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, 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.
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.