



GOSHEN  COLLEGE

SEXUAL ASSAULT & MISCONDUCT

RESOURCE GUIDE



INTRODUCTION

Goshen College is committed to protecting the welfare and safety of all community members. Toward this commitment, GC strives to provide an environment free of inappropriate treatment of individuals because of sex, sexual orientation, documentation status, race, ethnicity, and gender identity.

If you or anyone you know experiences sexual assault or any gender-based violence, get help immediately; there are on and off-campus resources designed to help you, and you may take a friend/advocate with you to use any of these resources.

ABOUT THESE RESOURCES

These resources, guidelines, and policies apply to students, teaching and administrative faculty, staff and all others, including visitors, alumni, vendors, guests, prospective students, and members of the public.

Goshen College has developed these resources with a commitment to our core values, as well as the requirements of Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964, the Violence Against Women Reauthorization Act of 2013, the Campus Sexual Violence Elimination Act (Campus SaVE), and the Indiana Civil Rights Law.



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IMMEDIATE RESPONSE

If you have experienced a sexual assault, dating violence, domestic violence, or stalking, please consider the following:

- 1 Your safety is important.** Find a place where you are safe from further harm.
 - If you are in immediate danger, please contact:
 - **Goshen City Police Department:** 911. The Goshen City Police Department will respond by sending an officer to the location you tell them. The officer will ask you questions and collect information about the assault. They can also help you go to a safe place or to the emergency room.
 - **On-Call Resident Director (574.535.6273):** 24-hour availability to help you connect to immediate resources. Non-identifying mandatory reporter.
 - **Campus Security (574.535.7599):** 24-hour availability to support your immediate safety.
 - Once you are in a safe place, please remember that
 - **It is not your fault.**
 - **You have choices regarding what steps to take.**
 - **You can take whatever steps you need.**
 - **There are people who care about you and are available to help you, 24 hours a day.**
- 2 Whatever steps you take, consider reaching out to someone you trust.** A friend, family member, or other trusted individual may be able to help you find resources and advocate for you.
- 3 Consider seeking medical attention:**
 - One option is to go directly to **Indiana University (IU) Health Goshen Hospital Emergency Room at 200 High Park Avenue.** You can ask an On-Call Resident Director, Campus Security, or a trusted friend to go with you.
 - Another option is to call the **IU Health Goshen Hospital Nurse on Call (574.364.2600 or 877.846.4447).**
 - You could contact **Goshen Family Physicians (574.534.8200 between 8:30 am to 4:30 pm; 574.534.0050 after hours for the on-call physician).**

- At the hospital, a nurse or physician will help you consider options such as a medical exam to collect evidence.
 - It is important to know that the medical exam will be invasive, so consider taking an advocate if you feel comfortable.
 - If you are considering having a medical exam, please do not bathe, shower, or change clothing.
 - Police involvement is optional even if you have a medical exam; you can still have evidence collected and saved at the emergency room, even if you do not want an investigation.

4 Consider reporting:

If you want to report:

- **Preserve evidence:** Don't bathe or brush your teeth; if you have changed your clothing, preserve it in a paper bag; if the assault took place in your home, do not rearrange or clean up anything.
- **Write down the details** about the assault and perpetrator as soon as you feel comfortable.
- Learn how to report an incident.

As you consider the next steps, please know that there are people trained and ready to support you. Consider contacting these non-emergency resources for sexual assault or any form of sexual misconduct.

If you have experienced gender-based violence or are a survivor of sexual assault, you have the following **specific rights** under the law and the policies of Goshen College:

- to have a friend or advocate with you for any and all stages of gaining assistance and/or formal reporting of the crime;
- to notify proper law enforcement authorities, including on-campus and local police;
- to seek an order of protection, no contact order, restraining order, or similar lawful order issued by a criminal or civil court or enforce an order already in existence; Goshen College will make available to you a victims' rights advocate to assist in reporting an incident and in locating and utilizing Elkhart County Victim Assistance Services;
- to an explanation of Goshen College's process to file a report with the Sexual Misconduct Response Team;
- to know options available to you as appropriate for safety planning (including a change in housing, class schedule, employment, or travel). We will also connect you with

individuals at Goshen College and in the local community who can assist in safety planning;

- to available resources, including medical care, counseling or other mental health services, and spiritual guidance and support; and,
- to have your confidentiality protected. Publicly available record keeping will be done without the inclusion of your identifying information, to the extent permissible by law. These conversations will be held in strict confidence

TITLE IX

Goshen College Title IX Commitment February 2016

Goshen College faculty, staff and students are called upon to uphold our Commitment to Community Standards that reflect our character as a MennoniteAnabaptist liberal arts community of scholarship, teaching, learning and service. Within this framework, we stand with survivors of sexual violence on this campus, those suffering in silence and all who are working to address this important issue in our society. Sexual assault and other gender-based violence are far too common on all college campuses, and Goshen College is not and has not been immune to this destructive reality. We recognize and are sorry for any shortcomings in our structures and processes that have not supported survivors of sexual assault sufficiently. Along with members of our community, we are revisiting and improving our processes, structures, and procedures currently in place at Goshen College to support survivors in the healing process and proactively combat sexual violence on our campus. Goshen College remains deeply committed to addressing these issues.

The Title IX Committee is actively collaborating with members of FIRSST to enhance existing practices and provide additional resources within our community. We affirm the members of FIRSST for their commitment, passion and organization in striving to make this campus a safer place for all, and in particular for survivors of sexual violence. Collaboration with students to find solutions in a constructive, supportive and timely manner is important. An open dialogue between FIRSST and the Title IX Committee was initiated at the beginning of the Spring 2016 semester and has begun to produce results in addressing challenges facing Goshen College.

Towards that end, we commit to:

- providing options for free specialized counseling services through the local YWCA (including transportation) for survivors of sexual assault;
- improving resources, access, and information on the college's website related to sex, sexual orientation and sexual assault/harassment;
- a campus Title IX audit;

- further Title IX training on campus for employees and students;
- continuing to incorporate the Bystander Intervention Training on campus for students in the general education curriculum;
- continuing implementation of long term strategies including support for the Faculty Advocate position beyond the 201617 academic year;
- continuing to review and improve the policies and procedures of the Sexual Misconduct Response Team as needed, as well as providing team members with ongoing investigative training;
- and ongoing collaboration through regular meetings with members of FIRIRST to determine the best path forward in appropriately addressing other needs and requests.

We hold the safety, security and wellbeing of our campus members at the pinnacle of our duties and seek to advance collaborations focused on constructive means of enhancing our Title IX compliance practices in life together on campus.

– Goshen College Title IX Committee: Ken Newbold, provost; Launa Rohrer, dean of students; Norm Bakhit, senior director of human resources; and Josh Gleason, athletic director

REPORTING AN INCIDENT

If you would like to explore your options for formal action, you can consider a variety of options. You may report to:

- Medical professionals: One option is to go directly to **Indiana University (IU) Health Goshen Hospital Emergency Room at 200 High Park Avenue**. You can ask an On-Call Resident Director, Campus Security, or a trusted friend to go with you.
- A trained advocate at Victim Assistance Services for the Elkhart County Prosecuting Attorney's office (574.523.2237). Jackie Lakey can help you access resources and options for reporting. 301 S. Main Street, Suite 100, Elkhart IN 46516.
- The **Goshen City Police Department**: 911. The Goshen City Police Department will respond by sending an officer to the location you tell them. The officer will ask you questions and collect information about the assault. They can also help you go to a safe place or to the emergency room.
- A Resident Director. The **On-Call Resident Director** (574.535.6273) is available 24-hours a day to help you connect to immediate resources. Non-identifying mandatory reporter.
- **Campus Security** (574.535.7599): 24-hour availability to support your immediate safety.
- Report the incident to Student Services at 574-535-7543 or email Student Service Department (studentservices@goshen.edu) during the day.
- Any member of the **Sexual Misconduct Response Team** (below) can inform you of reporting options and steps for processing an incident on campus.

Reporting to the Sexual Misconduct Response Team

Reports of sexual assault and misconduct on campus begin with a report to a member of the **Sexual Misconduct Response Team (SMRT)**, a Goshen College organization that collects evidence and provides a finding of situations of sexual misconduct. Members of the Sexual Misconduct Response Team have been trained through the Association of Title IX Administrators (ATIXA).

- The SMRT's role is to receive reports of sexual misconduct, determine whether or not the report is substantiated, and issue consequences and/or disciplinary action.
- The SMRT will provide health and safety resources and provide changes to academic, living and employment arrangements during the investigation and following the finding.
- Confidentiality is maintained to the extent that it does not inhibit a thorough investigation. Your identity is known to the person you initially contact and one or two other trained investigators but otherwise remains protected throughout the investigative process.

SMRT Members

Survivors may contact the SMR members directly and individually:



Glenn Gilbert

Utilities Manager and Sustainability Coordinator



glenn@goshen.edu



Jeanne Liechty

Professor of Social Work, Director of Social Work Program



jeanneml@goshen.edu



Julie Reese

Professor of Psychology



juliecr@goshen.edu



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Curator of the Mennonite Historical Library



joeas@goshen.edu



DaVonne Kramer

Coordinator of Retention & Intercultural Student Support (Student Life)



dkramer@goshen.edu

Note: At any point in the process, survivors may contact a variety of people for support, to get advice on options, or to be directed to additional resources. This includes the faculty advocate, campus counselors, residence life staff and student services. Off-campus contacts are available as well.

Procedure and process when a complaint is submitted to the SMRT

- 1 A student contacts a member of the Sexual Misconduct Response Team.
- 2 Immediate administrative action will be taken to end the harassment, provide support and prevent the recurrence of violations. The Title IX Coordinator is notified that a report has been submitted to the Sexual Misconduct Response Team.
- 3 After the report is received by a member of the Sexual Misconduct Response Team, the report is reviewed with the complainant; the complainant signs the report to indicate confirmation of its accuracy. The Sexual Misconduct Response Team will give the complainant options of responses to the incident and ask the complainant for their preferred response. A copy of the misconduct policy as well as the complainant's rights are given to the complainant; the student is encouraged to notify the Sexual Misconduct Response Team with any additional information related to the reporter if any retaliatory behaviors are observed. The person who reports experiencing sexual misconduct/violence is identified technically as "complainant."
- 4 Following the meeting with the complainant, an investigative team is selected from among members of the Sexual Misconduct Response Team and decides on a course for the investigation: additional information from the respondent, any witnesses, or the report is received by a member and other relevant data points are outlined. The Sexual Misconduct Response Team maintains a position of impartiality.
- 5 Confidentiality is requested of all members and involved parties.
- 6 The Sexual Misconduct Response Team's investigators contact the respondent, the term used to refer to the person against whom a report of sexual misconduct/violence is made. A summary of the complainant's report is shared with the respondent. The investigative team asks the respondent a prepared list of questions. After all evidence is collected into a report, the report is reviewed with the respondent: the respondent signs the report to indicate confirmation of its accuracy. A copy of the misconduct policy and the respondent's rights are given to the respondent; the respondent is encouraged to notify the Sexual Misconduct Response Team with any additional information or if any retaliatory behaviors are observed.

- 7 After data collection, the investigative team meets with remaining members of the Sexual Misconduct Response Team to 1) review available data 2) to reach a conclusion: Substantiated, Unsubstantiated or Inconclusive using a preponderance of evidence standard, meaning that the misconduct/violence is “more likely than not” to have occurred. This standard is different than that used in criminal cases (“beyond a reasonable doubt”).
- 8 Recommendations for response are reviewed and submitted to the Dean of Students, who is the administrative designee for the Sexual Misconduct Response Team processes.
- 9 The mechanism for communicating the outcome of the investigation and the response of the Sexual Misconduct Response Team is a Memo of Understanding, one sent to the complainant and one to the respondent.
- 10 The Sexual Misconduct Response Team presents a written statement of its findings and responses to the Dean of Students, who is the administrative designee for Sexual Misconduct Response Team processes, for inclusion in formal Memos of Understanding, the mechanism for communicating the outcome of the investigation and the response of the Sexual Misconduct Response Team.
- 11 Any appeal of the findings and responses by complainant or respondent can be submitted to the Title IX Coordinator with any new information or process concerns within 72 hours of the receipt of the Memo of Understanding. Notice of submission of report to implementation of response will be no longer than 60 days.

The amount of time from the receipt of report to conclusion goal from receipt of report will vary according to an incident’s complexity. Goshen College will complete the investigation, make a determination and implement responses within a 60-day timeline as outlined by Title IX.

Responsibilities of the SMRT:

The person who reports experiencing sexual misconduct/violence is identified technically as “complainant.” The person against whom a report of sexual misconduct/violence is made is identified technically as “respondent.”

- 1 To receive all reports of sexual misconduct;
- 2 To assure that each complainant and respondent is provided information regarding appropriate health, counseling, spiritual, and other resources and to assist the complainant and respondent in accessing those resources, if requested;

- 3 To assure that each complainant receives information on how to contact campus and local law enforcement authorities, if appropriate, and to assist the complainant in contacting law enforcement authorities, if requested;
- 4 To assure that arrangements are made for appropriate changes to the academic, employment, or living circumstances of complainants and respondents during investigation of a complaint of sexual misconduct;
- 5 To investigate reports of sexual misconduct in a prompt and equitable manner and ensure that the proceedings provide a prompt and equitable solution. Goshen College will complete the investigation, make a determination and implement responses within a 60-day timeline as outlined by Title IX;
- 6 To determine whether or not a report is substantiated by a preponderance of the evidence, meaning that the misconduct or violence is “more likely than not” to have occurred. This standard is different than “beyond a reasonable doubt,” which is used in criminal cases;
- 7 To issue consequences, including disciplinary action, and to inform the complainant and respondent of those consequences;
- 8 To treat all reports as confidential to the extent consistent with conducting a thorough investigation. The identities of the complainant and/or respondent are known to the person initially contacted and one or two other trained investigators but otherwise remains protected throughout the investigative process;
- 9 To take or recommend disciplinary or other corrective action where appropriate; and
- 10 To simultaneously advise both the complainant and the respondent of the following:
 - the outcome of the investigation;
 - when Goshen College accepts an appeal of the results from the complainant or respondent;
 - any change to the result that occurs before it becomes final (if it is being appealed);
 - when the result will become final; and,
 - any disclosures of the results.

No other individual or entity may engage in an investigation of a report of sexual misconduct on behalf of Goshen College outside the jurisdiction of the Sexual Misconduct Response Team. The response team will keep confidential reports of sexual misconduct and information obtained in the investigations to the extent consistent with completing a thorough and impartial investigation.

The response team receives annual training on the issues related to domestic violence, dating violence, sexual assault and stalking and how to conduct an investigation and hearing process that protects the safety of victims and survivors and promotes individual and institutional accountability.

Goshen College will promptly and equitably address any complaints of sexual misconduct by:

- 1 advising the person reporting the sexual conduct (“the complainant”) about the importance of preserving evidence, as well as the standard for a substantiated report being a preponderance of evidence;
- 2 advising the complainant about available college and community resources, including health care services, counseling and other mental health services, and law enforcement authorities;
- 3 assisting the complainant in accessing college and community resources, including campus and local law enforcement authorities, when such assistance is requested;
- 4 making changes in living, working, employment, or academic arrangements as appropriate; and
- 5 carrying out a prompt and thorough investigation conducted by the Sexual Misconduct Response Team and supervised by Title IX coordinator. Goshen College will complete the investigation, make a determination and implement responses within a 60-day timeline as outlined by Title IX.

SUPPORT AND RESOURCES

Everyone's experience is very different, and you are the only person to determine what resources will be most helpful to you at any point in your experience. Do know that resources are available on and off campus to hear your concerns, support you as you process your experience and consider options, and direct you to the appropriate resources.

Contacting any of these resources can be a first step in thinking through a difficult situation. Accessing resources does not require reporting details of the situation or incident to the police for investigation or to Student Life for disciplinary action, although those options are always available (See ways to report an incident for formal action).

Goshen College Resources:

The Faculty Advocate, Beth Martin Birky, is available to help you consider options.

- The On-Call [Resident Director](#) is available during the week. Call (574) 535-6273 on evenings and weekend for assistance.
- [Campus Counselors](#): Set up an appointment by calling (574) 535-7543 during office hours.
- [Campus Pastor](#)
- Any member of the [Sexual Misconduct Response Team \(SMRT\)](#)



Beth Martin Birky
facultyadvocate@goshen.edu
574-535-6232

The Faculty Advocate and Resident Directors are non-identifying mandatory reporters. The Campus Counselors and Campus Pastor are non-mandatory reporters. SMRT members are identifying mandatory reporters.

Off-Campus Resources:

- YWCA Local 24 Hour Crisis Line, (574) 232-9558 or Elkhart County YWCA, (574) 830-5073.
- Free counseling services. Goshen College will provide free transportation. Call Student Services at (574) 535-7200 or email the Student Service Department (studentservices@goshen.edu) to arrange a ride.
 - Student Drivers:
 - Adrienne Schmucker: adriennems@goshen.edu
 - Alma Claire Frederick: almaf@goshen.edu
 - Erin Bergen: ejbergen@goshen.edu
 - Anya Kreider: arkreider@goshen.edu
 - Staff Drivers
 - Corie Steinke; Residence Life: csteinke@goshen.edu
 - Brian Guetig; Campus Safety: bpguetig@goshen.edu
 - DaVonne Kramer; Retention, Intercultural student support: dkramer@goshen.edu
- National Domestic Violence Hotline, 1 (800) 332-7385
- Victim Assistance Services for the Elkhart County Prosecuting Attorney's office, (574) 523-2237 has a trained advocate to help you access resources and options for response.
- Address: 301 S. Main Street, Suite 100, Elkhart IN 46516
- Website: elkhartcountyprosecutor.com

EDUCATION AND TRAINING

Goshen College has instituted programs to prevent domestic violence, dating violence, sexual assault or stalking. These educational programs may include but are not limited to:

- Two- to four-hour trainings on bystander intervention by the Prevention Intervention Network
- Campus-wide convocations including education about bystander intervention
- Class discussion on sexual violence and misconduct in Core 100: Identity, Culture and Community, and Core 104: Learning Community
- Guided discussion on campus resources at late-night residence floor meetings facilitated by Student Life representatives.
- Commuter Club meeting on reporting domestic and dating violence facilitated by Student Life representatives.
- Reminders of GC policy on prevention of domestic violence at all-employee meeting with follow-up email outlining employee resources for reporting.

In addition to the procedure provided in this document, Goshen College will take steps to prevent sexual misconduct by:

- 1 Integrating into Goshen College's curriculum, staff training, and community programming initiatives designed to promote gender equality and prevent sexual misconduct, and to promote awareness and prevention of rape, acquaintance rape, domestic violence, dating violence, sexual assault and stalking.
- 2 Conducting climate reviews to explore issues, events, and attitudes relating to gender equality and sexual misconduct at Goshen College and;
- 3 Conducting annual training of officials conducting investigations of reported sexual misconduct to ensure the protection of the victim or survivor's safety and the promotion of accountability.

POLICY

Policy on Sexual Assault and Misconduct

As explained in the Goshen College Mission Statement and the Commitment to Community Standards, Goshen College is a Christian institution in which “we begin with a vital concern for the welfare of all community members.” In line with these values, which express our commitment to a quality of campus life for every member of our community, Goshen College affirms its commitment to providing equal opportunities in education and employment.

Toward this commitment, and in recognition of the requirements of Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964, the Violence Against Women Reauthorization Act of 2013, the Campus Sexual Violence Elimination Act (Campus SaVE), and the Indiana Civil Rights Law, Goshen College strives to provide an environment free of inappropriate treatment of individuals because of sex or sexual orientation, documentation status, race, ethnicity, and gender identity. This policy applies to students, teaching and administrative faculty, staff, and all others, including visitors, alumni, vendors, guests, prospective students, and members of the public.

Outside contractors, vendors, and others who do business with the college or enter college premises are expected to comply with this policy and ensure that their agents comply with this policy; the college will take appropriate action if they fail to do so. The college, for example, may suspend or terminate a contract if the contractor fails to correct a sexual misconduct problem that responsible college employees have brought to its attention. Furthermore, the college, if it determines that a contractor has failed to take appropriate action or has shown a tolerance for any activity which in the belief of the college constitutes sexual misconduct, may bar the contractor from holding future contracts with the college.

Statement of Policy

Goshen College does not condone and will not tolerate inappropriate conduct toward any individual based on the individual’s sex, sexual orientation, national origin, race, ethnicity, documentation status or gender identity.

Such sexual misconduct includes but is not limited to unwelcome sexual advances, requests for sexual favors, and other visual, verbal, online, or physical conduct of a

sexual nature. This encompasses misconduct that does not reach the level of actionable sexual harassment, misconduct that is sufficiently severe and pervasive that it rises to the level of sexual harassment, and sexual misconduct that involves criminal penalties. Examples of sexual misconduct include a range of behaviors, such as:

- Unwelcome comments and conduct of a sexual nature or that are demeaning to people (for example, offensive or vulgar jokes, namecalling, comments about one's body or sex life, stereotyping based on a person's sex, touching, leering, ogling, patting, pinching, indecent exposure, physical gestures or displaying sexually explicit photographs or objects);
- Unwelcome demands or requests for sexual favors or social or sexual encounters;
- Suggestions that submission to or rejection of sexual conduct will affect decisions regarding such matters as employment, work assignment or status, academic standing, grades, receipt of financial aid, letters of recommendation or receipt of a Goshen College benefit or service;
- The use of submission to or rejection of sexual conduct as the basis for making, influencing or affecting decisions that have an impact upon the terms and conditions of education, employment or receipt of any other Goshen College benefit or service; and
- Nonconsensual sexual contact.

Student Rights: Goshen College Response to Reports of Sexual Misconduct

Goshen College is committed to preventing and eradicating sexual misconduct on campus. One way that Goshen College fulfills this commitment is by promptly and equitably responding to student reports of sexual misconduct.

This list provides each person who reports sexual misconduct (referred to as “complainant”) and each student about whom a report has been made (referred to as “respondent”) with guidelines for what to expect when a report of sexual misconduct has been reported to the Goshen College Sexual Misconduct Response Team.

Rights of a Student Reporting Sexual Misconduct/Violence:

If you are a student reporting sexual misconduct, Goshen College strives to provide you with the following:

- You may have another person present to support you when making a report and when participating in the investigation of your report. This other person can be anyone of your choosing, but they may not speak for you without your permission or impede Goshen College's investigation of your report.
- A member of the Sexual Misconduct Response Team (SMRT) will arrange a private meeting with you as soon as possible to receive your report. During the course of the impartial investigation of your report, your anonymity will be protected by the use of the technical term "complainant."
- You will be treated with dignity, courtesy, and professionalism.
- You have the right to use witnesses to support your report.
- Your name will not be released to the media in connection with your report.
- Your report will be promptly and equitably addressed regardless of your gender or the gender of the person about whose conduct you have reported.
- Goshen College will inform you about available resources, including medical care, counseling or other mental health services, and spiritual guidance and support. Goshen College will assist you in utilizing these resources upon your request.
- You will be informed of the option for directing your report to campus resources or local law enforcement officials. Goshen College will assist you in making such a report if you request.
- If appropriate, Goshen College will take reasonable steps to alter your living, working, or academic circumstances following a report. Accommodations may include: for an employee, modification of assignment, supervision, or location; for a student, change in residence hall, course reassignment, or rescheduling of assignments.
- You will be advised of procedures and an expected timeline for the conduct of the investigation of your complaint.

- During the investigation of your report, you may submit evidence and refer witnesses to the member of the Sexual Misconduct Response Team (SMRT) handling your complaint.
- Your report will be treated with confidentiality to the extent consistent with a thorough investigation.
- Goshen College will protect you from any retaliation for submitting your report.
- You will be informed of the outcome of the investigation of your report.

Rights of a Person Against Whom a Report of Sexual Misconduct/Violence Has Been Made:

If you are a person against whom a report of sexual misconduct has been made, Goshen College strives to provide you with the following:

- A member of the Sexual Misconduct Response Team (SMRT) will arrange a private meeting with you to discuss the facts relevant to the allegations of the report about your conduct. During the course of the impartial investigation of your report, your anonymity will be protected by the use of the technical term “respondent.”
- You will be treated with courtesy, dignity and professionalism. You will not be prejudged while the investigation is being conducted.
- Your name will not be released to the media in connection with the allegation in the report.
- If appropriate, Goshen College will take reasonable steps to alter your living, working, or academic circumstances.
- You’ll be advised of procedures and an expected timeline for the conduct of the investigation of the report.
- During the investigation of the report, you may submit evidence and refer witnesses to a member of the Sexual Misconduct Response Team (SMRT).
- You may have another person present to support you when participating in the investigation of the report. This other person can be anyone of your choosing, but they may not speak for you without your permission or impede Goshen College’s investigation of the report.

- You have the right to use witnesses in your defense.
- Goshen College will promptly and equitably address the report about your conduct without regard to your gender or the gender of the person who reported.
- Goshen College will inform you about available resources, including medical care, counseling or other mental health services, and spiritual guidance and support. Goshen College will assist you in obtaining these resources upon your request.
- You will be provided with relevant information about the outcome of the investigation of the report.

Disciplinary Actions

Sanctions for sexual misconduct may take different forms. In those situations where it is determined, following a thorough investigation, that a violation of this policy has occurred, appropriate action will be taken. Consequences may include but are not limited to the following:

- monitoring or restriction of campus access, benefits, or services
- mandatory counseling and/or training
- suspension
- separation from the college
- protective measures for the survivor

In those instances where a violation is found, documentation of the violation and the disciplinary action will be placed in the respondent's official Goshen College file.

Cases heard and decisions made by the Sexual Misconduct Response Team are shared with the Title IX Coordinator and the Dean of Students. Any decision made by the Sexual Misconduct Response Team can be appealed to the Title IX Coordinator in writing within 72 hours of communication from the Sexual Misconduct Response Team as specified by Goshen College policy. Both the complainant and respondent can appeal the decision. The appeal ruling is final.

Lack of corroborating evidence should not discourage people from reporting sexual misconduct/violence to the Sexual Misconduct Response Team. Reports found to have been intentionally dishonest may be subject to disciplinary action.

Retaliation

Threats, other forms of intimidation, and retaliation against a person filing a report of sexual misconduct/violence or any other party involved in implementing the college sexual misconduct policy are violations of the policy and may be grounds for disciplinary action. No officer, employee, agent of Goshen College, witness, third party, other students, or perpetrator may retaliate, threaten, coerce or otherwise discriminate against any individual for exercising their rights or responsibilities under this policy.

Supervisor/Supervisee and Faculty/Student Interactions

If there is a sexual or romantic relationship between a supervisor and someone they supervise or a faculty member and a student over whom they have authority, the supervisor or faculty member has the obligation to report the relationship to the administration immediately.

Goshen College discourages sexual or romantic relationships between individuals who have unequal power in educational and employment contexts at the college.

Accordingly, faculty members (and others who make or affect decisions affecting student academic, career or living circumstances) are prohibited from engaging in sexual or romantic interactions with students. Goshen College likewise discourages supervisors from engaging in such relationships with those they supervise.

This guideline is based on Goshen College's desire to protect students, to maintain equal opportunity in employment, and to preserve its professional and educational community. Because of the power differential that exists between students and faculty members (or others who make decisions regarding student conditions) and between supervisors and supervisees, even consensual romantic and/or sexual interactions between the two present a high risk of interference with the healthy Christian environment Goshen College seeks to maintain.

DEFINITIONS

Sexual violence and gender-based violence occur in many different forms. Although everyone's experience will be different, these are acts of violence that are a serious violation of person and community. Legally these are crimes.

The experiences of victims and survivors may not be limited to the following definitions. These definitions are given with the intent of providing a framework for experiences of sexual misconduct. They do not intend to define a victim's or survivor's experience; that unique experience belongs to the unique victim or survivor.

Given the nature of this type of conduct and the serious effects such conduct can have, Goshen College treats violations of this policy seriously and expects all individuals to treat violations in the same responsible manner.

Affirmative consent is verbal agreement given by individuals before and during sexual activity that must be informed, voluntary, mutual, and can be withdrawn at any time. In relationships of every level of intimacy, consent should be a process of communicating the desires and needs of each person.

Complainant is the technical term used during an investigation by the Sexual Misconduct Response Team (SMRT) to identify the person who reports experiencing sexual violence or misconduct.

Dating violence means violence by a person who has been in a romantic or intimate relationship with the survivor. Whether there was such a relationship is gauged by its length, type and frequency of interaction. It can include physical, emotional, verbal, sexual, and economic abuse and affects the victims' independence, safety, security, and well-being.

Domestic violence includes violence committed by the survivor's current or former spouse, or current or former cohabitant. Domestic violence is defined in Indiana Code as conduct that is an element of an offense under IC 35-42 (criminal offenses against the person) or a threat to commit an act described in IC 35-42 by a person against a person

who: (1) is or was a spouse of; (2) is or was living as if a spouse of; (3) has a child in common with; (4) is a minor subject to the control of; the other person regardless of whether the act or threat has been reported to a law enforcement agency or results in a criminal prosecution.

Gender-based harassment is unwelcome conduct of a nonsexual nature based on a student's actual or perceived sex, including conduct based on gender identity, gender expression, and nonconformity with gender stereotypes.

Mandatory reporter is a Goshen College employee who has the authority to take action to redress sexual violence, who has been given the duty to report to appropriate school officials about incidents of sexual violence or any other misconduct by students, or who a student could reasonably believe has this authority or responsibility. Mandatory reporters must include documentation of the facts of an incident, along with personally-identifiable information.

Non-identifying mandatory reporter is a Goshen College employee (usually a non-professional advocate) who is not required to report any information regarding an incident of alleged sexual violence. These employees will report aggregate data but are not required to report, without the student's consent, incidents of sexual violence to the school in a way that identifies the student. Includes: Faculty Advocate Beth Martin Birky(574.535.6232) and On-Call Resident Director (574.535.6273).

Non-mandatory reporter is a Goshen College employee (usually a licensed counselor or pastor or non-professional student advocate) who is not required to report any information regarding an incident of alleged sexual violence.

Preponderance of evidence is a legal term for the standard of evidence for civil cases. Each incident of misconduct or violence is "more likely than not" to have occurred. The emphasis is different than in criminal cases where the standard is "beyond a reasonable doubt."

Rape is a specific form of sexual assault that includes an act of sexual intercourse accomplished against a person who does not consent to the sexual contact or is incapable of consenting.

Respondent is the person against whom a report of sexual misconduct/violence is made.

Retaliation includes threats, other forms of intimidation, and retaliation against a person filing a report of sexual misconduct/violence or any other party involved in implementing the college sexual misconduct policy. Retaliation is a violation of Goshen College policy and may be grounds for disciplinary action. No officer, employee, agent of Goshen College, witness, third party, other students, or perpetrator may retaliate, threaten, coerce or otherwise discriminate against any individual for exercising their rights or responsibilities under this policy.

Sexual assault (or sexual battery) is actual or attempted sexual contact with another person without that person's consent. Sexual assault includes, but is not limited to touching of another person with intent to arouse or satisfy the sexual desires of oneself or someone else, when the person being touched is: (1) compelled to submit to the touching by force or the imminent threat of force; or (2) So mentally disabled or deficient that consent to the touching cannot be given.

Sexual harassment is unwelcome conduct of a sexual nature, including but not limited to unwelcome sexual advances, requests for sexual favors, or other verbal or nonverbal conduct of a sexual nature, including rape, sexual assault and sexual exploitation. In addition, depending on the facts, dating violence, domestic violence and stalking may also be forms of sexual harassment.

Sexual misconduct is an umbrella term for a range of behavior, such as:

- Unwelcome comments and conduct of a sexual nature or that are demeaning to people (for example, offensive or vulgar jokes, name-calling, comments about one's body or sex life, stereotyping based on a person's sex, touching, leering, ogling, patting, pinching, indecent exposure, physical gestures or displaying sexually explicit photographs or objects);
- Unwelcome demands or requests for sexual favors or social or sexual encounters;
- Suggestions that submission to or rejection of sexual conduct will affect decisions regarding such matters as employment, work assignment or status, academic standing, grades, receipt of financial aid, letters of recommendation or receipt of a Goshen College benefit or service;
- The use of submission to or rejection of sexual conduct as the basis for making, influencing or affecting decisions that have an impact upon the terms and conditions of education, employment or receipt of any other Goshen College benefit or service; and
- Nonconsensual sexual contact.

Stalking means a course of conduct directed at a specific person that would cause a person to feel terrorized, frightened, intimidated or threatened. See Indiana code 35-45-10-1 (1993).

Title IX is a legislative act dating from 1972 that prohibits gender-based discrimination. Title IX states that: “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.” With regard to sexual assault and harassment, Title IX requires that universities and colleges receiving federal funding uphold survivors’ rights and respond to their needs, so that students have equal access to education. Read more about Title IX at: knowyourix.org.