

# **GODDARD COLLEGE**

## **STUDENT SEXUAL MISCONDUCT POLICY**

### **I. INTRODUCTION; STATEMENT OF POLICY**

Goddard College ("Goddard" or "the College") is committed to maintaining an educational environment in which sexual and gender-based harassment and sexual assault (collectively, "sexual misconduct") are not tolerated, and in which persons reporting sexual misconduct are provided support and avenues of redress. When sexual misconduct is brought to the attention of the College, Goddard will take prompt and appropriate action to end the misconduct, prevent its recurrence, and address its effects.

In accordance with Title IX of the Education Amendments of 1972 (Title IX), the federal law that prohibits discrimination on the basis of sex in federally funded educational programs and activities, this policy is designed to provide for the prompt, effective, fair, and impartial investigation and resolution of complaints against Goddard students of Sexual Misconduct. This includes Sexual Assault (Aiding, Abetting, or Inciting Sexual Assault) and Retaliation as well as sexual and gender-based harassment, domestic violence, dating violence, and stalking by students.

Sexual Misconduct can occur to men, and women, and those who do not identify with the gender binary, and to people of all sexual orientations. Students who engage in acts of Sexual Misconduct are subject to disciplinary action up to and including permanent separation (i.e. administrative unilateral withdrawal from all Goddard academic programs and all locations, without the option of returning to the College). Retaliation constitutes an independent violation of this policy whether or not the underlying complaint of Sexual Misconduct or of Aiding, Abetting, or Inciting Sexual Misconduct is ultimately found to have merit.

This policy will apply to all complaints of sexual misconduct made by students, faculty, staff, or third parties against student(s), and will take precedence over any other Goddard policies and procedures with respect to such complaints.

This policy and its procedures supplement, do not replace, the criminal justice system. Furthermore, the College is required to report to the police certain alleged crimes, including Sexual Assault. If the victim wishes to remain anonymous, their name and identifying information will be withheld from the information provided to the police department. All persons have the right to pursue Sexual Assault complaints beyond the College, and are encouraged to use law enforcement agencies, including the Middlesex Barracks Police as applicable, regardless of whether they choose to pursue recourse through this policy.

## **II. NOTICE OF NON-DISCRIMINATION**

Goddard College is committed to the principle of equal opportunity for all its students, faculty, employees, and applicants for admission and employment. For that reason, Goddard does not discriminate on the basis of race, color, religion, sex, age, sexual orientation, gender identity or expression, marital status, national origin, disability, military or veteran status in access to its programs and activities, and in conditions of admission and employment.

Goddard is dedicated to establishing and maintaining a safe and nondiscriminatory educational environment in which all individuals are treated with respect and dignity. Goddard does not discriminate on the basis of sex or gender in its educational programs or in the context of employment. Sexual Misconduct and Retaliation are forms of sex and gender-based discrimination prohibited by Title IX, a federal law, which provides that:

"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

Goddard designates the Title IX Coordinator as the individual charged with coordinating efforts to comply with Title IX. The Title IX Coordinator addresses and oversees the investigation and resolution of all complaints made against students related to sexual and gender-based harassment, including Sexual Misconduct and Assault, Sexual Harassment, Dating Violence, Domestic Violence or Stalking. More information about the role of the Title IX Coordinator can, at this time, be obtained from the Title IX Coordinator.

As detailed in this policy, the Title IX Coordinator is available to meet with any person to provide information about resources, interim measures and options for investigation and resolution under this policy.

#### Title IX Coordinator

Name: Josh Castle

Office: Office of the Registrar

Pratt Center

123 Pitkin Rd. Plainfield, VT 05667

Phone: 802-322-1672

Email: [josh.castle@goddard.edu](mailto:josh.castle@goddard.edu)

Inquiries or complaints concerning the application of Title IX may be referred to the Title IX Coordinator and/or the United States Department of Education:

#### [United States Department of Education](#)

Office for Civil Rights, Region I

5 Post Office Square, 8th Floor

Boston, MA 02109-3921

(617) 289-0111

Fax: (617) 289-0150

TDD: (800) 537-7697

[OCR.Boston@ed.gov](mailto:OCR.Boston@ed.gov)

### III. DEFINITIONS

- A. "**Aiding, Abetting, or Inciting**" means participating in, soliciting, directing, or assisting in Sexual Assault.
- B. "**Clery Act**" means the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.  
(<http://www2.ed.gov/admins/lead/safety/campus.html#data>)
- C. "**Confidential Resource Person**" by law is limited to Goddard College Student Life Coordinator who provides campus-based counseling services. Confidentiality in this role is to help ensure students seek the help they need.
- D. "**Consent**" means clear and unambiguous agreement, expressed in mutually understandable words or actions, to engage in a particular sexual activity. Whether valid consent has been given will be judged based upon what a reasonable person would have understood from such words or actions.

Consent must be voluntarily given and is not valid:

1. if obtained by physical force, coercion, or threat;
2. when a person is Incapacitated; or
3. when an intellectual or other disability prevents a person from having the capacity to give consent.

Consent to engage in one sexual activity, or agreement to engage in a particular sexual activity on a prior occasion, cannot be presumed to constitute consent to engage in a different sexual activity or to engage again in a sexual activity. Consent can be withdrawn by either person at any point.

- E. "**Gender-Based Stalking**": Engaging in a course of conduct directed at a specific person based on their gender, sexual orientation, gender identity and/ or gender expression that would cause a reasonable person to (1) fear for their safety or the safety of others or (2) suffer substantial emotional distress. A course of conduct means two or more acts, including but not limited to acts in

which a person directly, indirectly or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens, or communicates to or about another person, or interferes with another person's property. Substantial emotional distress means significant mental suffer or anguish.

- F. "**Incapacitation**" means that a person lacks the capacity to give Consent to sexual activity because the person is asleep, unconscious, mentally and/or physically helpless, or otherwise unaware that sexual activity is occurring. Incapacitation is not necessarily the same as legal intoxication. Where alcohol or other drugs are involved, evaluating Incapacitation requires an assessment of how the consumption of alcohol and/or drugs affects a person's: decision-making ability; awareness of consequences; ability to make informed, rational judgments; capacity to appreciate the nature and quality of the act; or level of consciousness. The assessment is based on objectively and reasonably apparent indications of incapacitation when viewed from the perspective of a sober, reasonable person.
- G. "**Intentional Incapacitation**" means providing alcohol or other drugs to a person with the intent to render the person Incapacitated.
- H. "**Investigator**" means the person designated to conduct an investigation under this policy.
- I. "**Preponderance of the Evidence**" refers to the evidentiary standard used in a campus investigation and disciplinary processes to determine responsibility for a violation of this policy. A preponderance of the evidence is found when the alleged actions are more likely to have occurred than not.
- J. "**Reporting Person**" means: a person who alleges that another person violated this policy; or person who alleges that a Student Organization is responsible for a violation of this policy. Any person – regardless of race, color, religion, sex, age, sexual orientation, gender identity or expression, national origin, disability,

or military/veteran status – may be a Reporting Person. A Reporting Person need not be a Goddard student, faculty member, or staff member.

K. "**Responding Person**" means:

Any Student accused of Sexual Misconduct.

L. "**Responsible Employee**" by law are required to report incidents of sexual misconduct by students to the Title IX Coordinator or other appropriate school designee. At Goddard College, all faculty, program directors, staff, staff managers, and senior staff are responsible employees.

M. "**Retaliation**" means engaging in conduct that may reasonably be perceived to:

1. adversely affect a person's educational, living, or work environment because of their good faith participation in the reporting, investigation, and/or resolution of report of a violation of this policy; or
2. discourage a reasonable person from making a report or participating in an investigation under this policy.

Retaliation includes but is not limited to: acts or words that constitute intimidation, threats or coercion intended to pressure a person to drop or support a complaint under this policy or to provide false or misleading information in connection with an investigation; and pressuring a person to participate or refrain from participating as a witness in an investigation under this policy. Retaliation may constitute a violation of this policy even when the underlying report made in good faith did not result in a finding of responsibility.

N. "**Sexual Assault**" means unwanted or unwelcome touching of a sexual nature, including: fondling; penetration of the mouth, anus, or vagina, however slight, with a body part or object; or other sexual activity that occurs without valid Consent.

O. **“Sexual Harassment”** for the purposes of this policy is defined as: unwelcome sexual advances, requests for sexual favors and other unwanted verbal, written, visual or physical conduct of a sexual nature, when the following conditions are present.

- Submission to or rejection of that conduct is made, either explicitly or implicitly, a term or condition of a person’s academic standing, participation in College related programs or activities, or is used as the basis for College decisions affecting the individual (often referred to as “quid pro quo” harassment); or
- Such conduct creates a hostile environment.
  - A “hostile environment” exists when the conduct is sufficiently severe, persistent or pervasive that it unreasonably interferes with, limits or deprives an individual from participating in or benefitting from the College’s educational programs or activities. Conduct must be deemed severe, persistent or pervasive from both a subjective and objective perspective. In evaluating whether a hostile environment exists, the College will consider the totality of known circumstances, including but not limited to:
    - Frequency, nature and severity of the conduct;
    - Whether the conduct was physically threatening;
    - The effect of the conduct on the complainant’s mental or emotional states;
    - Whether the conduct was directed at more than one person;
    - Whether the conduct arose in the context of other discriminatory conduct;
    - Whether the conduct unreasonably interfered with the complainant’s educational performance and/ or college programs or activities; and
    - Whether the conduct implicates concerns related to academic freedom or protected speech.

A hostile environment can be created by persistent or pervasive conduct or by a single or isolated incident, if sufficiently severe. The



more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment.

P. **“Sexual Misconduct”** is used to refer to a spectrum of prohibited behaviors including sexual assault (aiding, abetting, or inciting sexual assault); sexual and gender based harassment, dating violence, stalking, and retaliation.

Q. **"Student"** means an individual defined as a current student in any Goddard College program, whether or not currently enrolled (includes students on leave of absence, extension, and during the between semesters period. Conduct by a student who is also a Goddard employee is subject to this policy and may also form the basis for decisions concerning the individual's employment.

## **IV. REPORTING SEXUAL ASSAULT OR OTHER VIOLATIONS OF THIS POLICY**

The College strongly encourages prompt reporting of violations of this policy to the College and the police. A report may be made by a Reporting Person or by any other person with knowledge of the violation.

### **A. Contacts for Reporting.**

Reports of violations of this policy committed by Students should be made to:

Title IX Coordinator

Name: Josh Castle

Office: Office of the Registrar  
Pratt Center

123 Pitkin Rd. Plainfield, VT 05667

Phone: 802-322-1672

Email: [josh.castle@goddard.edu](mailto:josh.castle@goddard.edu)

or



Help Desk Manager  
President's Office

**During a residency:** Student Life staff  
24/7 pager, Ext. 555  
Office: 106 Studies, Ext. 836

If the report is received by the President's Office, Help Desk or Student Life, they will promptly notify the Title IX Coordinator. The Title IX Coordinator and The President's Office can also take reports about any form of sexual misconduct that involves students, faculty, staff, or other members of the community.

## **B. Reports to Law Enforcement and External Agencies.**

To initiate a criminal investigation or prosecution, reports of Sexual Assault should be made to:

**911**  
**Middlesex Barracks**  
#802-229-9191

The criminal process is separate from the Goddard student disciplinary process outlined in the Community Life Agreements and in this policy. A Reporting Person can pursue one or both options. The Title IX Coordinator, Student Life Coordinators or Help Desk Manager will provide Reporting Persons with information concerning their options and rights and will assist them in making reports to law enforcement.

## **C. Timeliness.**

To promote timely and effective review, the College strongly encourages Reporting Persons and other persons with knowledge of possible violations of this policy to make reports as soon as possible following the occurrence of the assault. A delay in reporting may impact the College's ability to gather relevant and reliable information.

It may also impact the College's ability to take disciplinary action against a student who has graduated or permanently terminated enrollment.

While prompt reporting is encouraged, the College will receive and investigate reports of possible violations of this policy until the Responding Person has graduated or permanently terminated enrollment.

#### **D. Preservation of Information and Tangible Material.**

Preservation of information and tangible material relating to Sexual Misconduct is essential for both law enforcement investigations and campus disciplinary investigations. Therefore, Reporting Persons, Responding Persons, witnesses, or others reporting possible violations of this policy, are encouraged to preserve all information and tangible material relating to any incident. Examples include electronic communications (e.g., e-mails and text messages), photographs, clothing, bedding, and medical information. In the case of medical information, prompt examinations can be crucial.

## **V. COLLEGE RESPONSE PROCEDURE**

Upon receipt of a report, the College will generally proceed as described below.

#### **A. Support and Initial Assessment; Interim Measures.**

Once the College is put on notice of possible Sexual Misconduct, the Reporting Person and the Responding Person will be offered appropriate support (confidential) and resources and notified of applicable policies.

The College, under the auspices of the Sexual Misconduct Response Team (SMRT), will conduct an Initial Assessment that will include taking appropriate steps to prevent and/or address retaliatory conduct and to assure a safe and nondiscriminatory environment for the Reporting Person and other members of the community:

- Assess the nature and circumstances of the report.

- Address immediate physical safety and emotional well-being needs of the Reporting Person or any other individual.
- Notify the Reporting Person of the right to notify (or decline to notify) law enforcement if the conduct is potentially criminal in nature.
- Notify the Reporting Person of the right to seek medical treatment to address physical health and, as appropriate, preserve physical or forensic evidence.
- Assess the reported conduct to determine whether the circumstances pose a threat to the health or safety of the College community that warrants issuance of a "timely warning" under the Clery Act or a temporary administrative suspension.
- Provide the Reporting and Responding Persons with information about on- and off-campus resources, the range of interim measures, an explanation of the procedural options for resolution under the policy and the College's prohibition against retaliation.
- Enter non-identifying information about the report into the College's daily crime log if the conduct is potentially criminal in nature.

In consultation with the Program Director and/ or Dean of Community Life, the College may also implement interim measures as may be appropriate for the individuals and for the larger College community. Interim measures may include but are not limited to: separation of the Reporting Person's and Responding Person's academic and living situations; temporary administrative suspension of the Responding Person; no-contact orders; and restrictions on non-academic residency participation or activity.

The scope and timing of further investigation and/or action will depend upon a number of factors including: whether the Reporting Person requests confidentiality or that the investigation not be pursued; whether the Reporting Person wishes to make a disciplinary complaint under this policy; whether the College has an obligation to proceed with an investigation, regardless of the Reporting Person's wishes, in order to ensure campus safety; and whether ongoing fact-gathering by the police requires a temporary delay in further factual investigation by the College.

## **B. Disciplinary Process.**

Disciplinary proceedings under this policy may be initiated by:

- The Reporting Person; and/or
- Sexual Misconduct Response Team

The complaint should be submitted to the Title IX Coordinator, Help Desk Manager, President's Office or (during residencies only) Student Life. If the complaint is received by the President's Office, Help Desk Manager or Student Life, they will promptly notify the Title IX Coordinator.

### ***1. Disciplinary Investigation.***

a.) Upon being notified that one of the above persons wishes to pursue a complaint of violation of this policy, the Title IX Coordinator, in consultation with the Director of Human Resources and SMRT, will review the complaint to determine whether the allegations, if proven, would constitute a violation of this policy. This evaluation will normally occur within two (2) working days of the initial report.

b.) If it is determined that the allegations would not constitute a violation of this policy, the Reporting Person will be advised of other disciplinary, legal and support options as appropriate, and no further investigation under this policy will be pursued. If new information is subsequently provided, this decision may be reevaluated.

c.) If it is determined that the allegations would constitute a violation of this policy, the Title IX Coordinator will ask a member of the Sexual Misconduct Response Team to prepare the charge describing the alleged violation and the provisions of this policy alleged to have been violated, and will then designate an Investigator to conduct an investigation and prepare a report. A single investigator will ordinarily be assigned to each case. Investigators will be selected from a group of qualified and trained individuals engaged by the College for the purpose of conducting investigations under this policy.

d.) For complaints of Retaliation or of Aiding, Abetting, or Inciting Sexual Misconduct, the Title IX Coordinator may exercise discretion to refer the matter to the otherwise applicable non-academic disciplinary process, as set forth in the Community Life Agreements, for the Responding Person in lieu of this procedure.

e.) If, prior to or during the investigation of a complaint under this policy, either party alleges a violation of other College policies or standards of conduct arising from the same set of facts, all claims will ordinarily be investigated and have responsibility determined by the Investigator assigned to investigate the complaint under this policy, with the sanction for any finding of responsibility for claims other than those under this policy determined by the disciplinary of the Community Life Agreements. However, the Title IX Coordinator, in consultation with the Sexual Misconduct Response Team, has discretion to determine that the claims other than those under this policy should be referred in their entirety to the guidance jurisdiction of the Community Life Agreements.

f.) Upon initiating the investigation, Title IX Coordinator will send the Reporting Person and the Responding Person a notice of investigation which will include: a copy of the charge; the name and contact information of the Investigator; and a copy of this policy. The Title IX Coordinator will also inform both parties of Goddard's policy which prohibits Retaliation.

g.) The investigation will be conducted in a prompt, fair, thorough, and impartial manner by a person who has specialized training in conducting Sexual Misconduct investigations. It will include, at a minimum, speaking separately with the Reporting Person, the Responding Person and pertinent witnesses, and soliciting and reviewing documentation relevant to the investigation including available police reports. The Investigator will provide the Reporting and Responding Persons with timely notice of meetings at which they are asked to be present, when possible in person, or other virtual means. The Reporting and Responding Persons will not be permitted to directly question each other and will not be required to be present together at any point. Each party may have an advisor and/or an

observer present with them at all meetings concerning the investigation.

h.) All parties and witnesses are obligated to be completely honest during the course of the investigation. Any person who knowingly makes a false statement in connection with the investigation may be subject to College disciplinary action. False statements include statements that omit a material fact, as well as statements that the speaker knows to be untrue.

i.) The Investigator may establish reasonable timeframes for the submission of information and the identification of potential witnesses by the Reporting Person and the Responding Person (i) prior to the preparation of the Investigator's factual findings and (ii) following the submission of the draft factual findings to the Reporting Person and the Responding Person for their review. A reasonable time frame for such responses is generally defined as five calendar days.

j.) The Investigator may record by electronic, stenographic, or other means any meeting, to the extent permitted by law. If a recording has been made, the Reporting and Responding Persons may request permission to listen to the recording at the conclusion of the investigation. The Title IX Coordinator will determine the conditions under which persons will have access to the recording in order to preserve confidentiality. Persons who fail to abide by those restrictions may be subject to further disciplinary action. Except as provided above, no photographs, tape recordings, videotapes, stenographic records, or other recordings of proceedings under this policy may be made.

## ***2. Standard of Proof.***

All findings and determinations of responsibility under this policy will be made using a preponderance of the evidence standard. With respect to any factual issue, this standard requires the determination of whether it is more likely than not that a fact exists or an event or violation of this policy occurred.

### ***3. Investigation Findings and Report.***

The Investigator will prepare a written report at the conclusion of the investigation. Before the report is finalized, the Investigator will give the Reporting Person and the Responding Person an opportunity to review a draft of the factual findings of the report and submit comments in writing. The Investigator will then make any modifications to the draft report that the Investigator, in their judgment, deems appropriate, and finalize the report.

The Investigator's final written report will set forth, at a minimum:

- a.) The Investigator's factual findings;
- b.) The Investigator's determination as to whether the Responding Person committed the misconduct alleged in the charge;
- c.) Where the Investigator has found that the Responding Person committed Sexual Misconduct against the Reporting Person, the Investigator's factual findings with regard to each of the factors relevant to sanctioning set forth in Goddard's Sexual Misconduct Policy; and
- d.) The Investigator's rationale for the findings.

The Investigator will transmit the report to the Title IX Coordinator. The Coordinator will promptly notify the parties, simultaneously and in writing, of the Investigator's determination of responsibility and the process for requesting review of the decision. If the Investigator has found the Responding Person responsible for misconduct, the Coordinator will also inform the parties of the sanctioning procedure, including the time frame for the submission of statements to be shared with the Sanctioning Panel.

### ***4. Sanctioning Decision.***

If the Investigator has found the Responding Person responsible for misconduct under this policy, the Title IX Coordinator will promptly convene a Sanctioning Panel consisting of no fewer than three members and including:

- Title IX Coordinator (ex-officio)
- Academic Affairs representative



- Community Life designee (ADS or Student Services)
- Designee from the faculty or administration in which the student is enrolled.

The Reporting and Responding Persons may each submit a statement of position to the Sanctioning Panel by providing a copy to the Title IX Coordinator within five (5) calendar days after the Coordinator has notified them of the Investigator's determination of responsibility. Within ten (10) business days of the Investigator's determination of responsibility, the Sanctioning Panel will determine the appropriate sanction, taking into account the considerations set forth below, and prepare a written statement of the rationale for the sanction determined. Sanctions may include but are not limited to one or more of the following: separation (i.e., expulsion); suspension; College or social probation; reprimand; warning; fine; restitution; educational/counseling requirement; no-contact order; restriction from specific College programs or activities; housing restriction/relocation; or restriction or termination from College employment.

In determining an appropriate sanction, the Sanctioning Panel will take into account the following considerations:

- a.) The impact of the misconduct on the Reporting Person or the community; protection of the College community.
- b.) The Responding Person's disciplinary (and, if known, criminal) history.
- c.) The nature and circumstances of the misconduct.
- d.) How the College has sanctioned similar misconduct in the past.
- e.) The enrollment pattern of the Reporting Person, giving due regard to the principle that the a Student found responsible for misconduct under this policy should bear the burden of accommodating the Reporting Person and not the reverse, and the risk that a Reporting Person's encounters with the Responding Person may create a hostile and intimidating environment for the Reporting Person.
- f.) The presence or absence of bias on account of race, color, religion, sex, age, sexual orientation, gender identity or expression, national origin, disability, or military/veteran status as a motivation in the misconduct.

g.) The Responding Person's candor in responding to the complaint.

h.) Any other mitigating or aggravating circumstances in order to reach a just and appropriate resolution in each case.

i.) (1) The sanction shall be separation from the College (i.e., expulsion) when:

- the Investigator has determined that the Responding Person, by use of physical force, threat, or Intentional Incapacitation of the Reporting Person, engaged in either (A) any form of sexual penetration (anal, oral, or vaginal), however slight, by a body part or object; or (B) oral-genital, oral-anal, or genital-genital contact; or
- the Investigator has determined that the Responding Person engaged in any form of sexual penetration, oral-genital contact, oral-anal contact, or genital-genital contact, as described above, and was motivated by bias on account of race, color, religion, sex, age, sexual orientation, gender identity or expression, national origin, disability, or military/veteran status; or
- the Responding Person has previously been found responsible for Sexual Assault.

(2) In cases not covered by paragraph (i)(1), where the Investigator has determined that the Responding Person intentionally engaged in any form of sexual penetration or oral-genital, oral-anal, or genital-genital contact, as described above, there is a strong presumption that the sanction will be separation from the College.

The Sanctioning Panel will also identify permanent remedies to address the effects of the conduct on the Reporting Person, restore the Reporting Person's safety and well-being, and maximize the Reporting Person's educational and employment opportunities. Such remedies should restore to the Reporting Person to the extent possible all benefits and opportunities lost as a result of the prohibited conduct. Permanent remedies may include extending or making permanent any interim measures.

### ***5. Notification of Investigation Outcome.***

The Title IX Coordinator will inform the Reporting Person and the Responding Person simultaneously and in writing of (a) the result of the disciplinary proceeding, including the sanction, if any; (b) the rationale for the result; and (c) the procedures for the Reporting Person and the Responding Person to request review of the result of the proceeding. The Title IX Coordinator will also inform other College officials with a legitimate educational interest. Ordinarily, these persons will include:

- For complaints against undergraduates: Dean of Community Life; and Student's parent(s) or guardian(s) if student is under the age of majority (and/ or is not an emancipated minor).
- For complaints against graduate or professional school students: Program Director of the program in which the Responding Person is enrolled and the Academic Dean.
- For complaints against Non-U.S. Citizens/non-Permanent Residents: Director of the Office of Visa and Immigration Services.

In the event of a request for review, the Title IX Coordinator will provide notice of the result of the review to the same persons.

### ***6. Review of Decision.***

a.) Either the Reporting Person or the Responding Person may, within seven (7) calendar days of receiving notice of the decision, request review of the decision by submitting to the Title IX Coordinator, a letter stating why the party requesting review believes the finding of responsibility or the sanction should be set aside. A party may only request review on the following grounds:

- That the Investigator or the Sanctioning Panel committed procedural error which materially prejudiced the party requesting review's case;
- That the Investigator's findings or the Sanctioning Panel's decision should be reconsidered because of newly discovered information which was not reasonably available to the party requesting review during the investigation and which would likely have affected either the finding of responsibility or the sanction imposed had it been available; or
- That the sanction imposed is excessive, insufficient, or inappropriate.

A request for review must set forth in reasonable detail the grounds for review, and must have attached to it all materials that the party requesting review wishes to have considered. The Title IX Coordinator will provide a copy of the request for review to the other party.

b.) Chief Academic Officer and Academic Dean will designate a College official (“Reviewing Official”) to consider each request for review. The Reviewing Official will decide in their sole discretion whether the request states one of the allowable grounds for review. If the Reviewing Official decides that the request states an allowable ground for review, they will notify the parties that the request will be considered and invite the other party to submit, within seven (7) calendar days, a statement and supporting materials in response to the submission of the party requesting review.

c.) If the reporting person is a student, the Reviewing Official will consult with the Program Director of the Reporting Person's academic program. The Reviewing Official may also consult with the Investigator, Title IX Coordinator, and with the Sanctioning Panel with respect to requests to review the sanction.

d.) The College reserves the right, pending the review, to direct that a Student found responsible for violation of this policy, and for whom the sanction of suspension or separation has been imposed, be required to leave campus during the time the review is pending. This decision will be made by the Dean of the Community Life.

e.) The Reviewing Official may affirm the Investigator's or Sanctioning Panel's findings, reverse and remand the matter for further consideration, or refer the matter to a different Investigator for further consideration. If the matter is remanded to the Investigator or the Sanctioning Panel or referred to a different Investigator, the Reviewing Official will provide corrective instructions with the remand/referral. The Reviewing Official's decision will be in writing and, except in the case of a remand/referral, is final.

f.) In the event of a remand or referral, the original or new Investigator, or the Sanctioning Panel, as the case may be, may

conduct such further proceedings as they deem appropriate under the circumstances, consistent with this policy. Review of decisions on remand may be requested by either party under the above procedure.

### **C. Timeframe for Completion of Investigation and Disciplinary Process.**

The College will ordinarily complete its investigation and disciplinary process, if any, within sixty (60) calendar days. All timeframes set forth in this policy may be extended by the Title IX Coordinator or other administrator for good cause, with written notice to the Reporting and Responding Persons of the delay and the reason for the delay.

### **D. Confidentiality; Respect for Privacy.**

Information regarding investigations conducted as part of the disciplinary process, including sanctioning determinations, will be shared among College officials with a legitimate educational interest or with external individuals or entities only on a need-to-know basis and only as permitted by College policy and applicable law. The College may choose to comment publicly, in writing or otherwise, to the extent permitted by law, regarding the decision reached if, in the judgment of the College, the best interests of the community would be served by such a disclosure. If possible and appropriate, the anonymity of the student(s) involved will be protected.

### **D. Training of Officials Conducting Proceedings.**

All persons involved in implementing this policy will receive annual training on the issues related to Sexual Misconduct and how to implement this policy in a manner that is prompt, effective, fair, and impartial.

### **E. Protection from Retaliation.**

The College will take appropriate steps to ensure that a person, who in good faith reports or participates in an investigation under this policy, will not be subjected to retaliation by the Responding Person or

others. Anyone who believes that they are experiencing retaliation is strongly encouraged to report that concern using the procedure for the reporting violations of this policy.

#### **D. Coordination with Concurrent Legal Proceedings.**

Persons may report to law enforcement and/or engage in civil litigation in connection with the same behavior that forms the basis of a report under this policy. Where a Reporting Person or another person with knowledge of possible violation of this policy has reported to law enforcement, the College will fulfill its responsibility to take prompt and appropriate action to provide protection and resources to the Reporting Person. The College will, however, comply with valid requests by law enforcement for cooperation in a criminal investigation and may need to delay temporarily an investigation under this policy while law enforcement is in the process of gathering evidence. Once law enforcement has completed its gathering of evidence, the College will resume and complete its investigation. If the Reporting Person wishes to pursue disciplinary charges under this policy while criminal proceedings are pending, or if the College determines that disciplinary proceedings should proceed, the College will not wait for the conclusion of the criminal case to proceed with the disciplinary process. If the College finds that Sexual Misconduct occurred, it will take effective steps to end it, prevent its recurrence, and address its effects, regardless of whether external legal proceedings are pending.

#### **E. Advisors and Support Persons; Attorneys.**

Both Reporting Persons and Responding Persons are entitled to have a single advisor and/or observer of their choice accompany them at any meeting related to the investigation.

Advisors/observers may not actively participate in the case by answering questions or otherwise presenting on behalf of the parties. They may advise the parties privately but may not confer with them while the meeting is in progress, and will be subject to the same confidentiality expectations applicable to others in attendance.



The Investigator may remove any person who distracts or disrupts the process.

#### **F. Conflict of Interest.**

Any persons exercising authority under this policy who believe they may be unable to exercise that authority impartially in any case shall excuse them-selves from the matter and will be replaced with another person. If the Reporting or Responding Person believes a person exercising authority under this policy has a personal, professional, or financial involvement with the Reporting or Responding Person that would prevent the person from exercising their authority impartially, they may make a prompt objection to the Title IX Coordinator. If the Title IX Coordinator determines that the objection is reasonable, the challenged person will be replaced with another person. Because Goddard is a small community, knowledge of or acquaintance with the student(s) and/or witnesses in a matter, awareness of a matter, participation as a consequence of one's official role in events surrounding a matter, and/or participation in the investigation process prior to the formal disciplinary process, will not automatically be grounds for disqualification. The decision of the Title IX Coordinator regarding a challenge will be final.

### **VII. OTHER MATTERS**

To prevent delays, when positions authorized to exercise responsibility under this policy are vacant, or during the unavailability of persons holding those positions, the Chief Academic Officer and Academic Dean may designate other persons to exercise their authority under this policy.