 - i. by a current or former spouse or intimate partner of the victim;
 - ii. by a person with whom the victim shares a child in common;
 - iii. by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
 - iv. by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
 - v. by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

2. **Dating Violence:** violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

For the purposes of this definition, dating violence:

- i. includes, but is not limited to, sexual or physical abuse or the threat of such abuse; and
- ii. does not include acts covered under the definition of domestic violence.

C. Stalking

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

1. fear for the person's safety or the safety of others; or
2. suffer substantial emotional distress.

For the purpose of this definition:

1. Course of conduct means two or more acts, including but not limited to acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about, a person or interferes with a person's property.
2. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
3. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

D. 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.

E. Attempting to Commit Prohibited Conduct

A person attempts to commit Prohibited Conduct if, with the intent to commit such conduct, that person engages in conduct directly tending toward completion of the Prohibited Conduct.

F. 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:

1. 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;
2. submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual; or
3. 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 appropriate grades, a promotion, or an 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, program 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 reporting party's employment, academic standing, or participation in an educational program or activity, and must create an objectively 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, so that they are not repeated.

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

1. insults of a sexual nature, including lewd, obscene, or sexually suggestive displays, remarks, or conduct;
2. indecent exposure;
3. unwanted patting, pinching, hugging, or other touching (this may also constitute "fondling");
4. sexist remarks and sexist behavior;
5. unwelcome flirtation, advances, inappropriate social invitations, or unwanted requests for sexual favors;

6. unwanted discussions of sexual matters; and
7. 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.

G. Violation of Verbal Consent Requirement

As noted in Section VIII 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. Violation of this requirement while engaging in otherwise consensual activity is a violation of this policy and such conduct will be subject to appropriate sanctions.

H. Prohibited or Inappropriate Intimate and Sexual Relationships

1. General

- i. 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

- i. 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.
- ii. 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 themselves from the position of power or authority.

3. Relationships between Faculty and Staff

- i. 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.

- ii. 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.
- iii. 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 themselves 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.
- iv. 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 procedures referenced in this policy.

I. Sexual Exploitation

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

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

1. non-consensual photographs, video, or audio recording of sexual activity by any electronic device;
2. non-consensual posting or sharing of a consensually made photograph, video, or audio recording of sexual activity;
3. going beyond the boundaries of the consent given, such as by secretly allowing others to watch consensual sex;
4. disrobing another person or exposing oneself without consent;
5. voyeurism, cyberstalking, bullying, or intimidation of a sexual nature;
6. causing another person to become incapacitated by drugs or alcohol with the intent of making that person vulnerable to nonconsensual sexual assault or sexual exploitation; and
7. exposing another person to a sexually transmitted infection without the knowledge and consent of the person exposed.

J. Retaliation

Retaliation occurs when the college or other person intimidates, threatens, coerces, or discriminates against any individual for the purpose of interfering with any right or privilege secured by Title IX or this policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing relating to a title IX complaint.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this part does not constitute retaliation prohibited under paragraph (J) of this section, provided, however, that a determination regarding responsibility alone is not sufficient to conclude that any party made a materially false statement in bad faith.

K. Violating a Supportive Measure

A person violates a supportive measure if the measure is an order by a college official and the person to whom the order applies knowingly violates any of the conditions of the order. One common example of an order by a college official is a “no-contact” order.

X. APPLICABILITY OF COMPLAINT PROCEDURES

A. Jurisdiction

The United States Department of Education’s Title IX Regulations, published on May 19, 2020, 85 FR 30026, mandate that the college use certain procedures in a narrow category of sexual misconduct cases. Reports of Prohibited Conduct under this policy meeting the definitions and jurisdictional requirements of the regulations will follow those procedures—*Procedures for the Resolution of Reports Alleging Sexual Misconduct Conduct Falling Within the Scope of Title IX* (“Title IX Procedures”). The Title IX Procedures describe the nature of complaints that will be considered under those procedures.

Complaints that fall outside of the jurisdiction of the Title IX Procedures will be addressed as follows:

1. All complaints that meet the definition of Prohibited Conduct under the Sexual Misconduct Policy but do not meet the jurisdictional requirements of the Title IX Procedures will be addressed through the *Procedures for the Resolution of Reports Alleging Sexual Misconduct Outside the Scope of Title IX* (“Non-Title IX Procedures”).
2. Complaints that do not meet the definition of Prohibited Conduct under the Sexual Misconduct Policy will be adjudicated through the Student Code of Conduct process (for student Respondents), [Student Grievance Procedure](#), or an employee or faculty discipline process (for employee and faculty Respondents).

This does not mean that any case is more or less important than another case, but instead a reflection of that fact that federal regulations apply only to a specifically identified set of cases.

B. Making a Report Vs. Filing a Complaint

A report is defined as a 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 supportive measures, no further action,

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 reporting party 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, initiated by either the reporting party 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 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.

C. Initial Assessment

Upon receipt of a report from any person of alleged Prohibited Conduct by any person, the Title IX Coordinator will make an initial assessment of the reported information to (1) determine proper jurisdiction and complaint procedures; and (2) respond to any immediate health or safety concerns raised by the report.

The complaint procedures referenced in this policy may be utilized by any Goucher employee or student who believes they have been the victim of sexual misconduct as defined in this policy, if such conduct is committed by a Goucher employee or student. 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 together with allegations 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.

Except as noted below, the following provisions apply to the resolution of complaints under both Title IX and non-Title IX procedures.

XI. 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 has the purpose or effect of harming or embarrassing another individual. Such sharing of information may constitute retaliation, which may result in separate charges under this policy or the Student Code of Conduct.

XII. AMNESTY FOR DRUG OR ALCOHOL USE

Goucher College encourages reporting of incidents of sexual misconduct. The college recognizes that a student who has been using drugs or consuming alcohol 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 their own behavior. A student involved in informal or formal complaint procedures under this policy, either as reporting party, responding party, 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.

XIII. CONSULTANTS, ADVISORS, AND LEGAL COUNSEL

- A. **Confidential Consultants:** individuals who are concerned about a possible incident of Prohibited Conduct but are unsure of their options and whether or not to report the incident may consult section VIII of this policy for information about persons to whom they can speak in confidence. [Appendix A](#) also has information regarding sources of support on- and off-campus.
- B. **Advisors:** 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 individual may be from inside or outside the Goucher community. Parties may choose an attorney as an advisor. Except as may be provided in the Title IX Procedures, 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.

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. Parties who wish to retain an attorney should be aware that the college does not recommend particular attorneys. Parties may wish to use the referral services of the Baltimore County Bar Association Lawyer Referral and Information Service.

C. **Attorneys Paid for by the Maryland Higher Education Commission:** Maryland state law requires that the Maryland Higher Education Commission (MHEC) develop a list of attorneys and legal services programs willing to represent student reporting parties or responding parties in formal Title IX proceedings on a pro bono basis or for fees equivalent to those paid to attorneys under civil legal services programs administered by the Maryland Legal Services Corporation.

A reporting or responding party may obtain from the Commission, through its website, a list of licensed attorneys who have indicated that they will represent reporting or responding parties in Title IX proceedings on a pro bono basis or for reduced legal fees. In addition, the party may retain an attorney of their choice, and, through the reporting or responding party's attorney, may seek payment for the attorney of certain legal costs and fees from the Commission's Legal Representation Fund for Title IX Proceedings, subject to the availability of funding.

Note: This service is available only to current or former students who make or respond to a complaint about which a formal Title IX investigation is initiated and who were enrolled as a student at the college at the time of the incident. Goucher does not administer this process but will provide available information to students who wish to use this service. Students are free to waive this service and retain a private attorney at their own expense.

MHEC does not provide attorneys or reimburse attorneys' fees for representation in a criminal or civil matter.

XIV. 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.

XV. GOUCHER'S OBLIGATION TO ADDRESS ALLEGATIONS

There may be situations or circumstances when a student or employee is subjected to sexual misconduct 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 reporting party'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 reporting party or other members of the community. This may include, but is not limited to, the college bringing a complaint under the Title IX Procedures, or serving as Complainant under the Non-Title IX Procedures, 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.

There may also be cases in which an individual who is not a member of the Goucher community (i.e., is not a student or employee) makes a report that a Goucher community member has engaged in conduct that would violate this policy if directed toward a community member; e.g., an on-campus vendor of the college may report that a current student or employee has engaged in sexual harassment of the vendor's employee. In such cases, the college 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 reporting party or members of the community. This may include, but is not limited to, the college taking appropriate action, including disciplinary action, based on a formal or informal investigation of the complaint. Any such action will be documented and such documentation will be maintained by the Title IX Coordinator.

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.

XVI. NON-INVESTIGATORY MEASURES AVAILABLE UNDER THE TITLE IX AND NON-TITLE IX PROCEDURES

A. Supportive Measures

Complainants (as defined above) who report allegations that could constitute covered sexual misconduct under this policy have the right to receive supportive measures from the college regardless of whether they desire to file a complaint. Supportive measures are non-disciplinary and non-punitive and may not unreasonably burden the Respondent in the absence of a finding of responsibility for conduct prohibited by this policy. The Title IX Coordinator is responsible for the issuance of supportive measures. Any supportive measures put in place will be kept confidential, except to extent that doing so impairs ability of the college to provide the supportive measures. For example, in order to effectuate a housing change, Residential Life staff may be informed of the need to assist with a housing change as directed by the Title IX Coordinator, but will not be provided with any of the details of any complaint.

Supportive measures include, but are not limited to:

1. Counseling
2. Extensions of deadlines or other course-related adjustments
3. Modifications of work or class schedules
4. Campus escort services
5. Restrictions on contact between the parties (no contact orders)

6. Changes in work or housing locations
7. Leaves of absence
8. Increased security and monitoring of certain areas of the campus

The college will document the supportive measures that are provided, as well as those that were requested but not provided, and must also document the reasons why the supportive measures were or were not provided. In the latter case, the college will document the reasons why the denial of a requested supportive measure was not clearly unreasonable in light of known circumstances.

B. Emergency Removal Provisions

If the college determines that the conduct of a student Respondent, as alleged, poses an immediate threat to the physical health or safety of any student or other individual, the college may instruct that the Respondent be suspended, on an interim basis, from the college, or from specific programs or activities, or be removed from residence halls. Any such assessment will be made on a case-by-case basis by the Associate Dean of Students, based on an individualized safety and risk analysis, in consultation with the Office of Campus Safety. The decision to do so will be provided to Respondent in writing. The decision to remove a Respondent on an emergency basis shall not be considered as evidence that any determination has been made regarding potential responsibility. Respondent shall have an opportunity to challenge the decision immediately following the removal as follows:

The Respondent may petition the Vice President and Dean of Students (DOS) in writing to review the Associate Dean of Student's decision to impose an emergency removal. Respondent may seek review by submitting a letter explaining the reason for their request for review and including any written evidence in support of such request. The materials should be submitted to the Title IX Coordinator, who will forward all materials to the DOS. If the DOS determines that the Title IX Coordinator's decision should be set aside, the DOS will instruct the Title IX Coordinator to vacate the prior decision. At that time, the Title IX Coordinator may impose alternate reasonable and appropriate emergency restrictions or supportive measures. The DOS may, but is not required to, provide the Title IX Coordinator with guidance regarding appropriate alternate emergency restrictions or supportive measures. The DOS will provide a written decision to the parties and the Title IX Coordinator. The decision of the DOS is final; there is no further right to appeal.

C. Administrative Leave Provisions

The college may place a non-student employee on administrative leave, with or without pay, during the pendency of a grievance if it is determined that the employee poses an immediate threat to the physical health or safety of any individual arising from the allegations of the report or complaint. The Associate Vice President of Human Resources or the Provost will consult with Director of Campus Safety to determine whether such leave is advisable and the Associate Vice President or Provost shall make the final decision. Appeals of these decisions shall be handled in the same manner as appeals of sanctions under the Title IX and non-Title IX Procedures.

XVII. COMPLAINTS AGAINST PERSONS OUTSIDE THE GOUCHER COLLEGE COMMUNITY

Faculty, staff, and students who have experienced policy violations committed by members outside of the Goucher College community may be entitled to supportive measures 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 reporting party's permission, to the responding party's institution for adjudication.
- B. Complaints against employees of entities that do business with Goucher should be reported to the Title IX Coordinator, who, in coordination with the campus liaison for the vendor, will investigate the complaint and take appropriate action.
- C. Complaints against individuals at internship sites should be reported to the Title IX Coordinator, who in consultation with the Director of Career Development or the Assistant Director of Internships will investigate the complaint and take appropriate action.
- D. Complaints against individuals at international study sites should be reported to the Title IX Coordinator, who in consultation with the Director of Global Education, will investigate the complaint and take appropriate action.
- E. Complaints by and against alumnae/i should be reported to the Title IX Coordinator, who in consultation with the Director of Alumnae/i Affairs will investigate the complaint and take appropriate action.

XVIII. COMPLAINTS AGAINST CERTAIN ADMINISTRATORS

If the president, or any member of the president's senior staff (including a vice president, associate vice president, 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 referenced in 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.

XIX. MISUSE OF POLICY

The purpose of this policy is to promote and maintain an environment at Goucher College that is free from sexual misconduct. Any member of the college community who believes that 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 90 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.

XX. 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://dpscs.md.gov/onlineservs/socem/default.shtml>. In addition, the Baltimore County Police Department provides Goucher's Office of Campus 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.

XXI. EFFECTIVE DATE

The effective date of this policy is August 14, 2020, and it supersedes any and all previous Title IX policies that may have been in effect previously in any written or electronic format.

Appendix A

RESOURCES AND REPORTING OPTIONS

A. 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:

1. Seek support. Call a friend, family member, or have someone else nearby contact a campus consultant or outside source of support, as described below.
2. Report the assault to Campus Safety, at 410-337-6111 or 6112. Campus 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.
3. If you feel unsafe, lock the door if possible and call Campus Safety at 410-337-6111 or 6112. Wait for your support person or a Campus Safety officer to arrive.
4. If the alleged perpetrator was unknown to you, try to remember any helpful details that may lead to their 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.
5. At this moment, or later, you will need to decide whether to pursue legal remedy. To support legal remedies, do the following:
 - i. Do not disturb the area, room, or vehicle where the assault was committed.
 - ii. Do not bathe, shower, douche, brush your teeth, or eat or drink.
 - iii. Please see below about forensic examinations and preservation of physical evidence.

B. Campus Sources of Support

On-campus: 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. Be aware that RAs and faculty members are required to disclose information concerning the incident.

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 centers (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.

- | | |
|--|--------------|
| 1. Lauren Greenberg, LGPC, mental health counselor | 410-337-3023 |
| 2. Tim Moslener, LCPC, mental health counselor | 410-337-6379 |
| 3. Monica Neel, Psy.D., psychologist | 410-337-6562 |

- | | |
|------------------------------------|--------------|
| 4. Josh Snyder, Hillel rabbi | 410-337-6545 |
| 5. Cynthia Terry, college chaplain | 410-337-6048 |

C. Off-campus Sources of Support

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:

1. TurnAround (sexual assault/domestic violence crisis program)
 - i. Sexual assault hotline - 443-279-0379
 - ii. Baltimore County office - 410-377-8111
 - iii. Baltimore City office - 410-837-7000
2. Baltimore County Domestic Violence hotline - 410-828-6390
3. House of Ruth (domestic violence services and shelter) hotline and victim advocate program - 410-889-7884
4. Domestic Violence Legal Clinic - 410-554-8463
5. Maryland Coalition Against Sexual Assault Inc.

Referral source but not direct service provider - 301-328-7023
6. Rape, Abuse & Incest National Network

Hotline - 800-656-HOPE
7. Sexual Assault Legal Institute (assistance with legal issues related to sexual violence)
 - i. Office - 301-565-2277
 - ii. Toll free - 877-496-SALI
8. bhs ([Employee Assistance Program](#) provider for Goucher employees only)

1-800-327-2251
9. Women's Law Center of Maryland Inc. (information about protective orders, immigration services and other legal matters)

410-321-8761, www.wlcmd.org.
10. Baltimore County Bar Association Lawyer Referral and Information Service (including attorneys who can assist with visa and immigration issues)

410-337-9100, 100 County Courts Building, 401 Bosley Avenue, Towson, MD 21204
11. Attorneys paid for by the Maryland Higher Education Commission

Maryland state law requires that the Maryland Higher Education Commission (MHEC) develop a list of attorneys and legal services programs willing to represent student reporting parties or responding parties in formal Title IX proceedings on a pro bono basis or for fees equivalent to

those paid to attorneys under civil legal services programs administered by the Maryland Legal Services Corporation. A reporting or responding party may:

- i. obtain from the Commission, through its website, a list of licensed attorneys who have indicated that they will represent reporting or responding parties in Title IX proceedings on a pro bono basis or for reduced legal fees; and
- ii. through the reporting or responding party's attorney, seek payment for the attorney of certain legal costs and fees from the Commission's Legal Representation Fund for Title IX Proceedings, subject to the availability of funding.

Note: This service is available only to current or former students who make or respond to a complaint about which a formal Title IX investigation is initiated and who were enrolled as a student at the college at the time of the incident. Goucher does not administer this process but will provide available information to students who wish to use this service.

MHEC does not provide attorneys or reimburse attorneys' fees for representation in a criminal or civil matter.

Students are free to waive this service and retain a private attorney at their own expense.

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.

D. 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 Counseling Center, and at TurnAround in Towson, the local sexual assault/domestic violence crisis program for this area.

1. On-campus: Students may receive confidential counseling during work hours, free of charge, from Goucher's counselors by contacting the Student Counseling Center:
 - i. Appointments may be made by calling 410-337-6481 from 9 a.m. to 5 p.m. Monday through Friday.
 - ii. Emergency walk-in counseling is available at 1 p.m. every weekday without an appointment.
 - iii. After hours and on Saturday and Sunday, consultation for students is available by calling Campus Safety at 410-337-6111 or 6112. You will be referred immediately to on-call staff for support and assistance.
2. Off-campus: You may contact Baltimore County's domestic violence hotline or TurnAround in Towson for counseling. Fees are charged on a sliding scale.
 - i. Baltimore County 24-hour domestic violence hotline at 410-828-6390
 - ii. 24-hour sexual assault hotline at 443-279-0379
 - iii. Daytime general information at 410-377-8111 or 410-837-7000

E. Medical Attention

Even if you think 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 Center (410-337-6050) for injuries, testing for sexually transmitted infections, emergency contraception, and counseling. Please note that the Student Health Center does not collect evidence or perform forensic medical exams. The Student Health Center and the Student Counseling Center provide medical care and counseling, respectively, for all survivors of sexual assault, regardless of gender. You may prefer to be taken to a local hospital for medical attention:

1. To be examined for injuries
2. To have evidence collected
3. To receive immediate counseling and referral service
4. To receive emergency contraception
5. To be tested and treated for STIs

If you desire transportation to the hospital, please contact Campus 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.

F. 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 Campus Safety).

If you suspect that you have been the victim of a drug-facilitated sexual assault please proceed immediately to the Office Of Campus Safety, where you will be provided with information on collecting your first urine since the incident. This is the recommended procedure for those who will be immediately proceeding to GBMC for the full SAFE.

G. 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:

1. Assault
2. An act that places you in fear of immediate serious bodily harm or actually causes you serious bodily harm
3. Attempted or actual rape or sexual offense
4. Stalking
5. 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 their 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 six months but can be renewed.

Appendix B

SANCTIONS FOR POLICY VIOLATIONS

A. Faculty

For faculty violations, sanctions may include a referral to the Provost for determination of employment status-related issues. This referral may result in imposition of 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 or salary decrease, suspension with or without pay, or dismissal.

B. Staff

For violations by employees other than faculty members, sanctions may include a referral to the Associate Vice President for Human Resources, in consultation with a supervisor, for determination of employment status-related issues. This referral may result in imposition of 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 or a salary decrease, suspension with or without pay, final written warning, or termination.

C. Students

For student violations, sanctions may include a referral to the Associate Dean of Students for determination of student status-related issues. This referral may result in the imposition of 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 upon referral for determination of student status related issues.

In determining sanction, the sanctions panel or decisionmaker should consider:

1. the responding party's prior disciplinary history;
2. the nature and violence of the conduct at issue;
3. the impact of the conduct on the reporting party;
4. the impact of the conduct on the community, its members, or its property;
5. whether the responding party 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 Sexual Misconduct Policy 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:

1. a statement that the institution prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking;
2. the definition of “dating violence,” “domestic violence,” “sexual assault,” and “stalking” in the state of Maryland [see [Appendix D](#)];
3. the definition of “consent,” in reference to sexual activity, in the state of Maryland [see [Appendix D](#)];
4. a description of safe and positive options for bystander intervention;
5. information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks; and
6. 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 reporting parties and responding parties under the policy, including resources that are available to them.

A. Primary Prevention and Awareness Programs

1. **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.
2. **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.
3. At Goucher, these programs include the following:
Mandatory online training. Goucher’s primary prevention and awareness programs include a mandatory online educational program that all staff, faculty, and undergraduate students must take. Employees of the college typically 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.

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, and available on- and off-campus resources.

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 Sexual Misconduct Policy 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 campus 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 online courses.

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:

A. 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://mcasa.org/law-public-policy/maryland-law-regulations> [This page should be checked for updates—www.mcasa.org.]

B. 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).

C. 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.”

1. “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.
2. “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 them that occurred without their consent or awareness.

D. 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:

1. 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).
2. 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).
3. 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).

E. What is the Definition of Domestic Abuse or Dating Violence in Maryland?

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:

1. Assault
2. An act that places you in fear of immediate serious bodily harm or actually causes you serious bodily harm
3. Attempted or actual rape or sexual offense
4. Stalking
5. 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 their 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.

F. 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/ccdcvpo001br.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 six 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, recordings of interviews and hearings, sanction decisions, the appeal decisions, and all supporting documentation, including investigation exhibits. Drafts of any formal documents shall not be retained.

The private notes of investigators, and 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 such individuals only as a personal memory aid in preparing the investigation report and decisions; are not to be made accessible or revealed to any other person; and shall be maintained by the investigator, hearing officer 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.

1. Faculty: The final decision will be kept on file in the Office of the Provost in the faculty member's file.
2. Staff: The final decision will be kept on file in the Office of Human Resources with the personnel file of the employee.
3. 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 responding party is found not to have violated the policy, a copy of the decision will be retained in the office of the Title IX Coordinator for seven years.