

Goshen College
Anti-Harassment and Anti-Violence Statement
May 9, 2018

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 where students, staff, and faculty can study and work without having to overcome the barriers of discrimination and harassment.

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

Goshen College prohibits discrimination, harassment and/or abuse that is sexual, racial, or religious in nature or is related to anyone's sex, gender identity, sexual orientation, national origin, age, disability, genetic information, or any other basis protected by federal, state, or local law. This policy applies to all all students and employees throughout the organization and to all individuals who may have contact with any employee of this organization. These destructive behaviors are detrimental to both relationships and to individual self-esteem; these also violate the caring nature of our community.

Definitions of harassment, Gender-based and sexual, for employees and students.

Harassment, whether verbal, written, online and/or physical, that is based on sex, sexual orientation, documentation status, race, ethnicity, and gender identity, is a form of discrimination. All forms of harassment create a hostile environment when the conduct is sufficiently severe, persistent or pervasive and may impact tangible work or educational benefits, interferes unreasonably with an individual's job performance or academic performance, or creates what a reasonable person would perceive is an intimidating, hostile or offensive work or learning environment.

Harassment and sexual misconduct include, but is not limited to discrimination, coercion, exploitation and abuse. These destructive behaviors are detrimental to both relationships and to individual self-esteem; these also violate the caring nature of our community. Goshen College is firmly opposed to sexual discrimination, gender-based and sexual harassment, sexual exploitation and sexual abuse. Definitions of gender-based and sexual harassment are included below.

Gender-based harassment is unwelcome conduct of a nonsexual nature based on a student's actual or perceived gender or sex, including conduct based on gender identity, gender expression, and nonconformity with gender stereotypes. Harassment or violence on the basis of gender does not have to be sexual in nature and does not have to take place in a sexual context.

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.

Examples of harassment include but are not limited to unwanted conduct of a sexual nature and any form of violence perpetrated against a member of the College community, unwelcome sexual advances, requests for sexual favors, sexual assault, sexual violence, domestic violence, dating violence, stalking, insulting noises, facial expressions, vulgar language, nicknames, slurs, derogatory comments, cartoons, jokes, written materials, and offensive gestures or touching.

Sexual misconduct includes, but is not limited to sexual discrimination, coercion, exploitation and abuse, or any form of sexual activity that does not involve mutual consent of both parties.

Consent is verbal agreement given by individuals before and during sexual activity that must be informed, voluntary, and mutual, and can be withdrawn at any time. Consent is only valid with “clear expression of words or actions that the other individual consented to that specific sexual conduct” (Butler.edu). Consent is never implied, assumed, coerced, or owed. Each individual is responsible to gain affirmative consent before engaging in the activity and to ensure ongoing consent.

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;
- Nonconsensual sexual contact; and
- Physical and Verbal Violence or Aggression.

Quid Pro Quo Harassment occurs when a person has power or authority over another makes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature and uses submission to such sexual conduct as either an explicit or implicit term or condition of rating or evaluating an individual’s educational and/or employment progress,

development, or performance. This includes when submission to such conduct would be a condition for access to receiving the benefits of any educational program. Examples include:

- An attempt to coerce an unwilling person into a sexual relationship;
- To repeatedly subject a person to egregious, unwelcome sexual attention;
- To punish a refusal to comply with a sexual based request;
- To condition a benefit on submitting to sexual advances; sexual violence; intimate partner violence, stalking; gender-based bullying.

Reporting sexual or gender-based harassment

Goshen College takes all reports of gender-based harassment and sexual misconduct seriously, and investigates each complaint promptly and equitably. The following structures and processes are in place to receive reports, investigate, adjudicate, address any existing hostile environments, prevent future harassment and support survivors of sexual misconduct.

Any student or employee who believes he, she or they has/have been subjected to gender-based and sexual harassment is encouraged to report the incident(s) to the College. Interim measures and accommodations can be provided to survivors prior to and during the investigation process.

Reporting of an incident of gender- and sexual harassment and sexual misconduct can be done in several ways:

- Through an online reporting [form](#) that is confidentially received by a designated Title IX Deputy Coordinator, Beth Martin Birky (AD 14b, titleix@goshen.edu, or 574-535-7113). The Human Resources Office through Deanna Risser will receive an online report when it involves a Goshen College employee (AD 13, deannaar@goshen.edu, 574-535-7557) .
 - Note that the online form allows the report to be made anonymously. These reports alert the institution to potential issues. Title IX requires that the institution investigates any complaint that poses an immediate threat to an individual or the campus community.
 - Reports that include the reporter's¹ name will initiate communication from the Title IX Deputy Coordinator in order to provide resources, accommodations and/or interim measures to ensure student safety and remedy potential for a hostile work or learning environment. Students will be asked to provide basic incident information (time, location, nature of the offense, as well as information about the reporter(s) and alleged offender(s)).
 - Reports that include the names of the reporter and alleged offender may include a request for an investigation. These complaints will be submitted to the Sexual Misconduct Response Team (SMRT). See these processes defined below. Reporters/survivors may request that an incident not involve an investigation. The Title IX Deputy Coordinator, in conjunction with the Title IX Coordinator,

¹ The term "reporter" indicates an individual filing a report of gender- or sexual harassment in any form (written or verbal, online or in person). Reports may identify an "alleged offender." When a report moves into a formal investigation, the terms "complainant" and "respondent" will be used.

may determine that an investigation is required when the report involves actions or individuals that pose an immediate or potential threat to the individual or the community. The Title IX Coordinator will inform the reporter when a case must proceed to investigation. The reporter has the freedom to choose whether/how to participate with the investigation.

- Individuals may also report through any written, electronic, or verbal communication with members of the Title IX Committee or any Goshen College responsible employee.
 - All reports to responsible employees must be forwarded to deputy Title IX Coordinators Beth Martin Birky (students) and/or Deanna Risser (employees). Members of the Title IX Committee include:
 - Ken Newbold: kfnewbold@goshen.edu; 574-535-7550
 - Deanna Risser: deannaar@goshen.edu; 574-535-7557
 - Beth Martin Birky: bethmb@goshen.edu; 574-535-7465
 - Stephanie Miller: ssmiller@goshen.edu; 574-535-7492
 - Gilberto Perez, Jr.: gperez@goshen.edu; 574-535-7434
 - “Responsible Employee” includes any employee who has the authority to take action to redress the harassment or who has the duty to report to appropriate officials sexual harassment or any other misconduct by students or employees, or an individual whom a student could reasonably believe has this authority or responsibilities.
 - A mandatory reporter is any 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 whom a student could reasonably believe has this authority or responsibility. At Goshen College, all employees are considered mandatory reporters unless they are a licensed counselor, pastor, or faculty advocate.
 - Mandatory reporters must report incidents of sexual misconduct to the Title IX Deputy Coordinator, who will contact the student to assist with any needed resources and/or accommodations. These reports must include documentation of the facts of an incident (time, date, location, and name of student reporting).
- Confidential support can be received by:
 - A faculty advocate, Regina Shands Stoltzfus, (Wyse 309, facultyadvocate@goshen.edu or 574-535-6232);
 - Campus pastors; and
 - Campus counselors.

Response to reports

The Title IX Deputy Coordinator receiving the report will contact the individual reporting within two (2) days (48 hours) to acknowledge the report, extend support and resources, and arrange any needed interim measures. The deputy Title IX Coordinator shall

- Provide written information the policy, student rights related to reporting, and the process for investigations.
 - [Rights of a Student reporting sexual violence/misconduct](#)

- [Rights of a Person Against Whom a Report of Sexual Misconduct/Violence Has Been Made](#)
- Provide information about health and safety resources and assist with changes to academic, living and employment arrangements during the investigation and following the finding.
- Take action to remedy the situation and work to prevent future occurrences.

Upon receiving a report of gender-based or sexual harassment or violence, the Title IX Deputy Coordinators will document all information (anonymous and confidential reports). Incidents occurring on campus and covered by the [Clery Act](#) will be included in [Goshen College's annual Clery report of crime statistics](#).

Investigative Process

When a formal complaint has been filed, the Title IX Deputy Coordinator assigns a case to two members of the Sexual Misconduct Response Team (SMRT), a Goshen College organization that collects evidence and provides a finding of situations of sexual misconduct. This group is comprised of Goshen College employees trained to conduct Title IX investigations. The Title IX Deputy Coordinator will confirm that no conflict of interest exists between SMRT investigators and any individuals involved in the complaint. Members of the SMRT can be contacted via email at smrt@goshen.edu.

Within three (3) days of receiving the investigation assignment, the designated SMRT members begin an investigation. When an assignment involves an employee or contractor, the Human Resources Director will work with one SMRT member to conduct the investigation.

The SMRT investigative team provides both complainants and respondents with written summaries of the interview and investigation. Complainants and respondents have an opportunity to approve and amend, with affirmation indicated by a signature. If a complainant or respondent declines the opportunity to view or sign the interview summaries and investigation reports, that will be noted, along with documentation of communication.

The investigative report is presented to the rest of the SMRT members, who determine whether the report is substantiated, unsubstantiated or inconclusive. The SMRT members also recommend consequences and/or disciplinary action to the Title IX Deputy Coordinator. Any campus community member who engages in harassing or discriminatory behavior can be subject to the college adjudication processes, including disciplinary action up to and including termination, suspension, and expulsion.

The Title IX Deputy Coordinator provides written and verbal communication of SMRT findings in a determination letter and oversees response and/or consequences. The Title IX Deputy Coordinator will also implement steps to remedy the situation and prevent future incidents.

Investigations of sexual misconduct complaints will be completed in sixty (60) days. Appeals must be submitted in writing to the Title IX Coordinator within 72 hours after receiving the determination of an investigation. Upon receipt of the appeal, the Title IX Coordinator will

engage other members of the Title IX committee to review the materials from the investigation, speak with the SMRT investigators assigned to the case, the party appealing the determination and consider any new evidence introduced as part of the appeal. The appeal process will be conducted within ten (10) days of receipt.

Prohibiting retaliation

Goshen College prohibits retaliation of any kind against students or employees, who, in good faith, report harassment and/or discrimination or assist in investigating such complaints. If a student feels he/she has been subjected to any form of retaliation, the student should report this to a member of the Title IX committee or faculty advocate. If an employee feels he/she has been subjected to any form of retaliation, the employee should report that conduct to his/her immediate supervisor or Human Resources within 72 hours of the offense. If someone is found to have retaliated against individuals who report or are survivors of sexual misconduct will be disciplined in accordance with college policies.

Title IX Coordinator

All of the processes outlined in this policy are overseen by Dr. Kenneth F. Newbold, Jr., Provost and Title IX Coordinator for the college. The Title IX Coordinator works with the [Title IX Committee](#) to insure full compliance with Title IX regulations and can be reached by phone (574-535-7550), email (kfnewbold@goshen.edu) or in person (Administration Building, Suite 13).

Inquiries concerning application of Title IX and its implementing regulation may be referred to the Title IX Coordinator or to the Office of Civil Rights.