

Goldey-Beacom College



Sexual Misconduct Policy

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Statement of Policy

An independent, multilevel college, Goldey-Beacom College offers challenging undergraduate and graduate programs. As a teaching-oriented institution of higher learning, the College emphasizes instructional excellence in the classroom and is committed to sustaining faculty who are caring, dedicated and knowledgeable in their respective fields, who motivate their students to realize their full learning potential, and, above all, who represent teaching excellence.

Goldey-Beacom College is further committed to providing a caring, intellectually stimulating learning environment to its students so they may grow as individuals and become worthy, productive members of society

The College's Sexual Misconduct Policy is intended to further this commitment. This policy concerns certain behaviors that threaten the College's commitment to reaching this desired environment and applies to all forms of sex-discrimination, including sexual misconduct and sexual harassment.

During the grievance procedure as described below, the respondent (accused party), is presumed to not be in violation of this policy. A determination of a policy violation can only be reached through this formal grievance process.

Title IX Personnel

The grievance procedures as outlined in this policy involve several College staff members. The personnel involved in the reporting, information collecting, hearing, adjudication, and coordination of these processes are identified below.

- Title IX Coordinator – responsible for the overall management of the complaint process for complaints of sexual harassment and sexual misconduct. This includes intake of the complaint, the coordination of supportive measures, signing of formal complaints, oversight of the investigative and decision-making process, maintenance of case files and documentation, and training of all Title IX personnel. Additionally, the Title IX Coordinator manages all cases involving sexual harassment and sexual misconduct beyond what is required by Title IX.
- Title IX Deputy Coordinator(s) – can serve in the role of the Title IX Coordinator when the Title IX Coordinator cannot manage a case due to a conflict of interest or is otherwise unable to manage a case.
- Hearing-board Members – A subset of the College's Community Standards Board, these individuals are responsible for hearing the cases that are being investigated by the institution. These members sit in on the hearing and are the decision-makers for the case.
- College-provided Advisors of Choice

All Title IX personnel are trained annually on sexual assault, harassment and misconduct as well as training on avoiding bias and objectively evaluating evidence. A comprehensive list of the trainings received can be located in this policy document or [here](#) on the College's website.

Scope of the Sexual Misconduct Policy – Applicable Grievance Procedures

The College's prohibition against discriminatory harassment on the basis of sex and the Sexual Misconduct Policy apply to current students, employees, contracted employees, and members of the

Board of Trustees. Should there be a report of discriminatory harassment on the basis of sex from an employee of the College, the Title IX Coordinator may confer with a representative from Human Resources regarding investigative steps, any immediate action, and/or subsequent sanctioning.

There are two primary grievance procedures outlined in this policy: Title IX Grievance Procedures and Non-Title IX Grievance Procedures.

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 or employees) and must have occurred on property owned or operated by the College in the 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.

While the federal definition of sexual harassment and jurisdictional requirements are specific in what is prohibited under Title IX, the College reserves the right to address conduct that threatens the College's commitment to a learning environment that is caring, and intellectually stimulating. Cases that do not meet the federal definition of sexual harassment but otherwise violate the College's Sexual Misconduct Policy will be investigated and adjudicated under the Non-Title IX Grievance Procedures.

Prohibited Conduct

The 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 catalogue](#). The College will respond to all reports of sexual harassment, sexual misconduct, and sex-based discrimination as detailed in this document.

Discrimination based on an individual's pregnancy or parenting status is not tolerated by the College. Students who need assistance or want to report an instance of this kind 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 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.

Sexual Harassment:

Conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or
3. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).
 - a. 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.
 - i. The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of

- relationship, and the frequency of interaction between the persons involved in the relationship.
- ii. This includes the threat of violence as well as emotional abuse.
 - iii. For the purposes of this definition—
 1. Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 2. Dating violence does not include acts covered under the definition of domestic violence.
- b. Domestic Violence –
- i. A Felony or misdemeanor crime of violence committed
 1. By a current or former spouse or intimate partner of the victim;
 2. By a person with whom the victim shares a child in common;
 3. By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
 4. By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
 5. By any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- c. Sexual Assault – A broad term that encompasses four specific behaviors:
- i. Rape is defined as the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
 - ii. Fondling is defined as the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.
 - iii. Incest is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - iv. Statutory Rape is defined as sexual intercourse with a person who is under the statutory age of consent.
- d. Stalking –
- i. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to
 - ii. Fear for the person’s safety or the safety of others; or
 - iii. Suffer substantial emotional distress.
 - iv. For the purposes of this definition—
 1. Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person’s property.
 2. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
 3. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

To reach the threshold for a claim under Title IX, the conduct must be determined to be unwelcome conduct of a sexual nature determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College's education program or activity as well as meets the jurisdictional elements.

The Department of Education permits institutions to investigate and issues disciplinary sanctions that fall outside the scope of "education program or activity." When a report of sexual harassment is received but does not meet the criteria of the federal definition (i.e., did not occur within the "education program or activity" and/or in the United States.), the College must dismiss this report from Title IX. However, the College will utilize its discretionary privilege in prohibiting conduct that is not encompassed within the federal definition or scope of Title IX-protected sexual harassment.

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

Retaliation:

Taking negative action or verbally harassing individuals for reporting instances of sexual misconduct and/or participating in institutional proceedings

The College prohibits retaliation, and 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. For example, if someone retaliated against a complainant in a Title IX case, the Title IX grievance procedure would be utilized. Similarly, if there was retaliation against a complainant in a non-Title IX case, the non-Title IX grievance procedure would be used.

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

Definition of Consent and Non-Consensual Sexual Activity

Goldey-Beacom College defines consent as follows:

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

- Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understood permission regarding the conditions of sexual activity.
- Consent to one form of sexual activity cannot imply consent to other forms of sexual activity.
- Previous relationships or consent does not imply consent to future sexual acts.
- Consent cannot be procured by use of physical force, compelling threats, intimidating behavior, or coercion. Coercion is unreasonable pressure to engage in sexual activity.
- Consent is a continual, on-going action. Either party may withdraw consent at any time during the sexual encounter. Consent is withdrawn through words or actions that indicate a clear desire to end sexual activity. Once consent has been withdrawn, all sexual activity must stop immediately.

In order to give consent, one must be of legal age and have the capacity to consent. Incapacity may result from mental disability, intellectual disability, unconsciousness/sleep, age, or use of alcohol, drugs, medication, and/or other substances. Incapacitation is a state where someone cannot make rational, reasonable decisions because the person lacks capacity to give knowing consent (e.g. to understand the “who, what, when, where, why or how” of their sexual interaction). Consent cannot be given by someone who one should know to be, or based on the circumstances, reasonably should have known to be, mentally or physically incapacitated, and acting as though consent has been granted is a policy violation.

The use of alcohol or drugs can limit a person’s ability to give consent freely and clearly. Alcohol and other drugs can lower inhibitions and create an atmosphere of confusion over whether or not consent has been freely and clearly given.

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 for the purposes of evaluating effective consent, the College will consider: (1) whether the person initiating the sexual activity knew that their partner was incapacitated; and if not (2) whether a reasonable person in the same situation would have known that their partner was incapacitated.

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; or
- vomiting.

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.

Engaging in sexual activity with someone without their consent is prohibited by the College, and any reports of such will be investigated and adjudicated through the applicable grievance procedure depending on whether or not the incident meets the threshold of a violation of Title IX or not.

Sexual Misconduct Grievance Procedures

Standard of Evidence

For all procedures detailed below, the 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.

Identifying Which Grievance Procedure Will Be Utilized

Allegations of misconduct that, as reported, implicate the Department of Education’s definition of “sexual harassment” and are reported to have occurred in a College program or activity shall proceed pursuant to the Title IX Grievance Procedures.

Allegations of sex discrimination or sex misconduct that do not rise to the level of a policy violation under Title IX will proceed pursuant to the Non-Title IX Grievance Procedures.

The Title IX Coordinator is the College official designated to evaluation reports to determine which law(s) apply, which policies are implicated by the reported conduct, and which grievance procedure to utilize to resolve such reported behavior. 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.

Title IX Grievance Procedures

Should a member of the College Community feel that they have been a victim of sexual harassment as defined by the federal government, the College will follow the below grievance procedure:

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, should there be a larger threat to the College Community present or should the respondent have other complaints associated with them, a 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.
6. Investigator(s) will be assigned to the case. For the majority of complaints, the College will utilize third-party investigators. The investigators will gather evidence and both parties will have an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.
7. 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 all related evidence to both parties as well as their advisors. 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.
8. 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.

9. A Title IX Coordinator will schedule the hearing to take place no less than ten (10) business days after the final report has been shared with both parties and their advisors. This hearing will include both parties, their advisors of choice, a hearing board comprised of staff, and any relevant witnesses. All hearings will be conducted via Zoom video-conferencing software. Requests for an in-person hearing will be evaluated on the basis of providing reasonable accommodations.
10. During the hearing, the members of the hearing board will ask questions to either party during the hearing. Additionally, each party's advisor will have the opportunity to submit any relevant questions to the hearing board up to 24 hours before the scheduled hearing. Questions must be submitted to the Title IX Coordinator, and the hearing board will approve or deny each question based on whether or not it is relevant. The advisor will receive the approved questions prior to the hearing and will pose the question to the relevant party.
11. After all questioning has taken place, which can include questioning of witnesses, the hearing board will deliberate on (1) whether or not the policy violation occurred and (2) any sanctions that should be issued if applicable. The hearing board will issue a determination of responsibility within five (5) business days of the hearing.
12. The Title IX Coordinator will meet with both the complainant and the respondent to review the findings of the investigation and subsequent hearing. The Title IX Coordinator will also provide the Appeal Process available to either party.
13. The Title IX Coordinator will issue written statements to both parties detailing the findings of the investigation and any sanctions that were issued. The complainant will not receive specific information on the sanctions issued unless they are directly related to the complainant.

Title IX Hearings

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.

Non-Title IX Grievance Procedures

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

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.
 - a. However, should there be a larger threat to the College Community present or should the respondent have other complaints associated with them, a 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.
6. Investigator(s) will be assigned to the case. For the majority of complaints, the College will utilize third-party investigators. The investigators will gather evidence and both parties will have an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.
7. Once the investigators have conducted all interviews and compiled a draft report, the Title IX Coordinator will allow both parties an opportunity to review the full investigative report in the Title IX Coordinator’s office. 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.
8. 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 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.
9. A Title IX Coordinator will schedule the hearing to take place at least ten (10) business days after the final report has been shared with both parties and their advisors. This hearing will include both parties, their advisors of choice, a hearing board comprised of staff and student

representation, and any relevant witnesses. Should either party wish to conduct the hearing remotely, the College will accommodate this request and the hearing will take place utilizing Zoom.

10. During the hearing, the members of the hearing board will ask questions to either party during the hearing. Additionally, each party and/or their advisor have the opportunity to submit any relevant questions to the hearing board up to 24 hours before the scheduled hearing. Questions must be submitted to the Title IX Coordinator, and the hearing board will approve or deny each question based on whether or not it is relevant. Questions from either party will be asked by the Chair of the Hearing Board present for the hearing.
11. After all questioning has taken place, which can include questioning of witnesses, the hearing board will deliberate on (1) whether or not the policy violation occurred and (2) any sanctions that should be issued if applicable. The hearing board will issue a determination of responsibility within five (5) business days of the hearing.
12. A Title IX Coordinator will meet with both the complainant and the respondent to review the findings of the investigation and subsequent hearing. A Title IX Coordinator will also provide the Appeal Process available to either party.
13. A Title IX Coordinator will issue written statements to both parties detailing the findings of the investigation and any sanctions that were issued. The complainant will not receive specific information on the sanctions issued unless they are directly related to the complainant.

Non-Title IX Hearings

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.

Notes on the Investigative Process for both Title IX and Non-Title IX 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 Sexual 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 sexual misconduct, should the respondent’s continued presence on the College’s Campus pose an immediate threat to the physical safety of the complainant 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.

Emergency removals cannot be enacted for the mental or emotional health or safety of the complainant, respondent, or College Community. The risk must be someone’s physical safety. The threat of violence toward someone’s physical safety, however, could satisfy the Emergency Removal criteria and could result in an Emergency Removal.

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.

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.

Possible Sanctions

Below is a list of available sanctions that could be levied if a student is found to be in violation of the College's Sexual Misconduct Policy:

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

- Probation - Probation is a period of review during which the student must comply with all College rules, regulations, and policies. This action is a period of official censure. A probation action may specify any conditions with which the individual must comply or any privileges which may be withheld. Probation may include, but is not limited to, the loss of privilege to represent the College in an official capacity (e.g., varsity intercollegiate events, holding office, or participation in campus government or related organizations). Violations during this period may result in further discipline.
- Suspension - Suspension from the College is the termination of student status for a specified period of time. A student may not attend classes, take exams, receive grades, or be on College property. After this period of time, the student must seek written approval from a Title IX Coordinator to return to the College. The hearing officer may establish additional requirements which must be fulfilled to the Title IX Coordinator's satisfaction prior to reinstatement. There will be no refunding of tuition or fees.
- Expulsion - Expulsion is the permanent, involuntary separation from the College due to conduct violations. A student is not permitted on College property. There will be no refunding of tuition or fees.
- Other Sanctions - The College may impose any other sanction depending upon the circumstances and the nature of the violation, e.g. assignment of a paper, fines. This could include, but is not limited to:
 - Constructive or Educational Task - The student is assigned a task which benefits the individual, campus, or community. This task can be given alone or in conjunction with another sanction.
 - Housing Reassignment/Removal - A student may be involuntarily reassigned to a new location on campus. This action may include restriction from entering any College-owned housing for a designated period of time, or permanently. There is no refunding of fees in accordance with College policy. No priority will be afforded to the student when returning to College-owned housing.

- Hold on Records - The College may hold transcripts, diplomas, registration privileges, or other official records pending the disposition of cases and completion of sanctions if such action is reasonably necessary to preserve the College's ability to enforce its disciplinary rules.
- Interim Suspension – A Title IX Coordinator or designee may impose an interim suspension and/or loss of privileges including removal from the College Campus and/or College-owned housing upon any student whose presence on campus constitutes a threat to the health, safety, and welfare of the student, or the welfare of the College, its property or personnel. Any such suspension will take immediate effect and will remain in force

Goldey-Beacom College will impose educational and/or disciplinary sanctions on employees which will be consistent with existing local, state, and federal law. This may indicate actions up to and including termination of employment, and/or referral for prosecution by law enforcement agencies. Below is a list of available sanctions that could be levied if an employee is found to be in violation of the College's Sexual Misconduct Policy:

- Paid Suspension/Administrative Leave
- Unpaid Suspension
- Restrictions From Some or All Parts of Campus
- Change in Office/Classroom Assignments
- Written Reprimand
- Removal from Classroom Teaching
- Removal of Administration Position
- Employment Termination
- Housing Reassignment or Removal
- Constructive or Educational Task
- Completion of Required Training
- Mediation
- Restitution

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

Appeal Process

Each party involved in a sexual misconduct 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.

Dismissal of Complaints

The College must dismiss a complaint from the Title IX Grievance Procedures if the conduct alleged in the formal complaint would not constitute sexual harassment as defined by the Department of Education. This would include if the alleged conduct did not occur in the College's education program or activity or did not occur against a person in the United States.

However, a complaint that is dismissed from Title IX may be investigated and adjudicated under the Non-Title IX Grievance Procedures if the alleged conduct would be in violation of the College's Sexual Misconduct Policy.

Additionally, the College may dismiss the formal complaint or any allegations therein, if at any time during the investigation or hearing: a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein; the respondent is no longer enrolled at or employed by the College; or specific circumstances prevent the College, the Title IX Coordinator, or the investigators from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Consolidation of Complaints

The College may consolidate formal complaints as to allegations of sexual harassment against more than one respondent or by more than one complainant against one or more respondents where the allegations of sexual harassment arise out of the same facts or circumstances. Where a grievance procedure involves more than one complainant or more than one respondent, references in this policy to the singular "party," "complainant," or "respondent" include the plural as applicable.

When the College consolidates complaints, notice documents will be sent to each complainant that does not contain personally identifiable information of the other complainants unless providing such information is vital to gathering the relevant evidence.

When a consolidation of complaints occurs, "Goldey-Beacom College" becomes the complainant. For this to occur, the College's Executive Leadership Team must be informed of the incident and approval of the consolidation must be obtained.

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 for Title IX cases, each party's advisor is responsible for cross-examining the other party and witnesses by submitting questions to the hearing board.

During hearings for Non-Title IX cases, 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.

Available Supportive Measures and Accommodations

Upon receipt of a report of sexual misconduct, a Title IX Coordinator will meet with them both complainant and respondent to discuss accommodations available to them, including academic, living, transportation and working situations. A Title IX Coordinator will review information regarding the accommodation options, available assistance in requesting accommodations, and how to request accommodations and protective measures. A request for supportive measures that affect the accused (i.e. changing the accused's schedule, changing the accused's living situation, etc.) cannot be granted without an investigation that finds the respondent responsible of violating the College's Sexual Misconduct Policy.

At an individual's request, and to the extent of that individual's cooperation and consent, the Title IX Coordinator will work with College offices to obtain accommodations. If reasonably available, an individual may be offered changes to academic, living, working or parking situations regardless of whether the incident was reported to local law enforcement. Examples of options for potential change to the academic situation may be to transfer to a different section of a class, withdraw and take a class at another time if there is no option for moving to a different section, etc. Potential changes to living situations may include moving to a different room or residence hall. Possible changes to work situations may include changing working hours. Possible changes to parking may include having the student or employee park in a different location, assisting the student or employee with a safety escort, etc.

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

Disability Accommodations

Individuals with a documented disability can request an accommodation by contacting the College's Special Accommodations Coordinator, Deborah Harbaugh, harbaugh@gbc.edu and (302) 225-6211

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.

Hannah Bakey	Sarah ElShawarby	Molly Lowry
Title IX Coordinator	Title IX Deputy Coordinator	Title IX Deputy Coordinator
(302) 225-6383	(302) 225-6292	(302) 225-6286
bakeyh@gbc.edu	elshaws@gbc.edu	lowrym@gbc.edu
Goldey-Beacom College	Goldey-Beacom College	Goldey-Beacom College
Graduate & International Admissions	Human Resources	Student Affairs
Jones Center	Fulmer Center	Jones Center
4701 Limestone Road	4701 Limestone Road	4701 Limestone Road
Wilmington, DE 19808	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

		<p>Kent County Criminal Division:- (302) 739 – 4211</p> <p>Sussex County Office: (302) 856 - 5353</p> <p>www.attorneygeneral.delaware.gov</p> <p>Victim/Witness Programs: New Castle County: (302) 577 – 8500 or (800) 870 – 1790 Kent County: (302) 257 – 3293 Sussex County: (302) 752 – 3263</p> <p>www.attorneygeneral.delaware.gov/victims-and-witnesses</p>
Legal Assistance	Delaware Volunteer Legal Services, Inc.	<p>New Castle County: (302) 478 – 8680</p> <p>Sussex or Kent County: (888) 225 – 0582</p> <p>www.dvls.org</p>
Legal Assistance	Delaware State Family Court (Protection from Abuse)	<p>New Castle County: (302) 225 – 0300</p> <p>Kent County: (302) 672 – 1000</p> <p>Sussex County: (302) 855 – 7400</p> <p>Victim Advocacy Programs: New Castle County: (302) 255 – 0420 Kent County: (302) 672 – 1075 Sussex County: (302) 856 – 5843</p> <p>www.courts.delaware.gov/family/</p>
Visa and Immigration Services	U.S. Citizenship and Immigration Services	<p>(800) 375-5283</p> <p>www.uscis.gov</p>
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 meet the threshold of Title IX, both the complainant and the respondent, as well as their advisors, will be given copies of the investigative report for cases going through the [Title IX Grievance Procedure](#). 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).

For cases that are investigated and adjudicated through the [Non-Title IX Grievance Procedures](#), both the complainant and the respondent will be given the opportunity to review the investigative report. 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 can be located on the College’s [website](#).

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 - Any individual who is alleged to be the victim of conduct that could constitute sexual harassment in Title IX cases. In Non-Title IX Sexual Misconduct cases, the complainant is any individual

who is alleged to be the victim of conduct that would be in violation of the College's Sexual Misconduct Policy.

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

Respondent – Any individual who is reported to be the perpetrator of conduct that could be considered sexual harassment in Title IX cases. In Non-Title IX Sexual Misconduct cases, the respondent is any individual who is reported to be the perpetrator of conduct that would be in violation of the College's Sexual Misconduct Policy.

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 – Taking negative action or verbally harassing individuals for reporting instances of sexual misconduct and/or participating in institutional proceedings

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.

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:

- i. 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
- ii. 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.