

Goldey-Beacom College



Sexual Misconduct and Sex-Based Discrimination Policy

Sexual Misconduct Policy

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Introduction

On April 19, 2024, the U.S. Department of Education released its updated Final Rule, or regulations, under Title IX of the Education Amendments of 1972. Title IX is a federal law that prohibits sex discrimination in education programs or activities receiving federal financial assistance. This includes sex or gender-based harassment, sexual assault, dating and domestic violence, and stalking.

The new regulations will take effect on August 1, 2024. Until then, current College policies and procedures will remain in effect. Any reports or incidents that occur before August 1 will follow the guidelines set forth by the 2020 Department of Education's Title IX regulations.

Purpose of Policy

Goldey-Beacom College is dedicated to maintaining an educational environment free from discrimination based on sex, including sexual misconduct. This policy outlines our commitment to a safe and respectful academic environment, addressing behaviors that threaten this commitment, and applies to all forms of sex discrimination, including sexual misconduct and sex-based harassment.

Our mission is to empower learners to achieve excellence by linking knowledge to practice while offering attainable, inclusive, and career-focused programs responsive to evolving student and workforce needs. The College is committed to preparing students and employees to be productive and fulfilled members of society, ensuring a supportive and enriching work environment for our staff as they contribute to the college's mission and values of integrity, excellence, social responsibility, and innovation.

Presumption of Non-Violation

During the grievance procedure, the respondent is presumed not to be in violation of this policy. A determination of a policy violation can only be reached through the formal grievance process.

Title IX Personnel

The following personnel are involved in the Title IX grievance procedures:

- **Title IX Coordinator:** Manages the overall complaint process for sexual harassment and misconduct, including complaint intake, supportive measures, signing formal complaints, overseeing investigations and decision-making, maintaining case files, and training Title IX personnel. Overall responsibilities:
 - **Evaluation and Determination:** The Title IX Coordinator is responsible for evaluating all reports to determine the applicable law(s), implicated policies, and the appropriate grievance procedure to resolve the reported behavior.
 - **Conflict of Interest:** If the Title IX Coordinator cannot evaluate a report due to absence or conflict of interest, a Title IX Deputy Coordinator may be designated to perform this evaluation.

- **Title IX Deputy Coordinator(s):** Serve as the Title IX Coordinator in cases of conflict of interest or unavailability. Overall responsibilities:
 - If a Title IX Coordinator cannot evaluate the report due to an absence or a conflict of interest, a Title IX Deputy Coordinator may be designated to perform this evaluation of a report.
- **Confidential Employee(s):** Employees whose communications are privileged or confidential under state or federal law and employees designated as confidential employees.
- **Investigator(s):** Hired by third-party company to ensure independent and nonpartisan investigations.
- **Informal Resolution Facilitator(s):** Addresses and handles the informal resolution process.
- **Hearing-board Members:** Part of the College's Community Standards Board responsible for hearing cases and making decisions.
- **College-provided Advisors of Choice:** Assist both complainants and respondents during the Title IX process.

All Title IX personnel receive annual training on sexual assault, harassment, misconduct, and how to avoid bias and objectively evaluate evidence. A comprehensive list of the trainings received is available upon request.

Scope of Policy

This policy applies to all current students, employees, contracted employees, and members of the Board of Trustees.

The Title IX Coordinator may consult with Human Resources for employee-related cases.

In order for cases to reach the threshold of Title IX, the incident must be reported while the parties are all associated with the College (as current students, employees, or members of the Board of Trustees). All sex discrimination and sex-based harassment, including those of which involve sex-based hostile environment will be addressed. The conduct must have occurred under the College's education program or activity that is subject to the disciplinary authority of a Title IX-covered entity even when some conduct alleged to be contributing to the hostile environment occurred outside the College's education program or activity or outside United States. Additionally, during the time the misconduct is reported to have occurred, the College must have substantial control of the respondent (accused) and the context of the misconduct. Cases that reach this federal threshold will be investigated and adjudicated following the Title IX Grievance Procedures.

Under the 2024 Title IX guidelines, while the federal definitions of sexual harassment, sex-based harassment, and jurisdictional requirements clearly outline prohibited conduct under Title IX, the College maintains the right to address behavior that undermines its commitment to a caring and intellectually stimulating learning environment. Incidents that do not meet the federal definition of sex discrimination or sex-based harassment will be investigated and adjudicated

according to other College Policies and Procedures.

Prohibited Conduct

Goldey-Beacom College prohibits discriminatory harassment on the basis of sex from any member of the College Community toward another, including discrimination based on other protected classes. The College's Equal Opportunity Policy and the Non-Discrimination Policy can be found in the [College's catalog](#). The College will respond to all reports of sex-based harassment, sexual misconduct, and sex discrimination as detailed in this document.

Sex discrimination, which includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, is not tolerated by the College. Students who need assistance or want to report an instance of these kinds of discrimination should contact the Students Affairs office. The report would be relayed to a Title IX Coordinator and the Special Accommodations Coordinator will be contacted if reasonable accommodations are necessary. The College's Human Resources Office should be contacted for incidents relating to employees.

Under the College's Sexual Misconduct Policy, Goldey-Beacom College does not tolerate any of the following behaviors. Reports of such incidents will be adjudicated through the applicable grievance procedure.

Definitions of Prohibited Conduct

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.

- **Determination of Relationship:** Based on the reporting party's statement and considering the length of relationship, type of relationship, and frequency of interaction between the persons involved in the relationship.
- **Includes:** Threats of violence and emotional abuse.

Domestic Violence: Felony or misdemeanor crimes of violence committed:

- By a current or former spouse or intimate partner.
- By a person with whom the victim shares a child.
- By a person cohabitating with the victim as a spouse or intimate partner.

Retaliation: Defined as intimidation, threats, coercion, or discrimination against any person by the recipient, a student, or an employee or other person authorized by the recipient to provide aid, benefit, or service under the recipient's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or the regulations, or because the person has reported possible sex discrimination, made a sex-discrimination complaint, or participated or refused to participate in any way in a recipient's Title IX process.

Peer Retaliation: Retaliation by one student against another student

Sex Discrimination: Discrimination based on sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.

Sexual Assault: An offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation, which includes but not limited to rape, fondling, incest, and statutory rape.

Sex-Based Harassment: A form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on the bases described in the scope of sex discrimination, when it takes the form of:

- **Quid Pro Quo Harassment:** An employee, agent, or other person authorized by the College to provide an aid, benefit, or service under the College's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct (e.g., when an employee conditions a benefit on a person's participation in unwelcome sexual conduct);
- **Hostile Environment Harassment:** Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the College's education program or activity. (*i.e.*, creates a hostile environment); Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
 - The degree to which the conduct affected the complainant's ability to access the recipient's education program or activity;
 - The type, frequency, and duration of the conduct;
 - The parties' ages, roles within the recipient's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
 - The location of the conduct and the context in which the conduct occurred; or
 - Other sex-based harassment in the recipient's education program or activity.
- **Specific Offenses:** (e.g., sexual assault, dating violence, domestic violence, and stalking).

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

- Fear for the person's safety or the safety of others.
- Suffer substantial emotional distress.

The College prohibits retaliation in any form, including peer retaliation and will respond to conduct that reasonably may constitute retaliation using the same procedures it uses for other forms of sex discrimination. Any reports of relation or retaliatory behavior will be investigated and adjudicated through the institutional grievance procedure. The adjudication of retaliation allegations will be conducted through the grievance procedure that is being used for the

allegations against which the individual retaliated.

The College will respond to all reports of alleged sex-based harassment, sex discrimination, and sexual misconduct when a Title IX Coordinator receives knowledge of such report's existence.

Definition of Consent and Non-Consensual Sexual Activity

Goldey-Beacom College defines consent as follows:

Consent is an affirmative decision to engage willingly in mutually acceptable sexual activity, given through clear words and/or actions. It is an informed decision made freely and actively by all involved parties. For a sexual encounter to be consensual, each participant must agree to engage in each act of the encounter.

- **Active, Not Passive:** Consent is active, not passive. Silence alone cannot be interpreted as consent. Consent can be given through words or actions, as long as these clearly indicate mutually understood permission regarding the conditions of sexual activity.
- **Specific to Each Act:** Consent to one form of sexual activity does not imply consent to other forms of sexual activity.
- **Not Implied by Past Consent:** Previous relationships or prior consent do not imply consent to future sexual acts.
- **No Force or Coercion:** Consent cannot be obtained through physical force, compelling threats, intimidating behavior, or coercion. Coercion involves unreasonable pressure to engage in sexual activity.
- **Ongoing Process:** Consent is a continual, ongoing action. Either party may withdraw consent at any time during the sexual encounter. Withdrawal of consent must be communicated through words or actions indicating a clear desire to end the sexual activity. Once consent is withdrawn, all sexual activity must stop immediately.

Capacity to Consent

- **Legal Age and Capacity:** To give consent, one must be of legal age and have the capacity to consent. Incapacity can result from mental disability, intellectual disability, unconsciousness/sleep, age, or the use of alcohol, drugs, medication, and/or other substances.
- **Incapacity Definition:** Incapacitation is a state where someone cannot make rational, reasonable decisions due to the inability to understand the "who, what, when, where, why, or how" of their sexual interaction.
- **Responsibility to Recognize Incapacity:** Consent cannot be given by someone who is known, or should be known based on the circumstances, to be mentally or physically incapacitated. Acting as though consent has been granted in such situations is a policy violation.

Effects of Alcohol and Drugs

- **Impact on Consent:** The use of alcohol or drugs can impair a person's ability to give consent freely and clearly. Alcohol and other substances can lower inhibitions and create confusion over whether consent has been freely given.

- **Case-by-Case Evaluation:** The question of incapacitation is determined on a case-by-case basis using both objective and subjective standards. In evaluating whether a person was incapacitated, the College will consider:
 1. Whether the person initiating the sexual activity knew their partner was incapacitated.
 2. Whether a reasonable person in the same situation would have known the partner was incapacitated.

Indicators of Incapacitation

Examples of when a person should know the other is incapacitated include, but are not limited to:

- The amount of alcohol, medication, or drugs consumed
- Imbalance or stumbling
- Slurred speech
- Lack of consciousness or inability to control bodily functions or movements
- Vomiting

Responsibility and Prohibition

- **Responsibility Despite Intoxication:** Being intoxicated or impaired by alcohol or drugs does not diminish one's responsibility to obtain consent and is never an excuse for sexual misconduct.
- **Prohibited Conduct:** Engaging in sexual activity with someone without their consent is prohibited by the College. Any reports of such conduct will be investigated and adjudicated through the applicable grievance procedure, depending on whether the incident meets the threshold of a Title IX violation or not.

Rights and Responsibilities

Both parties have the right to:

- Be treated with respect and dignity.
- Receive supportive measures.
- Have an advisor of their choice.
- An equitable and impartial investigation.

Reporting Process

The College strongly encourages anyone who experiences, witnesses, or becomes aware of sex discrimination, sex-based harassment or sexual misconduct to report such conduct immediately regardless of where the incident occurred.

Upon becoming aware of conduct that may reasonably be considered sex discrimination, sex-based harassment or sexual misconduct within its educational programs or activities, the College will promptly and effectively respond.

The College's response will include measures aimed at stopping the prohibited conduct, preventing its recurrence, and remedying any adverse effects resulting from such conduct.

Who Can Someone Report/Disclose To:

- Title IX Coordinator
- Confidential Employee
- Regular (Responsible) Employee
- Anonymously

Reporting Options

Formal Complaint: *Complaint* means an oral or written request to the recipient that objectively can be understood as a request for the recipient to investigate and make a determination about alleged discrimination under Title IX or this part. Meanwhile, a formal complaint is a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment or sex-based discrimination against a respondent and requesting that the College conduct an investigation.

How to File a Formal Complaint

Reports can be made to the Title IX Coordinator in person, by mail, by phone, or by email.

Should a member of the College Community feel that they have been a victim of sex discrimination or sex-based harassments defined by the College, the College will follow the below procedure in filing a grievance:

1. Report of incident is received by a Title IX Coordinator
2. The Title IX Coordinator meets with the complainant to discuss available resources and supportive measures. The complainant does not need to move forward with a formal complaint to receive such, as long as the supportive measures are not punitive toward the respondent.
3. The Title IX Coordinator will offer for the complainant to sign and submit a formal complaint, which triggers an institutional investigation into the incident.
 - a. If the complainant does not wish to sign a formal complaint, there are limited circumstances in which a Title IX Coordinator will sign the formal complaint. The College strives to empower complainants to make their own choices regarding investigations into the reported incidents.
 - b. However, the Title IX Coordinator is allowed to initiate a complaint only if the conduct presents an imminent and serious threat to someone's health or safety, or if it interferes with equity in an education program or activity through the creation of a hostile environment. Additionally, should there be a larger threat to the College Community present or should the respondent have other complaints associated with them, Title IX Coordinator may sign the formal complaint even if the complainant does not wish to move forward with an institutional investigation. In these incidents, "Goldey-Beacom College" becomes the complainant. For this to occur, the College's Executive Leadership Team must be informed of the incident and approval must be obtained.
4. Once a signed formal complaint is received, a Title IX Coordinator will notify both the complainant and the respondent in writing of the reported incident and impending

investigation.

- a. This notice will contain sufficient details known at the time, such as the identities of the parties, alleged conduct, and date and time of the incident.
 - b. This notice will be explicit that the respondent is always assumed to be not in violation of the College's policy.
 - c. This notice will inform both complainant and respondent of their right to an advisor of choice and that, if an advisor is not at the live hearing for either party, the College will provide one. This advisor is not permitted to speak during interview sessions, but may request a short, five-minute break to consult with their respective party.
 - d. This notice will contain the institutional policy regarding Misrepresentation Violations.
5. A Title IX Coordinator will initiate contact with the respondent to offer resources and supportive measures.

How to File a Complaint Anonymously

Reporting *anonymously* means the complainant discloses that they believe they have experienced (or are aware of an incident involving) sex-based harassment or sex discrimination without identifying oneself or providing sufficient information to determine their identity or request any specific action.

Anonymous reports can be submitted on the College Website through the [Talk Back](#) platform.

Requests for use of anonymous reporting may limit the College's ability to conduct an investigation.

Period of Limitations

A report or formal complaint of sex-based harassment or sex discrimination can be submitted at any time, regardless of how much time has passed since the alleged incident. However, the College strongly encourages prompt reporting or filing. Delays in reporting or filing a formal complaint may limit the College's ability to take action and respond effectively, particularly if neither the Complainant nor the Respondent is employed by the College or enrolled as a student when the complaint is made.

Confidentiality and Confidential Resources

Conversations with Title IX Coordinators are maintained with the highest degree of confidentiality. However, to ensure community safety, information regarding incidents of sex discrimination, sex-based harassment, and sexual misconduct may be disclosed to relevant administrators when necessary. The preferences and wishes of the reporting individual will be fully considered in all instances.

The College defines a confidential employee as an employee who is not required to make a report to the Title IX Coordinator and will typically not share information without permission. However, they may be required or allowed to share information in certain circumstances. For example, if a court order is presented, if they have reason to believe that a student is at high risk for suicide or violence toward others or if a minor is being abused. Certain positions at the College have been identified as

confidential employees, including the Director of .Counseling Services.

Confidential employees include employees whose communications are privileged or confidential under state or federal law and employees designated as confidential employees. Confidential employees are not required to notify the Title IX Coordinator of sex discrimination allegations. Confidential employees are required to inform individuals reporting potential sex discrimination or sex-based harassment about how to contact the Title IX Coordinator and report such conduct, as well as inform them that the Title IX Coordinator may be able to offer supportive measures, initiate an informal resolution process, or conduct an investigation.

At this time, the College only has one confidential employee, the Director of Counseling Services. Meanwhile, the College requires non-confidential employees who either has authority to take corrective action on behalf of the College or has responsibility for administrative leadership, teaching, or advising in the recipient's education program or activity is obligated to notify the Title IX Coordinator when they have information about conduct that reasonably may constitute sex discrimination. This ensures that the College learns of possible sex discrimination so it can operate its education program or activity free from prohibited sex discrimination as Title IX requires.

All other non-confidential employees are obligated to either notify the Title IX Coordinator or provide the contact information of the Title IX Coordinator and information about how to make a complaint of sex discrimination to any person who provides the employee with information about conduct that reasonably may constitute sex discrimination.

Persons seeking confidential resources can also seek support off campus.

The college makes every effort to protect confidentiality, subject to the need to investigate and resolve allegations.

Title IX Grievance Process

Goldey-Beacom College has adopted grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX or the Title IX regulations. Under the Title IX regulations, there are two types of grievance procedures: one for cases involving sex discrimination and another for cases involving sex-based harassment.

Standard of Evidence

For all procedures detailed below, Goldey-Beacom College will utilize the “preponderance of evidence” standard when determining responsibility. This means that investigations and subsequent hearings will determine if it is “more likely than not” that the alleged incident occurred.

Allegations of misconduct that implicate the Department of Education's definition of “sex discrimination” are reported to have occurred in a College program or activity shall proceed under the Title IX

Grievance Process for Complaints of Sex Discrimination.

Identifying Which Grievance Procedure Will Be Utilized

Allegations of misconduct that, as reported, implicate the Department of Education’s definition of “sex-based harassment” and are reported to have occurred in a College program or activity shall proceed pursuant to the **Title IX Grievance Process for Complaints of Sex-Based Harassment.**

Grievance Procedures for Complaints of Sex Discrimination

Complaints of Sex Discrimination:

The following people have a right to make a complaint of sex discrimination, including complaints of sex-based harassment, requesting that the Goldey-Beacom College investigate and make a determination about alleged discrimination under Title IX:

- A “complainant,” which includes:
 - a student or employee of Goldey-Beacom College who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
 - a person other than a student or employee of Goldey-Beacom College who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in Goldey-Beacom College’s education program or activity;
- A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or
- Goldey-Beacom College’s Title IX Coordinator.
 - When a Title IX Coordinator is notified of conduct that reasonably may constitute sex discrimination under Title IX (and in the absence of a complaint or the withdrawal of any or all of the allegations in a complaint, and in the absence or termination of an informal resolution process), the Title IX Coordinator will determine whether to initiate a complaint of sex discrimination as required under Title IX.

With respect to complaints of sex discrimination other than sex-based harassment, in addition to the people listed above, the following persons have a right to make a complaint:

- Any student or employee of Goldey-Beacom College; or
- Any person other than a student or employee who was participating or attempting to participate in Goldey-Beacom College’s education program or activity at the time of the alleged sex discrimination.

Goldey-Beacom College may consolidate complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances. When more than one complainant or more than one respondent is involved,

references below to a party, complainant, or respondent include the plural, as applicable.

Note: The College will not consolidate complaints if consolidation would violate the Family Educational Rights and Privacy Act (FERPA). Consolidation would not violate FERPA when the College obtains prior written consent from the parents or eligible students to the disclosure of their education records.

Grievance Procedures

Goldey-Beacom College will treat complainants and respondents equitably.

The College requires that any Title IX Coordinator, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. A decisionmaker may be the same person as the Title IX Coordinator or investigator.

The College presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of its grievance procedures.

The College will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures. The parties cannot engage in retaliation, including against witnesses.

The College will objectively evaluate all evidence that is relevant and not otherwise impermissible including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

The following types of evidence, and questions seeking that evidence, are impermissible (*i.e.*, will not be accessed or considered, except by Goldey-Beacom College to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

- Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless Goldey-Beacom College obtains that party's or witness's voluntary, written consent for use in its grievance procedures; and
- Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged

sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

Notice of Allegations:

Upon initiation of Goldey-Beacom's Title IX grievance procedures, the College will notify the parties of the following:

- Goldey-Beacom College's Title IX grievance procedures and any informal resolution process;
- Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s);
- Retaliation is prohibited; and
- The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence.

If, in the course of an investigation, the College decides to investigate additional allegations of sex discrimination by the respondent toward the complainant that are not included in the notice provided or that are included in a complaint that is consolidated, the College will notify the parties of the additional allegations.

Dismissal of a Complaint:

The College may dismiss a complaint of sex discrimination if:

- The College is unable to identify the respondent after taking reasonable steps to do so;
- The respondent is not participating in the College's education program or activity and is not employed by the College;
- The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and the College determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or
- The College determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint, the College will make reasonable efforts to clarify the allegations with the complainant.

Upon dismissal, the College will promptly notify the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then the College will also notify the respondent of the dismissal and the basis for the dismissal promptly following notification to the complainant, or simultaneously if notification is in writing.

The College will notify the complainant that a dismissal may be appealed and will provide the complainant with an opportunity to appeal the dismissal of a complaint. If the dismissal occurs after

the respondent has been notified of the allegations, then the College will also notify the respondent that the dismissal may be appealed. Dismissals may be appealed on the following bases:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the dismissal was made; and
- The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

If the dismissal is appealed, the College will:

- Notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;
- Implement appeal procedures equally for the parties;
- Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
- Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations;
- Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the parties of the result of the appeal and the rationale for the result.

When a complaint is dismissed, the College will, at a minimum:

- Offer supportive measures to the complainant as appropriate;
- If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within the College's education program or activity.

Investigation:

Goldey-Beacom College will provide for adequate, reliable, and impartial investigation of complaints.

The burden is on the College—not on the parties—to investigate that gathers sufficient evidence to determine whether sex discrimination occurred.

Investigator(s) will be assigned to the case. For the majority of complaints, the College will utilize third-party investigators. The investigators will gather and review all evidence and both parties will have an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible.

Once the investigators have conducted all interviews and compiled a draft report, the Title IX Coordinator will share a copy of the report as well as provide each party equal opportunity to access the evidence that is relevant to the allegations of sex discrimination and not otherwise impermissible, in the following manner:

- Each party will receive equal opportunity to access either the relevant and not otherwise impermissible evidence, or an accurate description of this evidence. If investigators provide a description of the evidence: the investigators will provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party;
- The College will provide a reasonable opportunity to respond to the evidence or the accurate description of the evidence; and
- The College will take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures. Disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the complaint of sex discrimination are authorized.

Each party will have ten (10) business days to respond to the evidence. Their response can include, but is not limited to, requests to follow-up with certain witnesses, additional comments on their individual interview write-up, or submitting additional evidence.

The investigators will integrate any responses from the parties into their investigative report and will create a summary of relevant evidence. The investigative report and evidentiary summary combined is considered the finalized report. This finalized investigative report will be shared with both parties and each will be granted ten (10) business days to respond. This response is not an opportunity to request additional follow-up but does provide both parties a chance to submit a written response to the report.

Procedures for a Live Hearing

The below list includes the specific rights afforded to both parties and their advisors during hearings for cases moving through the Non-Title IX Grievance Procedures.

- Each party's questions will be asked, given that the hearing board has determined that the question is relevant.
- The hearing will be conducted in real time, although it may occur with the parties located in separate rooms or via an online video platform at the request of a party or the institution.
- If a party does not have an advisor at the hearing, the school will provide an advisor without fee or charge.
- Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.
- The College does not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

Determination Whether Sex Discrimination Occurred:

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, Goldey-Beacom College will:

- Use the preponderance of the evidence standard of proof to determine whether sex discrimination occurred. The standard of proof requires the decisionmaker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decisionmaker is not persuaded under the applicable standard by the evidence that sex discrimination occurred, whatever the quantity of the evidence is, the decisionmaker will not determine that sex discrimination occurred.
- Notify the parties in writing of the determination whether sex discrimination occurred under Title IX including the rationale for such determination, and the procedures and permissible bases for the complainant and respondent to appeal, if applicable;
- Not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in prohibited sex discrimination.
- If there is a determination that sex discrimination occurred, the Title IX Coordinator will, as appropriate:
 - Coordinate the provision and implementation of remedies and supportive measures to a complainant and other people the College identifies as having had equal access to the College's education program or activity limited or denied by sex discrimination;
 - Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; and
 - Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the College's education program or activity.
- Comply with the grievance procedures before the imposition of any disciplinary sanctions against a respondent; and
- Not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.

Appeal of Determinations:

Goldey-Beacom College offers the following process for appeals from a determination whether sex discrimination occurred:

Each party involved in a sex discrimination case has equal opportunity to appeal (1) the dismissal of a formal complaint or any included allegations and/or (2) a determination regarding responsibility.

To appeal, the party must submit their written appeal to the Title IX Coordinator within ten (10) business days of receiving the dismissal or determination. This written appeal must contain the grounds for appeal. The grounds for appeal are as follows:

1. Procedural irregularity that affected the outcome/dismissal/determination.
2. New evidence that could have an effect on the outcome was not reasonably available at the time the dismissal or determination of responsibility was made.
3. The Title IX Coordinator, investigator(s), or hearing-board members had a conflict of interest or bias against an individual party, or for or against complainants or respondents in general that affected the outcome/dismissal/determination.

If the Title IX Coordinator receiving and reviewing the appeal determines that the appellate ground did not affect the outcome, the original determination of responsibility from the investigation and hearing stands. Should the grounds for appeal be met, the Title IX Coordinator will notify the other party in writing that an appeal has been received.

The appeal will be decided by three (3) members on the hearing board who were not involved in the investigative process or hearing, and who are free of conflict of interest and bias, and who will not serve as investigator, Title IX Coordinator, or decision-maker in the same case.

Each party will be granted an opportunity to submit a statement in writing within ten (10) business days of notification of a received appeal to the hearing board members for review. The three (3) individuals will review the statements and determine whether or not the appeal should be granted.

The determination and any applicable sanctions from this appeal process is considered final.

This appeal process will be, at a minimum, the same as Goldey-Beacom College offers in all other comparable proceedings, including proceedings relating to other discrimination complaints.

Informal Resolution

The informal resolution process serves as an alternative to the formal grievance process and aims to resolve Title IX complaints in a mutually satisfactory manner.

Eligibility for Informal Resolution

- Participation in the informal resolution process is entirely voluntary for both the complainant and the respondent.
- Informal resolution is available in cases where the respondent or complainant is an employee or student of the College.
- Goldey-Beacom College will not offer informal resolution to resolve a complaint when the case involves an employee engaged in sex-based harassment of an elementary school or secondary school student, or conflicts with Federal, State, or local law.

Informal Resolution Process

Initial Assessment

- Upon receiving a report of sexual misconduct, the Title IX Coordinator will assess whether the complaint is eligible for informal resolution.

- Both parties will be informed of the option to pursue informal resolution in writing, including any process that the College offers and deems appropriate.

Voluntary Consent

- Both parties must provide voluntary, written consent to engage in the informal resolution process.
- Either party can withdraw from the informal resolution process at any time and resume the formal grievance process.

Explanation of Process

- Before the initiation of an informal resolution process, Goldey-Beacom College will explain in writing to the parties:
 - The allegations.
 - The requirements of the informal resolution process.
 - That any party has the right to withdraw from the informal resolution process and initiate or resume grievance procedures at any time before agreeing to a resolution.
 - That if the parties agree to a resolution at the end of the informal resolution process, they cannot initiate or resume grievance procedures arising from the same allegations.
 - The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties.
 - What information Goldey-Beacom College will maintain and whether and how Goldey-Beacom College could disclose such information for use in Title IX grievance procedures if such procedures are initiated or resumed.

Facilitator Assignment

- The Title IX Coordinator will appoint a trained, neutral facilitator to oversee the informal resolution process.
- The facilitator's role is to assist the parties in reaching a mutually acceptable resolution.

Informal Resolution Sessions

- The facilitator will arrange meetings with both parties, either separately or together, depending on the circumstances and preferences.
 - Parties will discuss the complaint and negotiate possible resolutions.
 - All discussions during the informal resolution process are confidential and cannot be used in any subsequent formal grievance process.

Resolution Agreement

- The parties will work towards a mutually satisfactory resolution agreement.
- The resolution agreement will be documented in writing and signed by both parties.
- The Title IX Coordinator will ensure the implementation of the agreed-upon resolution.

Follow-Up

- The Title IX Coordinator will monitor compliance with the resolution agreement.
- Supportive measures may continue or be modified as necessary to ensure compliance and support for both parties.

Other Considerations

Termination of Process

- The Title IX Coordinator may modify, terminate, or continue supportive measures at the conclusion of the informal resolution process.
- Parties will be provided with a timely opportunity to challenge any decision regarding supportive measures.

Confidentiality

- Information about supportive measures and the informal resolution process will be kept confidential and disclosed only as necessary to implement the resolution, restore or preserve access to the educational program or activity, or when an applicable exception allows.

Documentation and Record-Keeping

- The Title IX Coordinator will maintain records of the informal resolution process, including the written consent of the parties, the resolution agreement, and any supportive measures provided.

Contact Information

For more information or to request changes to academic, living, transportation, and/or working situations or other supportive measures, individuals should contact:

Title IX Coordinator: Leilani Decena-Shepherd, decenal@gbc.edu, (302) 225-6305

Informal Resolution Facilitator: Appointed by the College

Special Accommodations Coordinator: Deborah Harbaugh, harbaugh@gbc.edu, (302) 225-6211

Goldey-Beacom College is committed to providing a fair and effective informal resolution process in compliance with the 2024 Title IX regulations.

Supportive Measures:

Available Supportive Measures and Accommodations

Upon receipt of a report of sexual misconduct, a Title IX Coordinator will meet with both the complainant and the respondent to discuss available accommodations. These accommodations may include changes to academic, living, transportation, and working situations. The Title IX Coordinator will review the options, provide assistance in requesting accommodations, and explain the process for requesting accommodations and protective measures.

Note: A request for supportive measures that affect the respondent (e.g., changing the respondent's schedule, changing the respondent's living situation) cannot be granted without an investigation that finds the respondent responsible for violating the College's title IX/Sexual Misconduct Policy.

Goldey-Beacom College will offer and coordinate supportive measures as appropriate for the complainant and/or respondent to restore or preserve that person's access to the Goldey-Beacom College education program or activity or provide support during Goldey-Beacom College Title IX grievance procedures or during the informal resolution process. For complaints of sex-based harassment, these supportive measures may include, but not limited to:

- **Academic Accommodations:**
 - Transfer to a different section of a class.
 - Withdrawal from a class with the option to retake it at a different time.
 - Extensions on assignments or rescheduling of exams.
 - Access to tutoring or other academic support services.
- **Living Accommodations:**
 - Moving to a different room or residence hall.
 - Temporary housing adjustments.
- **Working Accommodations:**
 - Change in working hours or shifts.
 - Modification of work assignments or location.
 - Temporary leave or administrative leave with pay (for employees).
- **Transportation and Parking Accommodations:**
 - Change in parking location.
 - Assistance with a safety escort to and from classes or work.
- **Other Supportive Measures:**
 - No-contact orders to prevent interactions between the complainant and respondent.
 - Counseling and mental health services.
 - Assistance with obtaining medical services.
 - Support in reporting the incident to local law enforcement if desired.

At an individual's request, and to the extent of their cooperation and consent, the Title IX Coordinator will work with relevant College offices to implement these accommodations. These changes can be made regardless of whether the incident was reported to local law enforcement.

To request changes to academic, living, transportation, and/or working situations or other supportive measures, individuals should contact a Title IX Coordinator as identified in this document.

Disability Accommodations

Students with a documented disability can request accommodations by contacting the College's Special Accommodations Coordinator:

Deborah Harbaugh

Email: harbaugh@gbc.edu

Phone: (302) 225-6211

Employees with a documented disability can request accommodations by contacting the College's Human Resources Department:

GBC HR

Email: hr@gbc.edu

Phone: (302) 225-6292

Other Considerations of Supportive Measures:

The Title IX Coordinator may modify, terminate, or continue supportive measures at the conclusion of the grievance procedures or informal resolution process. The College will provide timely opportunities to challenge any decision regarding supportive measures.

The Title IX Coordinator will not disclose information about any supportive measures to persons other than those to whom they apply, except when necessary to provide the supportive measures, restore or preserve access to the educational program or activity, or when an applicable exception allows for such disclosure. This includes informing one party of supportive measures provided to another party only when it is essential for the implementation of those measures.

Possible Disciplinary Sanctions and Remedies

For Students:

If a student is found to be in violation of Title IX regulations, the following sanctions may be imposed based on the severity and nature of the violation:

- **Warning:** A written notice indicating that the student has violated Title IX regulations and warning of potential further sanctions if the behavior continues.
- **Probation:** A period during which the student must comply with all College rules, regulations, and policies. This period includes monitoring of the student's conduct and may include specific conditions or loss of privileges.
- **Loss of Privileges:** Restriction or removal of certain privileges, such as participation in extracurricular activities, campus events, or representing the College in any official capacity.
- **Educational Programs:** Mandatory participation in educational programs or workshops related to sexual misconduct, consent, and respectful behavior.

- **Counseling:** Mandatory attendance in counseling sessions or programs aimed at addressing behavioral issues related to the violation.
- **Community Service:** Assigning tasks that benefit the College community or the larger community, tailored to the nature of the violation.
- **Housing Reassignment/Removal:** Changing the student's on-campus housing assignment or removing the student from campus housing. This may include restrictions on entering any College-owned housing.
- **No-Contact Orders:** Prohibiting the student from contacting or approaching the complainant or other individuals involved in the incident.
- **Interim Suspension:** Temporary removal from the College or College-owned housing while an investigation is ongoing, especially if the student's presence poses a threat to the health, safety, or welfare of the College community.
- **Suspension:** Temporary removal from the College for a specified period. During this time, the student may not attend classes, take exams, receive grades, or be present on College property. Reinstatement may require meeting specific conditions set by the Title IX Coordinator.
- **Expulsion:** Permanent removal from the College. The student is not allowed on College property and forfeits any tuition or fees paid.
- **Other Sanctions:** Depending on the specific circumstances, additional sanctions may be imposed, such as fines, loss of scholarships, or the assignment of tasks that provide a constructive or educational benefit.

For Employees:

If an employee is found to be in violation of Title IX regulations, the following sanctions may be imposed:

- **Paid Suspension/Administrative Leave:** Temporary leave with pay during the investigation or as a disciplinary measure.
- **Unpaid Suspension:** Temporary leave without pay as a disciplinary measure.
- **Restrictions from Some or All Parts of Campus:** Limiting the employee's access to certain areas of the campus.
- **Change in Office/Classroom Assignments:** Relocation to a different office or classroom to prevent contact with the complainant.
- **Written Reprimand:** A formal written notice indicating that the employee has violated Title IX regulations and warning of potential further sanctions.
- **Removal from Classroom Teaching:** Prohibition from teaching duties, either temporarily or permanently.
- **Removal of Administrative Position:** Dismissal from an administrative role while potentially retaining other duties.
- **Employment Termination:** Permanent separation from employment with the College.
- **Housing Reassignment or Removal:** Reassignment to different housing or removal from College-owned housing without refund.
- **Constructive or Educational Task:** Assignments that provide a benefit to the individual, campus, or community, such as participating in training programs.
- **Completion of Required Training:** Mandatory completion of training programs related to sexual misconduct, harassment, or respectful workplace behavior.
- **Mediation:** Participation in mediation sessions to address and resolve conflicts related to the violation.

- **Restitution:** Compensation for any damage or loss caused by the violation.

The sanctioned employee will have ten (10) business days from the date of the sanction to submit a written request for appeal.

Remedies for Complainants:

In addition to disciplinary sanctions on the respondent, Goldey-Beacom College may provide remedies to the complainant to ensure their continued access to educational programs and activities. Remedies may include:

- Academic support services, such as tutoring or extensions on assignments.
- Adjustments to class schedules or campus housing.
- Counseling and mental health services.
- No-contact orders or changes in the respondent's schedule to prevent interactions.
- Assistance in reporting to law enforcement if desired by the complainant.
- Other measures tailored to the complainant's needs to ensure their safety and well-being.

Goldey-Beacom College is committed to maintaining a safe and respectful environment and will take appropriate actions to address and remedy any violations of Title IX regulations.

Appeal Process

Both sanctioned students and employees have ten (10) business days from the date of the sanction to submit a written request for appeal. The appeal must be based on one or more of the following grounds:

- Procedural errors that affected the outcome of the case.
- New evidence that was not reasonably available at the time of the determination.
- The sanctions imposed are disproportionate to the violation.

Grievance Procedures for Complaints of Sex-Based Harassment Involving Student Complainants or Student Respondents

Goldey-Beacom College has adopted Title IX grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity, or by the Title IX Coordinator. These grievance procedures address complaints of sex-based harassment that involve a student party.

When a party is both a student and an employee of a postsecondary institution, the College will make a fact-specific inquiry to determine whether the party's primary relationship with the College is to receive an education and whether the alleged sex-based harassment occurred while the party was performing employment-related work.

The 2024 amendments give postsecondary institutions discretion to choose to use certain procedures (e.g., single investigator, live hearings) for some, but not all, complaints. If a postsecondary institution adopts certain procedures that apply to the resolution of some, but not all, complaints of sex-based harassment, the 2024 amendments require the postsecondary institution to articulate consistent principles for how the institution will determine which procedures apply. Accordingly, a postsecondary institution must provide information in its grievance procedures regarding what factors, if any, it will consider when determining under what circumstances or to which types of sex-based harassment complaints certain procedures apply.

The 2024 amendments permit a postsecondary institution's grievance procedures to also include additional provisions beyond those required by the 2024 amendments, as long as they apply equally to the parties.

The College's grievance procedures for complaints of sex-based harassment involving a student party must be in writing and must include specific components.

Complaints of Sex-Based Harassment:

The following people have a right to make a complaint of sex-based harassment, requesting that Goldey-Beacom College investigate and make a determination about alleged sex-based harassment under Title IX:

- A "complainant," which includes:
 - a student or employee of Goldey-Beacom College who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
 - a person other than a student or employee of Goldey-Beacom College who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in Goldey-Beacom College's education program or activity;
- A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or
- Goldey-Beacom College's Title IX Coordinator.

Notes: A person is entitled to make a complaint of sex-based harassment **only if** they themselves are alleged to have been subjected to the sex-based harassment, if they have a legal right to act on behalf of such person, or if the Title IX Coordinator initiates a complaint consistent with the title IX regulations.

Goldey-Beacom College may consolidate complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances. When more than one complainant or more than one respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.

Notes: The College will not consolidate complaints if consolidation would violate the Family Educational Rights and Privacy Act (FERPA). Consolidation would not violate FERPA when the College obtains prior written consent from the parents or eligible students to the disclosure of their education records.

Grievance Procedures:

Goldey-Beacom College will treat complainants and respondents equitably.

Goldey-Beacom College requires that any Title IX Coordinator, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. As long as there is no conflict of interest or bias, a decisionmaker may be the same person as the Title IX Coordinator or investigator.

Goldey-Beacom College presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of its grievance procedures.

Goldey-Beacom College will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures. The parties cannot engage in retaliation, including against witnesses.

Goldey-Beacom College will objectively evaluate all evidence that is relevant and not otherwise impermissible—including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

The following types of evidence, and questions seeking that evidence, are impermissible (*i.e.*, will not be accessed or considered, except by Goldey-Beacom College to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

- Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has

voluntarily waived the privilege or confidentiality;

- A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless Goldey-Beacom College obtains that party's or witness's voluntary, written consent for use in its grievance procedures; and
- Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

Written Notice of Allegations:

Upon initiation of these Title IX grievance procedures, Goldey-Beacom College will notify the parties in writing of the following with sufficient time for the parties to prepare a response before any initial interview:

- Goldey-Beacom College's Title IX grievance procedures and any informal resolution process;
- Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex-based harassment, and the date(s) and location(s) of the alleged incident(s);
- Retaliation is prohibited;
- The respondent is presumed not responsible for the alleged sex-based harassment until a determination is made at the conclusion of the grievance procedures. Prior to such a determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial decisionmaker;
- The parties may have an advisor of their choice who may be, but is not required to be, an attorney;
- The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an investigative report that accurately summarizes this evidence. Goldey-Beacom College provides access to an investigative report: The parties are entitled to an equal opportunity to access the relevant and not impermissible evidence upon the request of any party; and
- Goldey-Beacom College prohibits knowingly making false statements or knowingly submitting false information during grievance procedures, which is described in [Misrepresentation Violations](#) section of this policy.

If, in the course of an investigation, Goldey-Beacom College decides to investigate additional allegations of sex-based harassment by the respondent toward the complainant that are not included in the written notice or that are included in a consolidated complaint, it will provide written notice of the additional allegations to the parties.

Dismissal of a Complaint:

Goldey-Beacom College may dismiss a complaint if:

- Goldey-Beacom College is unable to identify the respondent after taking reasonable steps to do so;
- The respondent is not participating in Goldey-Beacom College’s education program or activity and is not employed by Goldey-Beacom College;
- Goldey-Beacom College obtains the complainant’s voluntary withdrawal in writing of any or all of the allegations, the Title IX Coordinator declines to initiate a complaint, and Goldey-Beacom College determines that, without the complainant’s withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or
- Goldey-Beacom College determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint, Goldey-Beacom College will make reasonable efforts to clarify the allegations with the complainant.

Upon dismissal, Goldey-Beacom College will promptly notify the complainant in writing of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then Goldey-Beacom College will notify the parties simultaneously in writing.

Goldey-Beacom College will notify the complainant that a dismissal may be appealed on the bases outlined in the *Appeals* section. If dismissal occurs after the respondent has been notified of the allegations, then Goldey-Beacom College will also notify the respondent that the dismissal may be appealed on the same bases. If a dismissal is appealed, Goldey-Beacom College will follow the procedures outlined in the *Appeals* section.

When a complaint is dismissed, Goldey-Beacom College will, at a minimum:

- Offer supportive measures to the complainant as appropriate;
- If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within the College’s education program or activity.

Investigation:

Goldey-Beacom College will provide for adequate, reliable, and impartial investigation of complaints.

The burden is on the College—not on the parties—to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.

Investigator(s) will be assigned to the case. For the majority of complaints, the College will utilize third-party investigators. The investigators will gather and review all evidence and both parties will have an equal opportunity to present witnesses, including fact and expert witnesses, and other

inculpatory and exculpatory evidence that are relevant and not otherwise impermissible.

Once the investigators have conducted all interviews and compiled a draft report, the Title IX Coordinator will share a copy of the report as well as provide each party equal opportunity to access the evidence that is relevant to the allegations of sex discrimination and not otherwise impermissible, in the following manner:

- Each party will be provided receive equal opportunity to access either the relevant and not otherwise impermissible evidence, or an accurate description of this evidence. If investigators provide a description of the evidence: the investigators will provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party;
- The College will provide a reasonable opportunity to respond to the evidence or the accurate description of the evidence; and
- The College will take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures. Disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the complaint of sex discrimination are authorized.

Each party will have ten (10) business days to respond to the evidence. Their response can include, but is not limited to, requests to follow-up with certain witnesses, additional comments on their individual interview write-up, or submitting additional evidence.

The investigators will integrate any responses from the parties into their investigative report and will create a summary of relevant evidence. The investigative report and evidentiary summary combined is considered the finalized report. This finalized investigative report will be shared with both parties and each will be granted ten (10) business days to respond. This response is not an opportunity to request additional follow-up but does provide both parties a chance to submit a written response to the report.

Questioning the Parties and Witnesses:

Goldey-Beacom College will provide a process that enables the decisionmaker to question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex-based harassment.

When Goldey-Beacom College chooses not to conduct a live hearing: Goldey-Beacom College's process for proposing and asking relevant and not otherwise impermissible questions and follow-up questions of parties and witnesses, including questions challenging credibility, will:

- Allow the investigator or decisionmaker to ask such questions during individual meetings with a party or witness;
- Allow each party to propose such questions that the party wants asked of any party or witness and have those questions asked by the investigator or decisionmaker during one or more individual meetings, including follow-up meetings, with a party or witness, subject to the procedures for evaluating

and limiting questions discussed below; and

- Provide each party with an audio or audiovisual recording or transcript with enough time for the party to have a reasonable opportunity to propose follow-up questions.]

When Goldey-Beacom College chooses to conduct a live hearing: Goldey-Beacom College's process for proposing and asking relevant and not otherwise impermissible questions and follow-up questions of parties and witnesses, including questions challenging credibility, will allow the decisionmaker to ask such questions, and either:

- Allow each party to propose such questions that the party wants asked of any party or witness and have those questions asked by the decisionmaker, subject to the procedures for evaluating and limiting questions discussed below; or
- Allow each party's advisor to ask any party or witness such questions, subject to the procedures for evaluating and limiting questions discussed below. Such questioning will never be conducted by a party personally. Goldey-Beacom College permits advisor-conducted questioning and a party does not have an advisor to ask questions on their behalf, Goldey-Beacom College will provide the party with an advisor of Goldey-Beacom College's choice, without charge to the party, for the purpose of advisor-conducted questioning. In those instances, Goldey-Beacom College will not appoint a confidential employee and may appoint, but is not required to appoint, an attorney to serve as an advisor.

Procedures for the decisionmaker to evaluate the questions and limitations on questions:

The decisionmaker will determine whether a proposed question is relevant and not otherwise impermissible before the question is posed and will explain any decision to exclude a question as not relevant or otherwise impermissible. Questions that are unclear or harassing of the party or witness being questioned will not be permitted. The decisionmaker will give a party an

opportunity to clarify or revise a question that the decisionmaker determines is unclear or harassing. If the party sufficiently clarifies or revises the question, the question will be asked.

Refusal to respond to questions and inferences based on refusal to respond to questions: The decisionmaker may choose to place less or no weight upon statements by a party or witness who refuses to respond to questions deemed relevant and not impermissible. The decisionmaker will not draw an inference about whether sex-based harassment occurred based solely on a party's or witness's refusal to respond to such questions.

Procedures for a Live Hearing:

Goldey-Beacom College will conduct the live hearing with the parties physically present in the same geographic location or, at Goldey-Beacom College's discretion or upon the request of either party, will conduct the live hearing with the parties physically present in separate locations with technology enabling the decisionmaker and parties to simultaneously see and hear the party or witness while that person is speaking.

Goldey-Beacom College will create an audio or audiovisual recording or transcript of any live hearing and make it available to the parties for inspection and review.

The below list includes the specific rights afforded to both parties and their advisors during hearings for cases moving through the Title IX Grievance Procedures.

- Each party's questions will be asked, given that the hearing board has determined that the question is relevant.
- The hearing will be conducted in real time via Zoom video-conferencing software, although it may occur with the parties located in a shared, physical space at the request of a party or the institution.
- If a party does not have an advisor of choice at the hearing, the school will provide an advisor without fee or charge.
- Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.
- The College does not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

Determination Whether Sex-Based Harassment Occurred:

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, Goldey-Beacom College will:

- Use the preponderance of the evidence standard of proof to determine whether sex discrimination occurred. The standard of proof requires the decisionmaker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decisionmaker is not persuaded under the applicable standard by the evidence that sex discrimination occurred, whatever the quantity of the evidence is, the decisionmaker will not determine that sex discrimination occurred.
- Notify the parties simultaneously in writing of the determination whether sex-based harassment occurred under Title IX including:
 - A description of the alleged sex-based harassment;
 - Information about the policies and procedures that Goldey-Beacom College used to evaluate the allegations;
 - The decisionmaker's evaluation of the relevant and not otherwise impermissible evidence and determination whether sex-based harassment occurred;
 - When the decisionmaker finds that sex-based harassment occurred, any disciplinary sanctions Goldey-Beacom College will impose on the respondent, whether remedies other than the imposition of disciplinary sanctions will be provided by Goldey-Beacom College to the complainant, and, to the extent appropriate, other students identified by Goldey-Beacom College to be experiencing the effects of the sex-based harassment; and
 - Goldey-Beacom College procedures and permissible bases for the complainant and respondent to appeal.
- Goldey-Beacom College will not impose discipline on a respondent for sex discrimination

prohibited by Title IX unless there is a determination at the conclusion of the Title IX grievance procedures that the respondent engaged in prohibited sex discrimination.

- If there is a determination that sex discrimination occurred, as appropriate, the Title IX Coordinator will:
 - Coordinate the provision and implementation of remedies to a complainant and other people Goldey-Beacom College identifies as having had equal access to Goldey-Beacom College education program or activity limited or denied by sex discrimination;
 - Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; and
 - Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within Goldey-Beacom College education program or activity.
- Comply with the Title IX grievance procedures before the imposition of any disciplinary sanctions against a respondent; and
- Not discipline a party, witness, or others participating in the Title IX grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.

The determination regarding responsibility becomes final either on the date that Goldey-Beacom College provides the parties with the written determination of the result of any appeal, or, if no party appeals, the date on which an appeal would no longer be considered timely.

Appeals:

Both sanctioned students and employees have ten (10) business days from the date of the sanction to submit a written request for appeal.

Goldey-Beacom College will offer an appeal from a dismissal or determination whether sex-based harassment occurred on the following bases:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the determination or dismissal was made;
- The sanctions imposed are disproportionate to the violation; and
- The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

If a party appeals a dismissal or determination whether sex-based harassment occurred, Goldey-Beacom College will:

- Notify the parties in writing of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;
- Implement appeal procedures equally for the parties;
- Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;

- Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations;
- Communicate to the parties in writing that Goldey-Beacom College will provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the parties in writing of the result of the appeal and the rationale for the result.

Any additional procedures or bases for appeal Goldey-Beacom College offers will be equally available to all parties.

Informal Resolution

The informal resolution process serves as an alternative to the formal grievance process and aims to resolve Title IX complaints in a mutually satisfactory manner.

Eligibility for Informal Resolution

- Participation in the informal resolution process is entirely voluntary for both the complainant and the respondent.
- Informal resolution is available in cases where the respondent or complainant is an employee or student of the College.
- Goldey-Beacom College will not offer informal resolution to resolve a complaint when the case involves an employee engaged in sex-based harassment of an elementary school or secondary school student, or conflicts with Federal, State, or local law.

Informal Resolution Process

Initial Assessment

- Upon receiving a report of sexual misconduct, the Title IX Coordinator will assess whether the complaint is eligible for informal resolution.
- Both parties will be informed of the option to pursue informal resolution in writing, including any process that the College offers and deems appropriate.

Voluntary Consent

- Both parties must provide voluntary, written consent to engage in the informal resolution process.
- Either party can withdraw from the informal resolution process at any time and resume the formal grievance process.

Informal Resolution Process

- Before the initiation of an informal resolution process, Goldey-Beacom College will explain in writing to the parties:
 - The allegations.
 - The requirements of the informal resolution process.

- That any party has the right to withdraw from the informal resolution process and initiate or resume grievance procedures at any time before agreeing to a resolution.
- That if the parties agree to a resolution at the end of the informal resolution process, they cannot initiate or resume grievance procedures arising from the same allegations.
- The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties.
- What information Goldey-Beacom College will maintain and whether and how Goldey-Beacom College could disclose such information for use in Title IX grievance procedures if such procedures are initiated or resumed.

Facilitator Assignment

- The Title IX Coordinator will appoint a trained, neutral facilitator to oversee the informal resolution process.
- The facilitator's role is to assist the parties in reaching a mutually acceptable resolution.

Informal Resolution Sessions

- The facilitator will arrange meetings with both parties, either separately or together, depending on the circumstances and preferences.
- Parties will discuss the complaint and negotiate possible resolutions.
- All discussions during the informal resolution process are confidential and cannot be used in any subsequent formal grievance process.

Resolution Agreement

- The parties will work towards a mutually satisfactory resolution agreement.
- The resolution agreement will be documented in writing and signed by both parties.
- The Title IX Coordinator will ensure the implementation of the agreed-upon resolution.

Follow-Up

- The Title IX Coordinator will monitor compliance with the resolution agreement.
- Supportive measures may continue or be modified as necessary to ensure compliance and support for both parties.

Other Considerations

Termination of Process

- The Title IX Coordinator may modify, terminate, or continue supportive measures at the conclusion of the informal resolution process.
- Parties will be provided with a timely opportunity to challenge any decision regarding supportive measures.

Confidentiality

- Information about supportive measures and the informal resolution process will be kept confidential and disclosed only as necessary to implement the resolution, restore or preserve access to the educational program or activity, or when an applicable exception allows.

Documentation and Record-Keeping

- The Title IX Coordinator will maintain records of the informal resolution process, including the written consent of the parties, the resolution agreement, and any supportive measures provided.

Contact Information

For more information or to request changes to academic, living, transportation, and/or working situations or other supportive measures, individuals should contact:

Title IX Coordinator: Leilani Decena-Shepherd. decenal@gbc.edu, (302) 225-6305

Informal Resolution Facilitator: Appointed by the College.

Special Accommodations Coordinator: Deborah Harbaugh, harbaugh@gbc.edu, (302) 225-6211

Goldey-Beacom College is committed to providing a fair and effective informal resolution process in compliance with the 2024 Title IX regulations.

Supportive Measures:

Available Supportive Measures and Accommodations

Upon receipt of a report of sexual misconduct, a Title IX Coordinator will meet with both the complainant and the respondent to discuss available accommodations. These accommodations may include changes to academic, living, transportation, and working situations. The Title IX Coordinator will review the options, provide assistance in requesting accommodations, and explain the process for requesting accommodations and protective measures.

Note: A request for supportive measures that affect the respondent (e.g., changing the respondent's schedule, changing the respondent's living situation) cannot be granted without an investigation that finds the respondent responsible for violating the College's title IX/Sexual Misconduct Policy.

Goldey-Beacom College will offer and coordinate supportive measures as appropriate for the complainant and/or respondent to restore or preserve that person's access to the Goldey-Beacom College education program or activity or provide support during Goldey-Beacom College Title IX grievance procedures or during the informal resolution process. For complaints of sex-based harassment, these supportive measures may include, but not limited to:

- **Academic Accommodations:**
 - Transfer to a different section of a class.

- Withdrawal from a class with the option to retake it at a different time.
- Extensions on assignments or rescheduling of exams.
- Access to tutoring or other academic support services.
- **Living Accommodations:**
 - Moving to a different room or residence hall.
 - Temporary housing adjustments.
- **Working Accommodations:**
 - Change in working hours or shifts.
 - Modification of work assignments or location.
 - Temporary leave or administrative leave with pay (for employees).
- **Transportation and Parking Accommodations:**
 - Change in parking location.
 - Assistance with a safety escort to and from classes or work.
- **Other Supportive Measures:**
 - No-contact orders to prevent interactions between the complainant and respondent.
 - Counseling and mental health services.
 - Assistance with obtaining medical services.
 - Support in reporting the incident to local law enforcement if desired.

At an individual’s request, and to the extent of their cooperation and consent, the Title IX Coordinator will work with relevant College offices to implement these accommodations. These changes can be made regardless of whether the incident was reported to local law enforcement.

To request changes to academic, living, transportation, and/or working situations or other supportive measures, individuals should contact a Title IX Coordinator as identified in this document.

Disability Accommodations

Students with a documented disability can request accommodations by contacting the College’s Special Accommodations Coordinator:

Deborah Harbaugh

Email: harbaugh@gbc.edu

Phone: (302) 225-6211

Employees with a documented disability can request accommodations by contacting the College’s Human Resources Department:

GBC HR

Email: hr@gbc.edu

Phone: (302) 225-6292

Other Considerations of Supportive Measures:

The Title IX Coordinator may modify, terminate, or continue supportive measures at the conclusion of the grievance procedures or informal resolution process. The College will provide timely opportunities to challenge any decision regarding supportive measures.

The Title IX Coordinator will not disclose information about any supportive measures to persons other than those to whom they apply, except when necessary to provide the supportive measures, restore or preserve access to the educational program or activity, or when an applicable exception allows for such disclosure. This includes informing one party of supportive measures provided to another party only when it is essential for the implementation of those measures.

Possible Disciplinary Sanctions and Remedies

For Students:

If a student is found to be in violation of Title IX regulations, the following sanctions may be imposed based on the severity and nature of the violation:

- **Warning:** A written notice indicating that the student has violated Title IX regulations and warning of potential further sanctions if the behavior continues.
- **Probation:** A period during which the student must comply with all College rules, regulations, and policies. This period includes monitoring of the student's conduct and may include specific conditions or loss of privileges.
- **Loss of Privileges:** Restriction or removal of certain privileges, such as participation in extracurricular activities, campus events, or representing the College in any official capacity.
- **Educational Programs:** Mandatory participation in educational programs or workshops related to sexual misconduct, consent, and respectful behavior.
- **Counseling:** Mandatory attendance in counseling sessions or programs aimed at addressing behavioral issues related to the violation.
- **Community Service:** Assigning tasks that benefit the College community or the larger community, tailored to the nature of the violation.
- **Housing Reassignment/Removal:** Changing the student's on-campus housing assignment or removing the student from campus housing. This may include restrictions on entering any College-owned housing.
- **No-Contact Orders:** Prohibiting the student from contacting or approaching the complainant or other individuals involved in the incident.
- **Interim Suspension:** Temporary removal from the College or College-owned housing while an investigation is ongoing, especially if the student's presence poses a threat to the health, safety, or welfare of the College community.
- **Suspension:** Temporary removal from the College for a specified period. During this time, the student may not attend classes, take exams, receive grades, or be present on College property. Reinstatement may require meeting specific conditions set by the Title IX Coordinator.
- **Expulsion:** Permanent removal from the College. The student is not allowed on College property and forfeits any tuition or fees paid.
- **Other Sanctions:** Depending on the specific circumstances, additional sanctions may be imposed, such as fines, loss of scholarships, or the assignment of tasks that provide a constructive or educational benefit.

For Employees:

If an employee is found to be in violation of Title IX regulations, the following sanctions may be imposed:

- **Paid Suspension/Administrative Leave:** Temporary leave with pay during the investigation or as a disciplinary measure.
- **Unpaid Suspension:** Temporary leave without pay as a disciplinary measure.
- **Restrictions from Some or All Parts of Campus:** Limiting the employee's access to certain areas of the campus.
- **Change in Office/Classroom Assignments:** Relocation to a different office or classroom to prevent contact with the complainant.
- **Written Reprimand:** A formal written notice indicating that the employee has violated Title IX regulations and warning of potential further sanctions.
- **Removal from Classroom Teaching:** Prohibition from teaching duties, either temporarily or permanently.
- **Removal of Administrative Position:** Dismissal from an administrative role while potentially retaining other duties.
- **Employment Termination:** Permanent separation from employment with the College.
- **Housing Reassignment or Removal:** Reassignment to different housing or removal from College-owned housing without refund.
- **Constructive or Educational Task:** Assignments that provide a benefit to the individual, campus, or community, such as participating in training programs.
- **Completion of Required Training:** Mandatory completion of training programs related to sexual misconduct, harassment, or respectful workplace behavior.
- **Mediation:** Participation in mediation sessions to address and resolve conflicts related to the violation.
- **Restitution:** Compensation for any damage or loss caused by the violation.

The sanctioned employee will have ten (10) business days from the date of the sanction to submit a written request for appeal.

Remedies for Complainants:

In addition to disciplinary sanctions on the respondent, Goldey-Beacom College may provide remedies to the complainant to ensure their continued access to educational programs and activities. Remedies may include:

- Academic support services, such as tutoring or extensions on assignments.
- Adjustments to class schedules or campus housing.
- Counseling and mental health services.
- No-contact orders or changes in the respondent's schedule to prevent interactions.
- Assistance in reporting to law enforcement if desired by the complainant.
- Other measures tailored to the complainant's needs to ensure their safety and well-being.

Goldey-Beacom College is committed to maintaining a safe and respectful environment and will take appropriate actions to address and remedy any violations of Title IX regulations.

Notes on the Investigative Process for both Sex-Based Harassment and Sex Discrimination Grievance Procedures

The following are key components of every investigation conducted into matters of sexual misconduct:

- The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the investigators.
- Investigators cannot access, consider, disclose, or otherwise use a party's information protected under a legally recognized privilege unless the person holding such privilege waives the privilege.
- Parties must have an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.
- There can be no restriction on either party preventing them from discussing the allegations or to gather and present relevant evidence.
- The parties must have the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice.
- The institution may establish restrictions regarding the extent of participation of the advisors in investigation meetings as long as they are applied equally to both parties.
- Written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate must be given.
- Both parties will be provided an equal opportunity to inspect and review any evidence obtained as part of the investigation.
- Prior to completion of the investigative report, the parties and their advisors must receive the evidence subject to inspection and have at least ten (10) business days to submit a written response.
- Creation of an investigative report that fairly summarizes relevant evidence and provide to the parties, and their advisors in the case of Title IX Hearings, at least ten (10) business days prior to the hearing.

Procedures for Conduct Meeting the Federal Definition for Sex-Based Harassment and for Conduct Meeting the College's Standards for Prohibited Conduct on the Basis of Sex Alleged Against a Non-Student/Faculty Member/Staff Member/College Employee/ or Third-Party Contracted Employee

The College cannot issue any disciplinary sanctions against members who are not part of the Goldey- Beacom College Community. However, reports of conduct that would fall both within the federal definition of sexual harassment as well as conduct that is otherwise prohibited by the College are taken seriously. The reporting individual as well as the affected party will have the opportunity to meet with a Title IX Coordinator to discuss potential supportive measures and/or accommodations can assist in protecting their safety.

As an institution on private property, the College reserves the right to implement Campus Bans when appropriate. Individuals violating a Campus Ban would be considered trespassing and the College reserves the right to contact law enforcement in such instances.

Emergency Removal

Upon receipt of a report of sex-based harassment, sex discrimination and/or sexual misconduct, and after an individualized safety and risk analysis, should the respondent's continued presence on the College's Campus pose an imminent and serious threat to the health or safety of any persons, including the complainant, any student, employees, or other persons arising from allegations of sex discrimination, or other members of the College Community, the College may decide to remove the respondent, if a student, from the residence halls (if applicable), classes and/or the campus as a whole. Should the College decide to remove a respondent, the respondent will be given adequate notice of this removal and will be granted ten (10) business days to appeal this decision.

Should the respondent be an employee, it may be determined that the employee is to be put on Administrative Leave for the duration of the investigation. This determination will be made by the Title IX Coordinator and a Human Resources representative.

Should the College decide to remove a respondent, the respondent will be given adequate notice of this removal and will be granted ten (10) business days to appeal this decision.

Misrepresentation Violations

The success of the College's grievance procedures rely, in part, on each party's ability to accurately represent themselves. The College does not take false statements or misrepresentation during the reporting process or grievance procedures lightly. Misrepresentation violations include:

- Falsification of information, which includes any form of providing false or misleading information, in writing, orally, or electronically, in a manner which has the intent or effect of deceiving authorized College personnel, or of altering or falsifying official institutional records or documents; and
- Providing false or misleading information including utterance of false testimony or submission of false written statements at any proceeding authorized by this document.

A party found to be misrepresenting could have all statements and testimony discredited or discarded, and/or could be sanctioned, which will be adjudicated as detailed in the Code of Conduct.

Conflict of Interest

Should either party feel that a Title IX Coordinator, investigator, or hearing board member has a conflict of interest that would prevent them from acting without bias, the party should notify the Title IX Coordinator or designee so an adjustment can be made to ensure a fair and equitable process.

Advisors of Choice

Both parties are entitled to an advisor of choice to accompany them in interview sessions as well

as the hearing. During interviews, the advisor is not permitted to speak or participate in the interview. However, the party or their advisor may request a brief, 5-minute recess for private consultation.

During hearings, the advisor is not permitted to speak or participate in the hearing.

However, the party or their advisor may request a brief, 5-minute recess for private consultation. Should either party be unable to find an advisor, the College will provide one for the hearing.

Procedures Individuals Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault, Stalking, Sexual Harassment or Discriminatory Harassment on the Basis of Sex Occurs

After an incident of sexual assault, dating violence or domestic violence, the victim should consider seeking medical attention as soon as possible at a local hospital. It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where the victim was assaulted if the offense occurred within the past 96 hours so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring or may be helpful in obtaining a protection order. Any physical evidence should not be kept in a plastic bag; a brown bag or pillowcase should be used. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted infections. Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs, or other copies of documents, if they have any, that would be useful to College Investigators or police.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining Protection from Abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident the victim should consider speaking with Campus Security or other law enforcement to preserve evidence. This will assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order in the event that the victim decides to report the incident to law enforcement or the College at a later date.

Involvement of Law Enforcement

Although the College strongly encourages all members of its community to report violations of this policy to law enforcement (including Campus Security and/or local police), it is the victim's choice whether or not to make such a report. Furthermore, victims have the right to decline to notify law enforcement. This choice is not available in the case of minors as Goldey-Beacom College will adhere to Delaware Chapter 9 of Title 16 requirements and report the incident to law enforcement. Should the victim choose to decline the contacting of law enforcement, the College is willing to assist the victim. However, the College's Title IX Coordinator will assist with notifying law enforcement if the victim so desires. Delaware State Police may also be reached directly by calling (302) 633 – 5000, or in person at 3301 Kirkwood Highway,

Wilmington, DE 19808. Additional information about the Delaware State Police may be found online at: www.dsp.delaware.gov/locations.shtml.

The Title IX Coordinator will also assist individuals who do not want to contact law enforcement but may wish to utilize supportive measures or initiate institutional proceedings.

Reporting Incidents of Domestic Violence, Dating Violence, Sexual Assault, Stalking, Sexual Harassment or Discriminatory Harassment on the Basis of Sex

Victims of domestic violence, dating violence, sexual assault, stalking, sexual harassment and/or discriminatory harassment on the basis of sex can report the incident promptly by:

1. Contacting the police: Calling 911 and Campus Security if the victim is in the midst of any kind of emergency, immediate harm, or threat of harm. Campus Security can be contacted 24 hours a day, seven (7) days a week at 302-547-0988,
2. Completing the online Title IX Complaint Form available on Campus Web or the College Website
(https://cm.maxient.com/reportingform.php?GoldeyBeacomCollege&layout_id=3).

The form is automatically submitted to the Title IX Coordinator and Title IX Deputy Coordinators and can be submitted anonymously, or

3. Contacting a Title IX Coordinator. Any person may report sexual discrimination, including sexual harassment (whether or not the person reporting is the person allegedly the victim of conduct that could constitute sex discrimination or sexual harassment. Reports may be made in person, by mail, by phone, or by email using the information below. Reports may be made at any time, including non-business hours.

Leilani Decena-Shepherd	Hannah Bakey
Title IX Coordinator	Title IX Deputy Coordinator
(302) 225-6305	(302) 225-6383
decenal@gbc.edu	bakeyh@gbc.edu
Goldey-Beacom College	Goldey-Beacom College
Human Resources	Graduate & International Admissions
Fulmer Center	Jones Center
4701 Limestone Road	4701 Limestone Road
Wilmington, DE 19808	Wilmington, DE 19808

On and Off Campus Services

The College is empathetic to the unique struggle of reporting an incident of sexual misconduct. Similarly, going through the grievance procedures as either respondent or complainant can be difficult, and the College encourages all involved parties to utilize the resources as detailed below.

The Mental Health & Wellness Center

The College's students are able and encouraged to use the College's Mental Health & Wellness Center on campus. This Center provides the following services:

- Individual counseling;
- Fireside Chat informal discussion groups;
- Classroom presentations and engagement, and
- Consultations for faculty, staff, athletics, parents, and resident assistants

Location: Services are conducted primarily in-person in Jackson Hall with virtual services available as requested.

Telephone: (302) 225-6362

To schedule an appointment: Students are welcome to make an appointment by visiting the Mental Health & Wellness Center in Jackson Hall during posted Drop-In Hours or by emailing healthandwellness@gbc.edu.

For afterhours emergencies, call 911 or Crisis Mobile Support, 1-800-652-2929

Drop-In Hours vary by the day and can be found on the Mental Health & Wellness Center website or in the Strike This newsletter.

Confidentiality

The Mental Health & Wellness Center protects the confidentiality of information disclosed during sessions as well as enrollment in treatment in the interest of client well-being. State and Federal exceptions to confidentiality are as follows:

- Child abuse/neglect must be reported to Delaware Division of Family Services (including historical reports);
- Imminent danger to the client or others requires duty to warn the third party and measures taken to ensure the client's personal safety which may include hospitalization, informing the Vice President of Student Affairs and Athletics, Campus Security, or local authorities;
- A judicial subpoena or state/federal court mandate; or
- Written or verbal consent by the client or guardian to disclose specific information to an identified third party.

In these situations, it is recommended that the student or employee contact a clinical provider who will discuss with the client or guardian directly should any of the above, exceptional situations occur. When an exceptional situation as listed above is encountered, please be advised that the minimum information required will be discussed.

Confidentiality Disclosing Sexual Misconduct

Goldey-Beacom College's Mental Health & Wellness Center is designated as a confidential

resource for members of the College Community who wish to discuss an incident of sexual misconduct without or before reporting to a Title IX Coordinator. Individuals who are not prepared to make a report or who may be unsure how to label what happened to them but wish to seek information and support are encouraged to contact a confidential resource. As discussed below, some of these confidential resources do not report any information to the College's Title IX Coordinator (professional, licensed counselors and clinical interns providing mental health counseling at the College).

Any clients who utilizes a confidential resource may still chose to file a complaint with a Title IX Coordinator or report the incident to law enforcement and have the incident fully investigated.

Professional Counselors & Clinical Interns

Professional, licensed counselors and clinical interns who provide mental health counseling to members of the College Community will not report any information to a Title IX Coordinator without written permission from the client. This protection also extends to individuals who work or volunteer in these offices, including front desk staff and students-workers.

Note: While these professional counselors and clinical interns may maintain a client's confidentiality in the College setting, they may have other reporting or disclosure obligations under state and/or federal law, including mandatory reporting of child abuse, situations in which the patient or client presents a danger to themselves or others, and when responding to subpoenas compelling document production or testimony at trial or in a deposition.

Additional On-Campus Services

Upon receipt of a report of sexual misconduct, Goldey-Beacom College will provide written notification to the reported parties about existing assistance with and/or information about obtaining resources and services including counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and assistance in notifying appropriate local law enforcement. In addition, the College provides a written notification to students and employees about existing assistance each year in the form of the Annual Security Report, which is distributed as described in this document.

The College offers assistance in the area of student financial aid. These services can be obtained by contacting the Financial Aid/Advisement Office at (302) 225-6265 or by email at finaid@gbc.edu.

Off-Campus Services

None of the following services are available to students on the Goldey-Beacom College campus: victim advocacy, legal assistance, and visa and immigration assistance. Off-campus services are listed below; if there are any further questions on how to access any of these services, or other services such as these, an individual may follow-up with a Title IX Coordinator for further guidance.

Type of Services Available	Service Provider	Contact Information
Counseling	Health Advocate	Student Assistance Program Hotline (24/7): (885) 384 – 1800 www.healthadvocate.com/site
Counseling	Rape, Abuse, & Incest National Network (RAINN)	National Sexual Assault Hotline (24/7): (800) 656 – HOPE (4673) www.hotline.rainn.org/online
Counseling	ContactLifeline	New Castle County Crisis Helpline & Rape Crisis Program (24/7): (302) 761 – 9100 Deaf Helpline (TDD) (24/7): (302) 761 – 9700 Kent & Sussex Counties (24/7): (800) 262 – 9800 www.contactlifeline.org
Counseling	People's Place	(302) 442 – 8033 People's Place offers individual and family counseling by licensed mental health therapists in their Milford, Millsboro, Seaford, and Smyrna offices. www.peoplesplace2.com
Counseling	National Domestic Violence Hotline	Call (24/7): (800) 799 – SAFE (7233) Text Message (24/7): Text “START” to 88788 Online Chat & Additional Resources (24/7): www.thehotline.org
Victim Services	Cecil County MD Domestic Violence Rape Crisis Center (“The Bridge”)	Helpline (24/7): (410) 996 – 0333 PO Box 2137 Elkton, MD 21921 www.cecilhelp4u.com/dvrcc-services
Health/Medical Services	Christiana Hospital	4755 Ogletown-Stanton Rd Newark, DE 19718 (302) 733 – 1000 (302) 733 – 4799 (Forensic Nurse Examiners) www.christianacare.org *A forensic nurse examiner is present in the emergency department at all times. Forensic Nurse Examiners are specially trained to provide comprehensive care for victims of sexual assault.
Health/Medical Services	Wilmington Hospital	501 W. 14th St Wilmington, DE 19801

		(302) 733 – 1000 www.christianacare.org/facilities/wilmingtonhospital/
Mental Health	National Alliance on Mental Illness (NAMI) Delaware	National Suicide and Crisis Lifeline (24/7): 988 NAMI Delaware HelpLine: (888) 427 – 2643, select option 1 9:00 AM – 4:00 PM Monday – Friday 2400 W 4th St Wilmington, DE 19805 Office: (302) 427 – 0787 www.nami.org/home & www.namidelaware.org
Victim Services	Delaware State Police Victim Center	Statewide Victim Center Hotline: (800) VICTIM-1 (842 – 8461) www.dsp.delaware.gov/victim-services/
Victim Services: Women's Shelter	Child Inc.	Domestic Violence Hotline – Bilingual (24/7): (302) 762 – 6110 Main Office: (302) 762 – 8989 www.childinc.com
Victim Services	Delaware Coalition Against Domestic Violence	New Castle County Hotline (24/7): (302) 762 – 6110 Kent & Sussex Counties (24/7): (302) 422 – 8058 Abriendo Puertas (24/7): (302) 745 – 9874 www.dcadv.org/welcome.html
Victim Services	Domestic Violence Coordinating Council	New Castle County Domestic Violence Hotline – Bilingual (24/7): (302) 762 – 6110 New Castle County Rape Crisis Hotline (24/7): (800) 773 – 8570 Kent & Sussex Counties Domestic Violence Hotline (24/7): (302) 422 – 0858 Kent & Sussex Counties Rape Crisis Hotline (24/7): (800) 262 – 9800 Kent & Sussex Counties Hotline – Bilingual (24/7): (302) 745 – 9874 Wilmington Office: (302) 255 – 1700 www.dvcc.delaware.gov/

Victim Services	YWCA Delaware Sexual Assault Response Center (New Castle County)	Rape Crisis Hotline (24/7): (800) 773 – 8570 Main Office: (302) 273 – 1300 Robscott Building 153 E. Chestnut Hill Road Newark, DE 19713 www.ywcade.org/sarc
Free Legal Assistance	State of Delaware Legal Help Link	www.delegalhelplink.org
Legal Assistance	Attorney General	New Castle County Criminal Division: (302) 577 – 8500 Kent County Criminal Division: (302) 739 – 4211 Sussex County Office: (302) 856 - 5353 www.attorneygeneral.delaware.gov Victim/Witness Programs: New Castle County: (302) 577 – 8500 or (800) 870 – 1790 Kent County: (302) 257 – 3293 Sussex County: (302) 752 – 3263 www.attorneygeneral.delaware.gov/victims-and-witnesses
Legal Assistance	Delaware Volunteer Legal Services, Inc.	New Castle County: (302) 478 – 8680 Sussex or Kent County: (888) 225 – 0582 www.dvls.org
Legal Assistance	Delaware State Family Court (Protection from Abuse)	New Castle County: (302) 225 – 0300 Kent County: (302) 672 – 1000 Sussex County: (302) 855 – 7400

Victim Advocacy Programs:
 New Castle County: (302) 255 – 0420
 Kent County: (302) 672 – 1075
 Sussex County: (302) 856 – 5843

www.courts.delaware.gov/family/

Visa and Immigration Services	U.S. Citizenship and Immigration Services	(800) 375-5283 www.uscis.gov
Federal Student Aid	Federal Government	www.studentaid.ed.gov
Outside Scholarships	Fin. Aid Services	www.fastweb.com and www.cappex.com

Other resources available to persons who report being the victim of sexual assault, domestic violence, dating violence, or stalking, include:

www.rainn.org – Rape, Abuse and Incest National Network
www.ovw.usdoj.gov/sexassault.htm - Department of Justice
www2.ed.gov/about/offices/list/ocr/index.html Department of Education,
 Office of Civil Rights

Goldey-Beacom College’s Sexual Misconduct Policy and the Family Education Rights and Privacy Act of 1974 (FERPA)

All students are granted rights and privacy under the Family Education Rights and Privacy Act (FERPA), which precludes institutions from sharing certain information with others and other institutions without express, authorized release of said information from the student.

For cases that are investigated and adjudicated through the Title IX Grievance Process, both the complainant and the respondent will be given the opportunity to review the investigative report, as per the procedures outlined in this policy. This report will contain personally identifiable information to the extent that each party needs to have full knowledge of who provided what statements (e.g., first and last names of witnesses).

More information regarding student rights and privacy under FERPA can be found [here](#).

Sexual Misconduct Record Retention

Records pertaining to a case or report of sexual misconduct will be retained with the Title IX Coordinator for seven (7) years after the date of the last letter issued regarding the case. This includes all records regarding a report, an investigation, formal and informal resolutions, appeals, and training materials.

Employee Obligation to Report

The College has designated all employees as mandatory reporters (“Responsible Employees”), meaning that if an employee were to receive direct knowledge of an instance of sexual harassment or discriminatory harassment, it is that employee’s responsibility to relay all relevant information to the Title IX Coordinator. The Title IX Coordinator will use that information to initiate contact with the reporting party to provide rights and options and offer protective measures.

Education and Prevention

Information regarding Community-wide training as well as the training received by Title IX Personnel will be available upon request.

Glossary of Key Terms:

Actual Knowledge - notice of sexual harassment or allegations of sexual harassment to a recipient’s Title IX Coordinator or any official of the recipient who has authority to institute corrective measures on behalf of the recipient.

Business day – A metric of time referring to any day in which normal business operations are conducted. Published dates when the College is closed would not count toward an aggregate of business days. College closings are published on the [Academic Calendar](#).

Campus Ban – The College’s revocation of a student’s or employee’s privilege to be on the Goldey- Beacom College campus A ban can be for a set period of time or indefinite, depending on the infraction. The parameters regarding the Campus Ban would be detailed in the notice provided.

Complainant – (1) A student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations; or (2) A person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations and who was participating or attempting to participate in the recipient’s education program or activity at the time of the alleged sex discrimination.

Complaint - An oral or written request to the recipient that objectively can be understood as a request for the recipient to investigate and make a determination about alleged discrimination under Title IX or its regulations.

Disciplinary sanctions - Consequences imposed on a respondent following a determination under Title IX that the respondent violated the recipient’s prohibition on sex discrimination.

Educational program or activity – includes locations, events, or circumstances over

which the school exercised substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution.

Employee - Any individual who is hired for a wage, salary, or other compensation to perform work for Goldey-Beacom College.

Formal complaint - a document filed by the complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the recipient investigate the allegation of sexual harassment. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail by using the contact information required to be listed for the Title IX Coordinator. A complainant must be participating in, or attempting to participate in, the recipient's education program or activity at the time of filing a formal complaint. A complainant who has graduated may still be "attempting to participate" in the recipient's education program or activity.

Party - A complainant or respondent.

Relevant - Related to the allegations of sex discrimination under investigation as part of these grievance procedures. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred.

Remedies - Measures provided, as appropriate, to a complainant or any other person the recipient identifies as having had their equal access to the recipient's education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person's access to the recipient's education program or activity after a recipient determines that sex discrimination occurred.

Respondent – A person who is alleged to have violated the recipient's prohibition on sex discrimination.

Responsible Employees – Employees who, upon receiving a report of sexual harassment, sexual misconduct, or discrimination on the basis of sex, must relay this report to a Title IX Coordinator.

Retaliation – Intimidation, threats, coercion, or discrimination against any person by the recipient, a student, or an employee or other person authorized by the recipient to provide aid, benefit, or service under the recipient's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or its regulations, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the Title IX regulations.

Sex-based harassment - Form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, that is:

1) *Quid pro quo harassment*. An employee, agent, or other person authorized by the recipient to provide an aid, benefit, or service under the recipient's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct;

2) *Hostile environment harassment*. Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the recipient's education program or activity (*i.e.*, creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

i. The degree to which the conduct affected the complainant's ability to access the recipient's education program or activity;

ii. The type, frequency, and duration of the conduct;

iii. The parties' ages, roles within the recipient's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;

iv. The location of the conduct and the context in which the conduct occurred; and

v. Other sex-based harassment in the recipient's education program or activity; or

3) *Specific offenses*.

i. Sexual assault meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;

ii. Dating violence meaning violence committed by a person:

i) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and

ii) Where the existence of such a relationship shall be determined based on a consideration of the following factors:

(1) The length of the relationship;

(2) The type of relationship; and

(3) The frequency of interaction between the persons involved in the relationship;

iii. Domestic violence meaning felony or misdemeanor crimes committed by a person who:

i) Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the recipient, or a person similarly situated to a spouse of the victim;

ii) Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;

- iii) Shares a child in common with the victim; or
- iv) Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction; or
- iv. Stalking meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 - i) Fear for the person's safety or the safety of others; or
 - ii) Suffer substantial emotional distress.

Sexual Misconduct – Conduct that is unwanted and of a sexual nature that may not meet the federal, Title IX definition of sexual harassment, but still affects the complainant's access to the education program or activity.

Student – An individual who is enrolled in any course or program offered by the College.

Supportive measures - Individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to:

- (1) Restore or preserve that party's access to the recipient's education program or activity, including measures that are designed to protect the safety of the parties or the recipient's educational environment; or
- (2) Provide support during the recipient's grievance procedures or during an informal resolution process.

Witness – Any individual who was able to bear witness to any of the alleged actions or behaviors in a given case and who therefore has relevant information for the matter being investigated.

Appendix: State of Delaware Jurisdictional Definitions of Consent, Dating Violence, Domestic Violence, Incest, Rape, Sexual Assault, and Stalking

Consent – The State of Delaware defines consent, in relation to sexual activity, with a “without consent” definition as follows:

“Without consent” means:

- (a) The defendant compelled the victim to submit by any act of coercion as defined in §§ 791 and 792 of this title, or by force, by gesture, or by threat of death, physical injury, pain or kidnapping to be inflicted upon the victim or a third party, or by any other means which would compel a reasonable person under the circumstances to submit. It is not required that the victim resist such force or threat to the utmost, or to resist if resistance would be futile or foolhardy, but the victim need resist only to the extent that it is reasonably necessary to make the victim's refusal to consent known to the defendant; or
- (b) The defendant knew that the victim was unconscious, asleep, or otherwise unaware that a sexual act was being performed; or

- (c) The defendant knew that the victim suffered from a cognitive disability, mental illness or mental defect which rendered the victim incapable of appraising the nature of the sexual conduct or incapable of consenting; or
- (d) Where the defendant is a health professional, as defined herein, or a minister, priest, rabbi or other member of a religious organization engaged in pastoral counseling, the commission of acts of sexual contact, sexual penetration or sexual intercourse by such person shall be deemed to be without consent of the victim where such acts are committed under the guise of providing professional diagnosis, counseling or treatment and where at the times of such acts the victim reasonably believed the acts were for medically or professionally appropriate diagnosis, counseling or treatment, such that resistance by the victim could not reasonably have been manifested. For purposes of this paragraph, "health professional" includes all individuals who are licensed or who hold themselves out to be licensed or who otherwise provide professional physical or mental health services, diagnosis, treatment or counseling and shall include, but not be limited to, doctors of medicine and osteopathy, dentists, nurses, physical therapists, chiropractors, psychologists, social workers, medical technicians, mental health counselors, substance abuse counselors, marriage and family counselors or therapists and hypnotherapists; or
- (e) The defendant had substantially impaired the victim's power to appraise or control the victim's own conduct by administering or employing without the other person's knowledge or against the other person's will, drugs, intoxicants or other means for the purpose of preventing resistance.

A child who has not yet reached that child's sixteenth birthday is deemed unable to consent to a sexual act with a person more than 4 years older than said child. Children who have not yet reached their twelfth birthday are deemed unable to consent to a sexual act under any circumstances.

Dating Violence – The State of Delaware defines dating violence as part of Domestic Violence.

Domestic Violence – The State of Delaware defines domestic violence as follows:

"Domestic violence" means abuse perpetrated by 1 member against another member of the following protected classes:

- (a) Family, as that term is defined in § 901(12) of this title (Title 10), regardless, however, of state of residence of the parties, or whether parental rights have been terminated; or
- (b) Former spouses; persons cohabitating together who are holding themselves out as a couple, with or without a child in common; persons living separate and apart with a child in common; or persons in a current or former substantive dating relationship. For purposes of this paragraph, neither a casual acquaintanceship nor ordinary fraternization between 2 individuals in business or social contexts shall be deemed to constitute a substantive dating relationship. Factors to consider for a substantive dating relationship may include the length of the relationship, or the type of relationship, or the frequency of interaction between the parties.

Incest – The State of Delaware defines incest as follows:

(a) A person is guilty of incest if the person engages in sexual intercourse with another person with whom the person has 1 of the following relationships:

A male and his child.

A male and his parent. A male and his brother. A male and his sister.

A male and his grandchild.

A male and his niece or nephew.

A male and his father's sister or brother. A male and his mother's sister or brother. A male and his father's wife.

A male and his wife's child.

A male and the child of his wife's son or daughter. A female and her parent.

A female and her child.

A female and her brother. A female and her sister.

A female and her grandchild.

A female and her niece or nephew.

A female and her father's sister or brother. A female and her mother's sister or brother. A female and her mother's husband.

A female and her husband's child.

A female and the child of her husband's son or daughter.

(b) The relationships referred to herein include blood relationships without regard to legitimacy and relationships by adoption.

Incest is a class A misdemeanor and is an offense within the original jurisdiction of the Family Court.

Rape – The State of Delaware defines rape as follows: Rape in the Fourth Degree:

(a) A person is guilty of rape in the fourth degree when the person:

(1) Intentionally engages in sexual intercourse with another person, and the victim has not yet reached that victim's sixteenth birthday; or

(2) Intentionally engages in sexual intercourse with another person, and the victim has not yet reached that victim's eighteenth birthday, and the person is 30 years of age or older, except that such intercourse shall not be unlawful if the victim and person are married at the time of such intercourse; or

(3) Intentionally engages in sexual penetration with another person under any of the following circumstances:

- a. The sexual penetration occurs without the victim's consent; or
 - b. The victim has not reached that victim's sixteenth birthday.
- (4) [Repealed.]

(b) Paragraph (a)(3) of this section does not apply to a licensed medical doctor or nurse who places 1 or more fingers or an object inside a vagina or anus for the purpose of diagnosis or treatment or to a law-enforcement officer who is engaged in the lawful performance of his or her duties.

Rape in the fourth degree is a class C felony.

Rape in the Third Degree:

- (a) A person is guilty of rape in the third degree when the person:
- (1) Intentionally engages in sexual intercourse with another person, and the victim has not reached that victim's sixteenth birthday and the person is at least 10 years older than the victim, or the victim has not yet reached that victim's fourteenth birthday and the person has reached that person's nineteenth birthday and is not otherwise subject to prosecution pursuant to § 772 or § 773 of this title; or
 - (2) Intentionally engages in sexual penetration with another person under any of the following circumstances:
 - a. The sexual penetration occurs without the victim's consent and during the commission of the crime, or during the immediate flight from the crime, or during an attempt to prevent the reporting of the crime, the person causes physical injury or serious mental or emotional injury to the victim; or
 - b. The victim has not reached that victim's sixteenth birthday and during the commission of the crime, or during the immediate flight from the crime, or during an attempt to prevent the reporting of the crime, the person causes physical injury or serious mental or emotional injury to the victim.
 - (3) [Repealed.]

(b) Paragraph (a)(2) of this section does not apply to a licensed medical doctor or nurse who places 1 or more fingers or an object inside a vagina or anus for the purpose of diagnosis or treatment, or to a law-enforcement officer who is engaged in the lawful performance of his or her duties.

(c) Notwithstanding any law to the contrary, in any case in which a violation of subsection (a) of this section has resulted in the birth of a child who is in the custody and care of the victim or the victim's legal guardian or guardians, the court shall order that the defendant, as a condition of any probation imposed pursuant to a conviction under this section, timely pay any child support ordered by the Family Court for such child.

(d) Nothing in this section shall preclude a separate charge, conviction and sentence for any other crime set forth in this title, or in the Delaware Code.

Rape in the third degree is a class B felony.

Rape in the Second Degree:

(a) A person is guilty of rape in the second degree when the person:

- (1) Intentionally engages in sexual intercourse with another person, and the intercourse occurs without the victim's consent; or
- (2) Intentionally engages in sexual penetration with another person under any of the following circumstances:
 - a. The sexual penetration occurs without the victim's consent and during the commission of the crime, or during the immediate flight following the commission of the crime, or during an attempt to prevent the reporting of the crime, the person causes serious physical injury to the victim; or
 - b. The sexual penetration occurs without the victim's consent, and was facilitated by or occurred during the course of the commission or attempted commission of:
 1. Any felony; or
 2. Any of the following misdemeanors: reckless endangering in the second degree; assault in the third degree; terroristic threatening; unlawfully administering drugs; unlawful imprisonment in the second degree; coercion or criminal trespass in the first, second or third degree; or
 - c. The victim has not yet reached that victim's sixteenth birthday and during the commission of the crime, or during the immediate flight from the crime, or during an attempt to prevent the reporting of the crime, the person causes serious physical injury to the victim; or
 - d. The sexual penetration occurs without the victim's consent and during the commission of the crime, or during the immediate flight from the crime, or during an attempt to prevent the reporting of the crime, the person displays what appears to be a deadly weapon or represents by word or conduct that the person is in possession or control of a deadly weapon or dangerous instrument; or
 - e. The victim has not yet reached that victim's sixteenth birthday and during the commission of the crime, or during the immediate flight from the crime, or during an attempt to prevent the reporting of the crime, the person displays what appears to be a deadly weapon or represents by word or conduct that the person is in possession or control of a deadly weapon or dangerous instrument; or
 - f. The sexual penetration occurs without the victim's consent, and a principal- accomplice relationship within the meaning set forth in § 271 of this title existed between the defendant and another person or persons

- with respect to the commission of the crime; or
- g. The victim has not yet reached that victim's twelfth birthday, and the defendant has reached that defendant's eighteenth birthday.
- h. [Repealed.]

(b) Nothing in this section shall preclude a separate charge, conviction and sentence for any other crime set forth in this title, or in the Delaware Code.

(c) Notwithstanding any provision of this title to the contrary, the minimum sentence for a person convicted of rape in the second degree in violation of this section shall be 10 years at Level V.

Rape in the second degree is a class B felony.

Rape in the First Degree:

(a) A person is guilty of rape in the first degree when the person intentionally engages in sexual intercourse with another person and any of the following circumstances exist:

(1) The sexual intercourse occurs without the victim's consent and during the commission of the crime, or during the immediate flight following the commission of the crime, or during an attempt to prevent the reporting of the crime, the person causes physical injury or serious mental or emotional injury to the victim; or

(2) The sexual intercourse occurs without the victim's consent, and it was facilitated by or occurred during the course of the commission or attempted commission of:

a. Any felony; or

b. Any of the following misdemeanors: reckless endangering in the second degree; assault in the third degree; terroristic threatening; unlawfully administering drugs; unlawful imprisonment in the second degree; coercion; or criminal trespass in the first, second or third degree; or

(3) In the course of the commission of rape in the second, third or fourth degree, or while in the immediate flight therefrom, the defendant displayed what appeared to be a deadly weapon or represents by word or conduct that the person is in possession or control of a deadly weapon or dangerous instrument; or

(4) The sexual intercourse occurs without the victim's consent, and a principal- accomplice relationship within the meaning set forth in § 271 of this title existed between the defendant and another person or persons with respect to the commission of the crime; or

(5) The victim has not yet reached that victim's twelfth birthday, and the defendant has reached that defendant's eighteenth

birthday.
(6) [Repealed.]

(b) Nothing contained in this section shall preclude a separate charge, conviction and sentence for any other crime set forth in this title, or in the Delaware Code.

(c) Notwithstanding any law to the contrary, a person convicted of rape in the first degree shall be sentenced to life imprisonment without benefit of probation, parole, or any other reduction if:

- (1) The victim had not yet reached that victim's sixteenth birthday at the time of the offense and the person inflicts serious physical injury on the victim; or
- (2) The person intentionally causes serious and prolonged disfigurement to the victim permanently, or intentionally destroys, amputates, or permanently disables a member or organ of the victim's body; or
- (3) The person is convicted of rape against 3 or more separate victims; or
- (4) The person has previously been convicted of unlawful sexual intercourse in the first degree, rape in the second degree or rape in the first degree, or any equivalent offense under the laws of this State, any other state, or the United States.

Rape in the first degree is a class A felony.

Sexual Assault – The State of Delaware defines sexual assault as follows:

Sexual Assault in the Third Degree: person is guilty of unlawful sexual contact in the third degree when the person has sexual contact with another person or causes the victim to have sexual contact with the person or a third person and the person knows that the contact is either offensive to the victim or occurs without the victim's consent.

Sexual Assault in the Second Degree: person is guilty of unlawful sexual contact in the second degree when the person intentionally has sexual contact with another person who is less than 18 years of age or causes the victim to have sexual contact with the person or a third person.

Sexual Assault in the First Degree: person is guilty of unlawful sexual contact in the first degree when:

- (a) In the course of committing unlawful sexual contact in the third degree or in the course of committing unlawful sexual contact in the second degree, or during the immediate flight from the crime, or during an attempt to prevent the reporting of the crime, the person causes physical injury to the victim or the person displays what appears to be a deadly weapon or dangerous instrument; or represents by word or conduct that the person is in possession or control of a deadly weapon or dangerous instrument.
- (b) The person intentionally has sexual contact with another person who is less than 13 years of age or causes the victim to have sexual contact with the person or a

third person.

Stalking – The State of Delaware defines stalking as follows:

A person is guilty of stalking when the person knowingly engages in a course of conduct directed at a specific person and that conduct would cause a reasonable person to:

- (a) Fear physical injury to himself or herself or that of another person; or
- (b) Suffer other significant mental anguish or distress that may, but does not necessarily, require medical or other professional treatment or counseling.