

Sexual Misconduct Prevention: Policies and Procedures Nazarene Bible College

Last Updated: October 2019

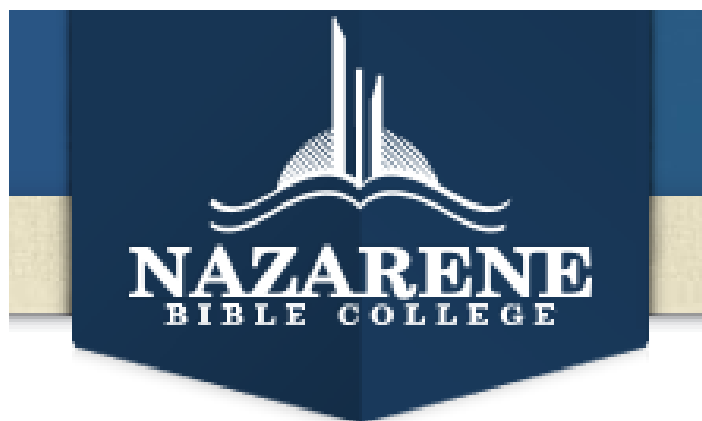


Table of Contents

INTRODUCTION 3

 SCOPE OF THE POLICY 3

 NBC’S COMMITMENT TO PROTECTING CONFIDENTIALITY 3

IMPORTANT DEFINITIONS 4

 CONSENT 4

 DATING VIOLENCE 5

 DOMESTIC VIOLENCE: 5

 SEXUAL ASSAULT:..... 5

 SEXUAL MISCONDUCT 6

 Any nonconsensual sexual physical contact, including instances in which the person subjected to the misconduct is incapable of giving consent because of permanent or temporary mental or physical incapacity. 6

 STALKING: 6

CYBERSTALKING 7

REPORTING PROCEDURES 7

 CONTACT INFORMATION FOR REPORTING..... 7

 IMMEDIATE REPORTING: WHAT TO DO IF A SEXUAL OFFENSE OCCURS 8

 AFTER THE FACT REPORTING..... 8

 REPORTING TO NBC EMPLOYEES 9

 Title IX Coordinator: 9

 Confidential Employees:..... 9

 Responsible Employees: 9

RETALIATION 10

SAFE AND POSITIVE OPTIONS FOR BYSTANDERS 10

STATEMENT OF PRINCIPLES AND RIGHTS 11

 COMPLAINANT’S RIGHTS AND OPTIONS: 12

 The Right to Human Dignity 12

 The Right to Resources 12

 The Right to Law Enforcement And College Intervention 12

 The Right to College Judicial Proceedings 13

WRITTEN NOTIFICATION OF RIGHTS, OPTIONS AND RESOURCES 13

INVESTIGATORY PROCEDURES	14
SEXUAL MISCONDUCT DISCIPLINARY PROCEDURES	14
DISCIPLINARY PROCESS FOR STUDENTS:	15
DISCIPLINARY PROCESS FOR EMPLOYEES:	17
PREVENTING CRIMES THROUGH NBC PROGRAMS	19
CLOSING COMMENTS.....	20
Works Cited.....	21
APPENDIX I	23
NBC CLERY GEOGRAPHY:.....	23
APPENDIX II	25
Extended List of Sexual Misconduct Definitions:	25
APPENDIX III.....	30
Amnesty Program	30
Good Samaritan Program.....	30
Whistleblower Protection Policy	31

INTRODUCTION

Nazarene Bible College (NBC) is devoted to providing a safe and secure environment in which all members, including guests, students, and employees, are treated with dignity and respect. NBC is dedicated to delivering a school community free from all discrimination on the basis of sex. To that end, the college takes the strongest possible stance against sexual misconduct in all its forms, including sexual harassment, sexual assault, sexual violence, domestic violence, dating violence, stalking, cyberstalking, or the use of coercion, intimidation, or exploitation of others for sexual purposes. NBC is committed to implementing the legislation and guidance provided in Title IX of the Education Amendments Act of 1975 (Title IX), the Violence Against Women Reauthorization Act (VAWA), the Campus Sexual Violence Elimination Act (Campus SaVE), and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). The following policy includes proactive and responsive measures regarding dating violence, domestic violence, stalking, cyberstalking, and sexual assault in all of its forms including rape, fondling, incest, and statutory rape.

SCOPE OF THE POLICY

This policy applies to the conduct of all college students, faculty, staff, and third parties that occur:

1. Within the boundaries of the Nazarene Bible College¹ customarily known as Clery Geography and,
2. On or off college property if the conduct creates a hostile environment or if the conduct was in connection with any college sponsored program.

NBC'S COMMITMENT TO PROTECTING CONFIDENTIALITY

Nazarene Bible College understands that it can be difficult for a complainant to come forward after an incident of sexual misconduct. NBC will take all reasonable actions to ensure that a complainant can maintain their confidentiality. Please understand complete confidentiality can only be maintained by: licensed counsellors or pastors. Confiding in NBC employees will necessitate some reporting; however, NBC will ensure that the publicly available recordkeeping and disclosures do not include any personally identifying² information. Unless confidentiality prevents the institution from providing accommodations or protective measures, it will keep such measures confidential.

If a complainant discloses an incident to a responsible employee³ but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, the college must weigh that request against the college's obligation to

¹ See Appendix I for map of NBC's Clery Geography

² According to the Department of Education, "Personally Identifying Information" is defined in the Violence Against Women Act as "individually identifying information for or about an individual, including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault or stalking, regardless of whether the information is encoded, encrypted, hashed or otherwise protected, including a first and last name; a home or other physical address, contact information (including a postal, e-mail or Internet protocol address, or telephone or facsimile number), a social security numbers, driver's license number, passport number or student identification number, any other information, including date of birth, racial or ethnic background or ethnic background, or religious affiliation that would serve to identify any individual." (The Handbook for Campus Safety and Security Reporting, 2016 Edition, 2016, p. 8.12)

³ See section titled RESPONSIBLE EMPLOYEES

provide a safe, non-discriminatory environment for all students, including the complainant. If the college honors the request for confidentiality, a complainant must understand that the college's ability to meaningfully investigate the incident and pursue disciplinary action against the respondent may be limited. Although rare, there are times when the college may not be able to maintain confidentiality in order to provide a safe, non-discriminatory environment for all members of the college community. When weighing a complainant's request for confidentiality or that no investigation or discipline be pursued, the Title IX coordinator will consider a range of factors, including the following:

- the increased risk that the respondent will commit additional acts of sexual violence or other violence,
- whether there have been other sexual violence complaints about the same individual,
- whether the respondent has a history of arrests or records from a prior school indicating a history of violence,
- whether the respondent threatened further sexual violence or other violence against the complainant or others,
- whether the sexual violence was committed by multiple perpetrators,
- whether the sexual violence was perpetrated with a weapon,
- whether the complainant is a minor,
- whether the college possesses other means to obtain relevant evidence of the sexual violence (e.g., security cameras or personnel, physical evidence),
- whether the complainant's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

The presence of one or more of these factors could lead the college to investigate and, if appropriate, pursue disciplinary action. If none of these factors are present, the college will likely respect the complainant's request for confidentiality. If the college determines that it cannot maintain a complainant's confidentiality, the college will inform the complainant, in writing, prior to beginning an investigation. The college will remain ever mindful of the complainant's well-being and will take ongoing steps to protect the complainant from retaliation or harm.

IMPORTANT DEFINITIONS

The following definitions are defined under Nazarene Bible College's local jurisdictions, the states of Colorado and Kansas.

CONSENT⁴:

Consent means cooperation in act or attitude pursuant to an exercise of free will and with knowledge of the nature of the act. A current or previous relationship is not sufficient to constitute consent. Submission under the influence of fear does not constitute consent.

⁴ Please note, Kansas law does not define the term "consent", the definition used in this document is that of Colorado.

DATING VIOLENCE⁵:

Dating violence is violence committed by a person

- Who is or has been in a social relationship of a romantic or intimate nature with the victim;
- Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - The reporting party's statement,
 - The length of the relationship,
 - The type of relationship,
 - The frequency of interaction between the persons involved in the relationship.

DOMESTIC VIOLENCE:

Domestic Violence in Colorado means

- An act or threatened act of violence upon a person with whom the actor is or has been involved in an intimate relationship. "Domestic violence" also includes any other crime against a person, or against property, including an animal, or any municipal ordinance violation against a person, or against property, including an animal, when used as a method of coercion, control, punishment, intimidation, or revenge directed against a person with whom the actor is or has been involved in an intimate relationship.
- "Intimate relationship" means a relationship between spouses, former spouses, past or present unmarried couples, or persons who are both the parents of the same child regardless of whether the persons have been married or have lived together at any time.

Domestic Violence in Kansas means

- An act or threatened act of violence against a person with whom the offender is involved or has been involved in a dating relationship, or an act or threatened act of violence against a family or household member by a family or household member. Domestic violence also includes any other crime committed against a person or against property, or any municipal ordinance violation against a person or against property, when directed against a person with whom the offender is involved or has been involved in a dating relationship or when directed against a family or household member by a family or household member.

SEXUAL ASSAULT:

In Colorado, any actor who knowingly inflicts sexual intrusion or sexual penetration on a victim commits sexual assault if:

- The actor causes submission of the victim by means of sufficient consequence reasonably calculated to cause submission against the victim's will; or
- The actor knows that the victim is incapable of appraising the nature of the victim's conduct; or
- The actor knows that the victim submits erroneously, believing the actor to be the victim's spouse; or

⁵ Please note, neither Colorado nor Kansas laws define the term "dating violence". The definition used in this document is found in the Handbook for Campus Safety and Security Reporting 2016.

- At the time of the commission of the act, the victim is less than fifteen years of age and the actor is at least four years older than the victim and is not the spouse of the victim; or
- The victim is in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over the victim and uses this position of authority to coerce the victim to submit, unless the act is incident to a lawful search; or
- The actor, while purporting to offer a medical service, engages in treatment or examination of a victim for other than a bona fide medical purpose or in a manner substantially inconsistent with reasonable medical practices; or
- The victim is physically helpless and the actor knows the victim is physically helpless and the victim has not consented.

In Kansas, sexual assault is defined as:

- Knowingly engaging in sexual intercourse with another person who does not consent when:
 - ❖ The victim is overcome by force or fear
 - ❖ The victim is unconscious or physically powerless; or
- Knowingly engaging in sexual intercourse with another person when that person is incapable of giving consent because of mental deficiency or disease, or when the victim is incapable of giving consent because of the effect of any alcoholic liquor, narcotic, drug or other substance, reasonably apparent to the offender; or
- Engaging in sexual intercourse with a child under 14 years of age; or
- Engaging in sexual intercourse with a victim when the victim's consent was obtained through a knowing misrepresentation made by the offender that the sexual intercourse was a medically or therapeutically necessary procedure; or
- Engaging in sexual intercourse with a victim when the victim's consent was obtained through a knowing misrepresentation made by the offender that the sexual intercourse was a legally required procedure within the scope of the offender's authority.

SEXUAL MISCONDUCT⁶:

Any nonconsensual sexual physical contact, including instances in which the person subjected to the misconduct is incapable of giving consent because of permanent or temporary mental or physical incapacity.

STALKING:

In Colorado, a person commits stalking if directly, or indirectly through another person, the person knowingly:

- Makes a credible threat to another person and, in connection with the threat, repeatedly follows, approaches, contacts, or places under surveillance that person, a member person's immediate family, or someone with whom that person has or has had a continuing relationship; or

⁶ Please note, Kansas law does not define the term "Sexual Misconduct". The definition used in this document is that of Colorado.

- Makes a credible threat to another person and, in connection with the threat, repeatedly makes any form of communication with that person, a member of that person’s immediate family, or someone with whom that person has or has had a continuing relationship, regardless of whether a conversation ensues; or
- Repeatedly follows, approaches, contacts, places under surveillance, or makes any form of communication with another person, a member of that person’s immediate family, or someone with whom that person has or has had a continuing relationship in a manner that would cause a reasonable person to suffer serious emotional distress and does cause that person, a member of that person’s immediate family, or someone with whom that person has or has had a continuing relationship to suffer serious emotional distress.

In Kansas, stalking is defined as:

- Recklessly engaging in a course of conduct targeted at a specific person which would cause a reasonable person in the circumstances of the targeted person to fear for such person’s safety, or the safety of a member of such person’s immediate family and the targeted person is actually placed in such fear;
- Engaging in a course of conduct targeted at a specific person with knowledge that the course of conduct will place the targeted person in fear for such person’s safety of the safety of a member of such person’s immediate family; or
- After being served with, or otherwise provided notice of, any protective order included in K.S.A. 21-3843, prior to its repeal or K.S.A. 2012 Supp. 21-5924, and amendments thereto, that prohibits contact with a targeted person, recklessly engaging in at least one act listed in subsection (f)(1) that violates the provisions of the order and would cause a reasonable person to fear for such person’s safety, or the safety of a member of such person’s immediate family and the targeted person is actually placed in such fear.

CYBERSTALKING

NBC also recognizes cyberstalking as a form of stalking. Cyberstalking is the use of technology, specifically the internet, to stalk someone.

REPORTING PROCEDURES

Nazarene Bible College has established procedures for complainants and witnesses to report an occurrence of Sexual Misconduct. Below are options for immediate reporting and delayed reporting.

In addition, NBC provides members of the community with an Amnesty Program as well as a Good Samaritan Program for select instances in which NBC’s code of conduct has been broken. In the event an employee discovers illegal instances of sexual misconduct at NBC the federal law has provided legislation to protect the employee. Please see the Whistle Blower Protection Policy for more information. Information concerning the Amnesty Program, Good Samaritan Program, and Whistle Blower Protection Policy can be found in Appendix III of this document.

CONTACT INFORMATION FOR REPORTING

Title IX Coordinator/VP for Finance Office:	719-884-5021
Emergency	911

IMMEDIATE REPORTING: WHAT TO DO IF A SEXUAL OFFENSE OCCURS

1. Respond to any injuries first. If you need medical attention, call an ambulance at 911.
2. The preservation of evidence is crucial. Do not alter your physical appearance until after a physical examination has been conducted. Do not shower, wash your clothes, or comb your hair. Avoid drinking and eating.⁷
3. Call the Colorado Springs Police Department at 719-444-7000 (in Lenexa, call 913-477-7300). A police officer will meet with you as soon as possible. If you would like, NBC's Director of Financial Aid⁸ (in Lenexa, Title IX coordinator or compliance assistant) can assist you in contacting the appropriate police department. **Note: everyone has a right to decline to notify local law enforcement.**⁹
4. In Lenexa, Kansas, call the NBC Title IX coordinator/ VP for finance at 719-884-5021. In Colorado Springs, Colorado, contact the Director of Financial Aid at 719-884-5051.
5. Go with the police officer to the nearest hospital for evidence collection and a medical examination.
6. NBC is required to perform an investigation once a report of sexual offense has occurred. Therefore, if you have not already done so, contact the Title IX coordinator/ VP for finance at 719-884-5021, if they are not available contact the Compliance Assistant at 719-884-5013.

AFTER THE FACT REPORTING

Victims of sexual harassment have the right to report an incident of sexual misconduct to either or both local law enforcement agencies and the college. Victims also have the right to decline to notify authorities of an incident. In addition to these options, there are confidential counselling services available to both victims and witnesses. The various options concerning reporting of incidents of sexual misconduct are listed below.

Notifying Law Enforcement: Victims have the right to notify law enforcement. If the victim would like, school authorities can assist the victim in notifying law enforcement. Victims have the right to choose to decline to notify authorities.

Reporting: If victims should choose to report the incident to school authorities they should contact the compliance assistant 719-884-5013 or the Title IX coordinator 719-884-5021.

⁷ The preservation of evidence is critical. Preserving evidence may assist a victim in proving that the alleged sexual offense occurred or in obtaining protective measures such as a protective order. (The Handbook for Campus Safety and Security Reporting, 2016 Edition, 2016)

⁸ The Director of Financial aid has responsibility in Colorado Springs to maintain the security log and to assist campus students who have been victims of offenses.

⁹ Every victim has the right to: notify local law enforcement authorities, be assisted by campus authorities in notifying local law enforcement, or decline to notify such authorities.

Evidence preservation: Even if a victim is unsure of whether or not they would like to report an incident, it is a good idea to preserve evidence to the best of their ability. In order to best preserve evidence, victims should avoid showering, washing, changing clothes, combing hair, drinking, eating, or doing anything to alter physical appearance until after a physical exam has been completed.

REPORTING TO NBC EMPLOYEES

NBC students and employees have different options for reporting. NBC offers three types of employees for complainants to report to: the Title IX coordinator, confidential resources, and responsible employees.

Title IX Coordinator:

The college has designated the Vice President for Finance as the Title IX coordinator. The Title IX coordinator is to ensure the college's compliance with Title IX of the Education Amendments of 1972. The Title IX coordinator is to oversee the college's response to Title IX reports and complaints and identify and address any patterns or systemic problems revealed by such reports and complaints. The Title IX coordinator must be informed of all reports and complaints raising Title IX issues, even if the report or complaint was initially filed with another individual or office. In addition, the Title IX coordinator is to conduct annual climate assessments for students and employees. Any reports of sexual harassment, including sexual misconduct as well as questions concerning Title IX can be referred to the Title IX coordinator or the Office for Civil Rights:

NBC's Title IX Coordinator
TitleIXCoordinator@nbc.edu

Office for Civil Rights
1-800-368-1019
ocrmail@hhs.gov

Confidential Resources:

Complete confidentiality can only be maintained by professional, licensed counselors and pastoral counselors who provide mental-health counseling to members of the school community (and including those who act in that role under the supervision of a licensed counselor). Individuals who are confidential resources will not report crimes to law enforcement or college officials without your permission, except for extreme circumstances, such as a health and/or safety emergency.

Please note that counselling and support is available to all victims whether or not they choose to make an official report to the institution.

Title IX Coordinator/ VP for Finance	719-884-5021
Compliance Assistant	719-884-5013

Responsible Employees:

A Responsible Employee is a college employee who:

- Has the authority to redress sexual violence,

- Has the duty to report incidents of sexual harassment, sexual violence, or other student/employee misconduct,
- A student may reasonably believe has this authority or duty.¹⁰

NBC’s responsible employees are: members of the President’s Cabinet, academic advisors, the compliance assistant, and the director of financial aid.

Responsible Employees are obligated to report to the Title IX coordinator any instances of sexual misconduct that have been reported to them. Responsible Employees must report all relevant information including: the names of the complainants and respondents, any witnesses, and the date, time, and location of the alleged incident. Any complainant that tells a Responsible Employee about an incident of sexual violence has the right to expect the college to take timely and fitting steps to investigate the report.¹¹

NBC trains their Responsible Employees to ensure that they are aware of their responsibilities and that they are equipped to handle instances of reporting according to NBC protocol.

RETALIATION¹²

The college is firmly committed to a policy that encourages timely disclosure of sexual misconduct. Any person, who, in good faith, reports sexual misconduct will be protected from retaliation threats of retaliation, suspension, or discharge from an educational opportunity or employment, or any other forms or means of discrimination because this person reported sexual misconduct.

The Clery Act protects against retaliation by an institution, officer, employee, or agent of an institution for exercising their rights under the Act. Retaliation can include intimidation, threats, coercion, discrimination, or any other form deemed by the Care and Conduct Committee to be retaliation.

SAFE AND POSITIVE OPTIONS FOR BYSTANDERS

The college expects all members of the school community to take reasonable and prudent actions to prevent or stop an act of sexual misconduct. The Department of Education defines bystander intervention as: “safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking.” (The Handbook for Campus Safety and Security Reporting, 2016 Edition, 2016, p. 8.7) Bystanders can help in several different ways, including direct intervention, seeking assistance from an authority figure, notifying the Title IX coordinator or Director of Security/Chief Information Officer, or calling state or local law enforcement.

Title IX Coordinator/ VP for Finance	719-884-5021
Director of Security/Chief Information Officer	719-884-5101

¹⁰ (United States Department of Education The Assistant Secretary, 2014, p. 15)

¹¹ (White House Task Force to Protect Students from Sexual Assault, 2014)

¹² Retaliation is defined as an adverse action taken because an individual has engaged in protected activities

If a complainant confides in you: It is important to let the complainant tell their story. Listen respectfully, and help them explain and identify what has happened to them. Do not contradict them or play “devil’s advocate” even if parts of the story don’t immediately make sense or even if you would have made other choices when presented with the same scenario or challenges. Help the complainant identify others in their network who they can confide in. Ask the complainant what they need to feel safe, encourage them to seek medical attention and counseling, and encourage them to report the act if they feel comfortable doing so. The first person a complainant talks to can have a significant impact on the person and their ability to report and get through an ordeal. Be a supportive, kind, understanding, and nonjudgmental person and you can be a positive force for this complainant in seeking the help they require to move forward.¹³

STATEMENT OF PRINCIPLES AND RIGHTS

The college is devoted to providing a safe and secure atmosphere in which all members are treated with dignity and respect. NBC is committed to offering an environment free from all discrimination on the basis of sex. To that end, the college takes the strongest possible stance against sexual misconduct in all its forms, including sexual harassment, sexual assault, sexual violence, domestic violence, dating violence, stalking, cyber stalking, or the use of coercion, intimidation or exploitation of others for sexual purposes. The college is actively engaged in educating its members about these vital issues and providing timely support and assistance to victims of sexual assault.

Should a sexual assault be reported, the college will investigate allegations and take appropriate actions, to the fullest possible extent. It is imperative that complainants be fully supported in their efforts to heal and respond as they determine is in their own best interests. To this end, the college will provide the complainant written explanation of the complainant’s rights and options as well as the resources available to them through both the institution as well as the community. Some of these options and resources may include: issuing a no-contact order, NBC’s procedures for sexual misconduct disciplinary investigations, help with a change of working arrangements or academic schedules or adjustments for assignments or tests. NBC will also provide complainant written notification about other available resources such as: victim advocacy, academic support, counseling, disability, health or mental health services, and legal assistance. As possible, NBC will make accommodations requested by the complainant regardless of whether the complainant chooses to report the crime to school authorities or local law enforcement.

NBC has designated the compliance assistant as the complainant’s support person. The Title IX coordinator will work collaboratively with the complainant’s support person to ensure Title IX compliance.

Compliance Assistant	719-884-5013
Title IX Coordinator	719-884-5021

¹³ (Office of General Counsel: State University of New York, 2015)

COMPLAINANT'S RIGHTS AND OPTIONS:

All members and representatives of the college community, including administrators, faculty, professional staff, employees, and students are expected to recognize and abide by the following principles regarding complainants of campus-related sexual assaults:

The Right to Human Dignity

Complainant shall:

- Be treated with fairness and respect for their dignity,
- Be free from any suggestions that they must report sexual assaults to be assured recognition of any other identified principles or rights,
- Be free from any suggestion that they are responsible for the sexual assaults committed against them,
- Be free from any threat of retaliation or other attempt to prevent the reporting of sexual misconduct,
- Be free from unwanted pressure from college personnel to:
 - ❖ Report sexual assaults if they do not wish to do so,
 - ❖ Report sexual assaults as less serious offenses,
 - ❖ Refrain from reporting sexual assaults for any reason, including the fear of unwanted personal publicity
- Have their allegations of sexual assault treated seriously,
- Have their privacy honored.

The Right to Resources

Complainants shall:

- Receive the options to pursue a criminal complaint with the appropriate law enforcement agency, to pursue the college's disciplinary process, or to pursue both processes simultaneously,
- Be notified of existing local and national hotlines to find medical, counseling, mental health and student services for victims of sexual assault whether or not the assault is formally reported to campus or civil authorities,
- Be informed of and assisted in exercising:
 - ❖ Any rights to confidential or anonymous testing for sexually transmitted infections, HIV, and pregnancy,
 - ❖ Any rights that may be provided by law to obtain the communicable diseases test results of sexual assault suspects,
- Be informed of the possible availability of crime victim assistance compensation through the National Center for Victims of Crime, victimsofcrime.org (or the Colorado State Crime Victims' Rights, http://crime.about.com/od/victims/qt/victims_co.htm)
- Have access to counseling.

The Right to Law Enforcement and College Intervention

Complainants shall:

- Have the right to notify appropriate law enforcement, including college authorities,
- Have the right to decline to notify such authorities,

- Have the right to submit reports of sexual assault which will be investigated and evaluated by the appropriate criminal and civil authorities of the jurisdiction in which the sexual assault is reported
- Receive full and prompt cooperation and assistance of college personnel in notifying the proper civil authorities,
- Receive full, prompt, and complainant-sensitive cooperation of college personnel with regard to obtaining, securing, and maintaining evidence, including a medical examination when it is necessary to preserve evidence of the assault,
- See “no contact” orders (e.g., Cease and Desist orders) issued promptly and in writing to all parties to a reported sexual assault after the college receives notice of a complaint, - orders of protection, restraining orders - knowyourix.org/dealing-with/dealing-with-university-issued-no-contact-orders/
- See college personnel take reasonable and necessary actions to prevent further unwanted contact by respondent,
- Be notified of the options for and provided assistance in changing academic accommodations if such changes are reasonably available.

The Right to College Judicial Proceedings

Complainants have the right to:

- Written and advance notice about a disciplinary hearing involving the person or persons accused of sexually assaulting them,
- Have the opportunity to present witnesses and other evidence and to receive notice of the process, information about procedures, and written notice of the outcome in a manner that is equivalent to the process of the respondent,
- Have a person (advocate) of their choice accompany them throughout the disciplinary hearing,
- Remain present during the entire proceeding – whenever possible, alternative arrangements may be made for those who do not want to be present in the same room as the respondent during the disciplinary hearing,
- Be heard at the proceeding,
- Be assured that their irrelevant past sexual history will not be discussed during the hearing,
- Make a “victim impact statement” if the respondent is found in violation of the code,
- Be informed in a timely fashion (60 business days) of the outcome of the hearing,
- Have the right to appeal the outcome of the hearing.

WRITTEN NOTIFICATION OF RIGHTS, OPTIONS AND RESOURCES

NBC provides complainants and respondents with a packet of information containing all rights (as listed above), options for reporting and accommodations, as well as resources available. A copy of this document can be obtained through NBC’s Title IX coordinator at TitleIXCoordinator@nbc.edu or NBC’s compliance assistant at 719-884-5013.

INVESTIGATORY PROCEDURES

SEXUAL MISCONDUCT DISCIPLINARY PROCEDURES

When the respondent is an NBC student, the complainant may wish to pursue college disciplinary procedures. When an individual believes that a crime has been committed, it is recommended that charges be filed with the local criminal justice system. Disciplinary action may be called for in cases of alleged sexual misconduct specifically for cases of dating violence, domestic violence, sexual harassment, sexual assault, stalking, and cyber stalking. Although there is no time limit on the filing of charges within the college, prompt reporting is likely to result in a more satisfactory investigation because people's memories are fresh and witnesses are more readily available. Upon written request, Nazarene Bible College will disclose to the complainant of a crime of violence¹⁴ or a non-forcible sex offense the report of the final outcome of the disciplinary proceeding.

In the case of a sexual misconduct disciplinary process, Nazarene Bible College ensures a prompt, fair, and impartial proceeding from the initial investigation to the final result. Nazarene Bible College's disciplinary proceedings for cases of alleged sexual misconduct are directed by the Title IX coordinator. Investigations, if necessary, are conducted by the Student Care and Conduct Committee or the Employee Conduct Committee overseen by the chair of that committee. Appeals are handled by NBC's President's Cabinet. The members of the Student Care and Conduct Committee, Employee Conduct Committee, and President's Cabinet receive annual training regarding:

- How to conduct investigations and hearings that protect the safety of complainants and provide accountability
- Relevant information concerning dating violence, domestic violence, sexual harassment, sexual assault, stalking, and cyberstalking

NBC's standard of evidence for all cases of sexual misconduct is preponderance of the evidence¹⁵.

When the institution receives a complaint of sexual misconduct, the type of disciplinary proceeding is determined by the nature of the complaint and the status of the individual(s) involved (i.e. students, employees).

- *Student Disciplinary Complaints:* if the complaint is brought against a student, the complaint will be reviewed based on applicable federal and state regulation and the college's standards of conduct set forth in the Student Handbook. Investigations, if necessary, are handled by the college's Student Care and Conduct Committee.
- *Employee Disciplinary Complaints:* if the complaint is brought against an employee, the complaint will be reviewed by the Office of Human Resources in accordance with

¹⁴ As defined by 18 U.S. Code 16 a crime of violence is an "offense that has an element the use, attempted use, or threatened use of physical force against the person or property of another, or any offense that is a felony and that, by nature. If the alleged victim is deceased

¹⁵ "...in order for a school's grievance procedures to be consistent with Title IX standards, the school must use a preponderance of the evidence standard (i.e., it is more likely than not that sexual harassment or violence occurred)." (U.S. Department of Education Office of the Assistant Secretary, 2011)

the procedures set forth in this document. Investigations, if necessary, are handled by the college's Employee Conduct Committee.

DISCIPLINARY PROCESS FOR STUDENTS:

1. NBC receives the complaint:
 - Through the Question, Concern, or Complaint Form available electronically through dCourseWeb or through the director of student success – the academic dean directs the complaint within two business days to the appropriate NBC personnel office (i.e. Office of Student Success, Office of Human Resources) and the Title IX coordinator.
 - Verbally or in writing to a responsible employee who reports the complaint to the Title IX coordinator within three business days.
 - Directly to the Title IX coordinator
2. In relations to Title IX concerns, the appropriate office will meet¹⁶ with the complainant within ten business days of the initial complaint to determine the scope of the issue and to be advised of all options.
 - At this stage in the proceedings, NBC will provide the alleged complainant¹⁷ with a written explanation of rights, options, resources and protective measures.
3. NBC will require the respondent to meet with the same office within five business days of the meeting with the complainant to discuss the issue and the steps of the process.
 - Failure to participate in this meeting will result in progression to the next step.
4. The appropriate office, in conjunction with the Title IX coordinator, will determine and notify all parties simultaneously in writing within five business days after both of the initial meetings have been conducted (complainant and respondent) if the Student Care and Conduct Committee will investigate further.
5. Should the evaluation of the Title IX coordinator conclude that no further investigation is required, the situation will be documented and paperwork will be filed with the compliance office. The parties will be informed simultaneously in writing of this conclusion within five business days after both of the initial meetings have been conducted.
6. Should the evaluation of the Title IX coordinator conclude that further investigation is necessary, the Student Care and Conduct Committee will conduct the investigation through appropriate meetings with the complainant and the respondent.¹⁸ This portion of the investigation will be completed within fifteen business days to ensure that the entire investigation from beginning to end lasts no longer than sixty days.
 - Any person on the Student Care and Conduct Committee who volunteers or is determined by the committee to have bias or a conflict of interest will be removed from the committee for the duration of the investigation and disciplinary process.¹⁹
 - Written petitions to request a member of the committee be removed based on bias or conflict of interest may be submitted to the committee by the complainant or the

¹⁶ For the purposes of this document meetings can refer to face-to-face, electronic, or telephone as determined by the office and the second party.

¹⁷ If the alleged victim is deceased as the result of the crime in question, NBC will treat the next of kin as the alleged victim for the purposes of the disciplinary process.

¹⁷ NBC guarantees both all parties with the same opportunities regarding the presence of an advisor of their choosing during disciplinary proceedings. The committee will inform all parties simultaneously in writing prior to the disciplinary meetings whether an advisor will be allowed.

¹⁸ Please see Nazarene Bible College's Conflict of Interest Policy located in Appendix I.

- respondent. The committee will notify both parties simultaneously in writing of the result of the removal request within seven business days.
7. After carefully hearing all of the facts pertinent to the situation, the Care and Conduct Committee will take one or more of the following actions:
 - No action, verbal reprimand, written reprimand, restitution or fine, professional counselling, appointments with other professionals, continued accountability to a mentor, probation from the college, and permanent dismissal from the college or any positions within the college
 - Professional counselling, appointments with other professionals, continued accountability to a mentor, probation from the college may be obligatory for seven days, thirty days, a session, a term, the remainder of the school year, an entire school year, or the duration of attendance at NBC
 - Reinstatement will occur when the Student Care and Conduct Committee has reviewed the circumstances and agrees that the sanctions imposed by the institution have been met and the individual has progressed to the place where reinstatement can occur.
 - If the Student Care and Conduct Committee's review indicates further action is necessary, NBC reserves the right to impose further reparative measures consisting of the types and lengths outlined above.
 - In addition to disciplinary sanctions imposed on the offender NBC will take all necessary actions to eradicate the hostile environment and prevent its recurrence.²⁰
 8. All parties will be notified simultaneously of the final outcome in writing within five business days of the conclusion of the investigation.
 - At this time, all parties will be notified simultaneously in writing of NBC's procedures for an appeal.
 9. Documentation of each meeting, all pertinent materials and the results will be compiled by the elected member of the committee and retained for a minimum of three years by the compliance office.²¹
 10. Any party who feels that he or she has been treated unfairly or inappropriately should complete and file a Student Appeals Form in writing with the Title IX coordinator. All parties will be notified in writing of the appeal within three business days of the receipt of the written appeal.
 11. The Title IX coordinator will determine a course of action regarding the issue, the parties will be informed simultaneously in writing of the course of action to be taken within seven business days. Such action may include, but is not limited to:
 - Private meeting with the Title IX coordinator, the director of student success, or any persons involved in the investigative process whom the student believes has treated him/her unfairly. (This does not include meeting with the complainant/respondent).
 - Meeting before the Student Care and Conduct Committee.
 - Meeting with the President's Cabinet.

¹⁹ (Storch & Stagg, 2016, p. 34)

²¹ The Title IX coordinator will utilize these records to identify patterns, confirm adherence to policy and procedure, and ensure non-discriminatory practices.

12. The student may continue to appeal up to the President's Cabinet. The President's Cabinet is the highest level of appeal. The President's Cabinet will ensure that all previous processes have occurred before meeting on a concern/complaint.
13. All parties will be notified simultaneously of the final outcome in writing within five business days of the conclusion of the appeal.

DISCIPLINARY PROCESS FOR EMPLOYEES:

1. NBC receives the complaint through contact with the human resources director or directly to the Title IX coordinator.
2. The complainant will meet with the appropriate office within ten calendar days of the initial complaint to determine the scope of the issue and to be advised of all options.
 - At this stage in the proceedings, NBC will provide the complainant²² with a written explanation of rights, options, resources and protective measures as described in the Annual Security Report (ASR) under NBC'S RESPONSIBILITIES.
3. NBC will require the respondent to meet with the same office within seven business days of the meeting with the complainant to discuss the issue and the steps of the process.
 - Failure to participate in this meeting will result in progression to the next step.
4. The appropriate office, in conjunction with the Title IX coordinator, will determine and notify all parties simultaneously in writing within seven business days after both of the initial meetings have been conducted (complainant and respondent) if the Employee Conduct Committee will investigate further.
5. Should the evaluation of the Title IX coordinator conclude that no further investigation is required, the situation will be documented and paperwork will be filed with the compliance office. The parties will be informed, in writing, of this conclusion within seven business days after both of the initial meetings have been conducted.
6. Should the evaluation of the Title IX coordinator conclude that further investigation is necessary, the Employee Conduct Committee will conduct the investigation through appropriate meetings with the complainant and the respondent.²³ This portion of the investigation will be completed within fifteen business days to ensure that the entire investigation from beginning to end lasts no longer than sixty days.
 - Any person on the Employee Conduct Committee who volunteers or is determined by the committee to have bias or a conflict of interest will be removed from the committee for the duration of the investigation and disciplinary process.²⁴
 - Written petitions to request a member of the committee be removed based on bias or conflict of interest may be submitted to the committee by the complainant or the respondent. The committee will notify both parties simultaneously in writing of the result of the removal request within seven business days.
7. After carefully hearing all of the facts pertinent to the situation, the Employee Conduct Committee will take one or more of the following actions:

²² If the alleged victim is deceased as the result of the crime in question, NBC will treat the next of kin as the alleged victim for the purposes of the disciplinary process.

²³ NBC guarantees both all parties with the same opportunities regarding the presence of an advisor of their choosing during disciplinary proceedings. The committee will inform all parties simultaneously in writing prior to the disciplinary meetings whether an advisor will be allowed.

²⁴ Please see Nazarene Bible College's Conflict of Interest Policy located in Appendix I.

- No action, verbal reprimand, written reprimand, restitution or fine, professional counselling, appointments with other professionals, continued accountability to a mentor, probation from the college, and permanent dismissal from the college or any positions within the college
 - Professional counselling, appointments with other professionals, continued accountability to a mentor, probation from the college may be obligatory for one month, three months, or six months.
 - Reinstatement will occur when the Employee Conduct Committee has reviewed the circumstances and agrees that the sanctions imposed by the institution have been met and the individual has progressed to the place where reinstatement can occur.
 - If the Employee Conduct Committee’s review indicates further action is necessary, NBC reserves the right to impose further reparative measures consisting of the types and lengths outlined above.
 - In addition to disciplinary sanctions imposed on the offender, NBC will take all necessary actions to eradicate the hostile environment and prevent its recurrence.²⁵
8. All parties will be notified simultaneously of the final outcome in writing within five business days of the conclusion of the investigation.
 - At this time, all parties will be notified simultaneously in writing of NBC’s procedures for an appeal.
 9. Documentation of each meeting, all pertinent materials and the results will be compiled by the elected member of the Employee Conduct Committee and retained for a minimum of three years by the compliance office.²⁶
 10. Any party who feels that he or she has been treated unfairly or inappropriately should file a complaint in writing with the Title IX coordinator. All parties will be notified simultaneously in writing of the appeal within three business days of the receipt of the written appeal.
 11. The Title IX coordinator will determine a course of action regarding the issue, the parties will be informed in writing of the course of action to be taken within seven business days. Such action may include, but is not limited to:
 - Private meeting with the Title IX coordinator, the director of human resources, or any persons involved in the investigative process whom the employee believes has treated him/her unfairly. (This does not include meeting with the complainant/respondent).
 - Meeting before the Employee Conduct Committee.
 - Meeting with the President’s Cabinet.
 12. The individual may continue to appeal up to the President’s Cabinet. The President’s Cabinet is the highest level of appeal. The President’s Cabinet will ensure that all previous processes have occurred before meeting on a concern/complaint.
 13. All parties will be notified simultaneously of the final outcome in writing within five business days of the conclusion of the appeal.

Although Nazarene Bible College will make every effort to adhere to the timelines listed above, occasionally there may be instances where delays are inevitable. Should this happen

²⁵ (Storch & Stagg, 2016, p. 34)

²⁶ The Title IX coordinator will utilize these records to identify patterns, confirm adherence to policy and procedure, and ensure non-discriminatory practices.

a written notice detailing the delay and reason for the occurrence will be provided to all parties simultaneously.

PREVENTING CRIMES THROUGH NBC PROGRAMS

Nazarene Bible College has created the Risk Management Committee in an effort to develop and implement programming. The Risk Management Committee meets on a by-need basis coordinated primarily by the Committee Chair. The programming developed and implemented through the Committee aims to:

- Prevent dating violence, domestic, violence, sexual assault, and stalking crimes and to provide awareness to both students and employees
- Educate students and employees about drug and alcohol abuse
- Inform students and employees about NBC security procedures and the prevention of crime

The Risk Management Committee's programming takes three different forms: Awareness Programs, Bystander Intervention, and Risk Reduction. Each of these forms of programming are implemented through the distribution of informative emails, online articles, copies of NBC policies, or digital presentations.

The Risk Management Committee's proposed programming activities for the 2019-2020 school year include:

- January 2019: NBC Online Safety Awareness
 - Awareness Programming
 - Risk Reduction Programming
- April 2019: National Sexual Assault Awareness Month
 - Awareness Programming
 - Bystander Intervention Programming
- June 2019: NBC's Substance Abuse Prevention Awareness Month
 - Awareness Programming
 - Nazarene Bible College Policy Programming

In addition to this programming, Nazarene Bible College offers training for both staff and students covering legislation and recommendations regarding Title IX, The Clery Act, and VAWA. These trainings are described as:

STUDENT TRAINING

NBC has online training on the student portal available to new and existing students.

EMPLOYEE TRAINING:

NBC requires that all employees undergo an online training through SafeColleges. This is a mandatory training for employees and is repeated once per year. Training also occurs during staff in-service including digital presentations.

Incoming students and employees are introduced to the trainings listed above as well as to the crime prevention, awareness, and risk reduction programs that occur during their time at NBC.

CLOSING COMMENTS

Nazarene Bible College strives to ensure an open and honest level of communication with regard to issues of college safety and security. We hope that this information has helped you identify features of the safety program concerning sexual misconduct that can assist you in having a good experience at NBC. Additional information concerning NBC's Title IX, the Violence Against Women Act, and the Clery Act policies and procedures can be found at nbc.edu/security.

In our efforts to continually enhance our safety program, we welcome your input regarding NBC's safety and security programs and services. You can provide your input through the Question, Concern, and Complaint form found on the student portal or directly to the Title IX coordinator/ VP for finance at TitleIXCoordinator@nbc.edu.

Works Cited

- Colorado Statutes. (2017, January 2). Retrieved from WomensLaw.org:
http://www.womenslaw.org/statutes_detail.php?statute_id=507#statute-top
- Criminal Definitions - Colorado Revised Statutes. (n.d.). Retrieved from Colorado:
http://www.colorado.edu/institutionalequity/sites/default/files/attached-files/final_crs_criminal_definitions_2015.pdf
- Know Your IX. (n.d.). *The Clery Act in Detail*. Retrieved May 31, 2016, from Know Your IX: Empowering Students to Stop Sexual Violence: <http://knowyourix.org/the-clery-act-in-detail/>
- Northwestern. (n.d.). *Sexual Misconduct Response & Prevention*. Retrieved June 3, 2016, from Northwestern University: <http://www.northwestern.edu/sexual-misconduct/sexual-misconduct-and-title-IX/laws-definitions-facts.html>
- Scenario Learning Editorial Staff. (2016). *Campus SaVE Act for Employees: Sexual Violence Awareness*. Retrieved May 31, 2016, from SafeColleges Training :
http://nbc.co.safecolleges.com/training/launch/course_work/EE3F7C40-235F-11E6-8F4F-39C055B997A7?splash=0
- Sexual Violence Prevention Workgroup. (2016). *Definition of Affirmative Consent*. Retrieved May 31, 2016, from SUNY The State University of New York :
<http://system.suny.edu/sexual-violence-prevention-workgroup/policies/affirmative-consent/>
- Storch, J., & Stagg, A. (2016, July). *The 2016 Clery Handbook: New Developments and Important Changes*. Retrieved from Questions and Answers on Title IX and Sexual Violence: https://higherlogicdownload.s3.amazonaws.com/URMIA/9c74ddba-4acc-4dcd-ba3a-d6cd4c945342/UploadedImages/documents/grac/GRAC_WP_CleryHandbook_20160721.pdf
- SUNY: The State University of New York. (2016). *Sexual Violence Response Policy*. Retrieved August 29, 2016, from Sexual Violence Prevention Workgroup:
<http://system.suny.edu/sexual-violence-prevention-workgroup/policies/response/>
- The Task Force to Protect Students from Sexual Assault. (2014). *Sample Language and Definitions of Prohibited Conduct for a School's Sexual Misconduct Policy*. Retrieved May 5, 2016, from Center for Changing Our Campus Culture:
http://changingourcampus.org/resources/not-alone/sample-language-and-definitions-of-prohibited-conduct_for_sexual_misconduct.508.pdf
- U.S. Department of Education. (2013-2014). *LAWS & GUIDANCE HIGHER EDUCATION*. Retrieved May 31, 2016, from Negotiated Rulemaking 2013-2014 Violence Against Women Act (VAWA):
<http://www2.ed.gov/policy/highered/reg/hearulemaking/2012/vawa-issue1definitions.pdf>
- U.S. Department of Education Office of the Assistant Secretary . (2011, April). *Dear Colleague Letter*. Retrieved from OCR Office for Civil Rights :
http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104_pg11.html
- U.S. Department of Education, Office of Postsecondary Education. (2016). *The Handbook for Campus Safety and Security Reporting, 2016 Edition*. Washington, D.C.
- United States Department of Education The Assistant Secretary. (2014, April 29). *Questions and Answers on Title IX and Sexual Violence*. Retrieved September 22, 2016, from United

States Department of Education Office for Civil Rights:
<http://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf>
University of Albany. (n.d.). *Sexual Harassment Policy*. Retrieved from University at Albany:
http://www.albany.edu/diversityandinclusion/sexual_harassment_policy.php
White House Task Force to Protect Students from Sexual Assault. (2014). *Sample Language and Definitions of Prohibited Conduct for a School's Sexual Misconduct Policy*. Retrieved June 9, 2016, from Center for Changing Our Campus Culture:
http://changingourcampus.org/resources/not-alone/sample-language-and-definitions-of-prohibited-conduct_for_sexual_misconduct.508.pdf

APPENDIX I

NBC BOUNDARIES (CLERY GEOGRAPHY):

According to Title 34 Institutional security policies and crime statistics, Clery Geography is defined as:

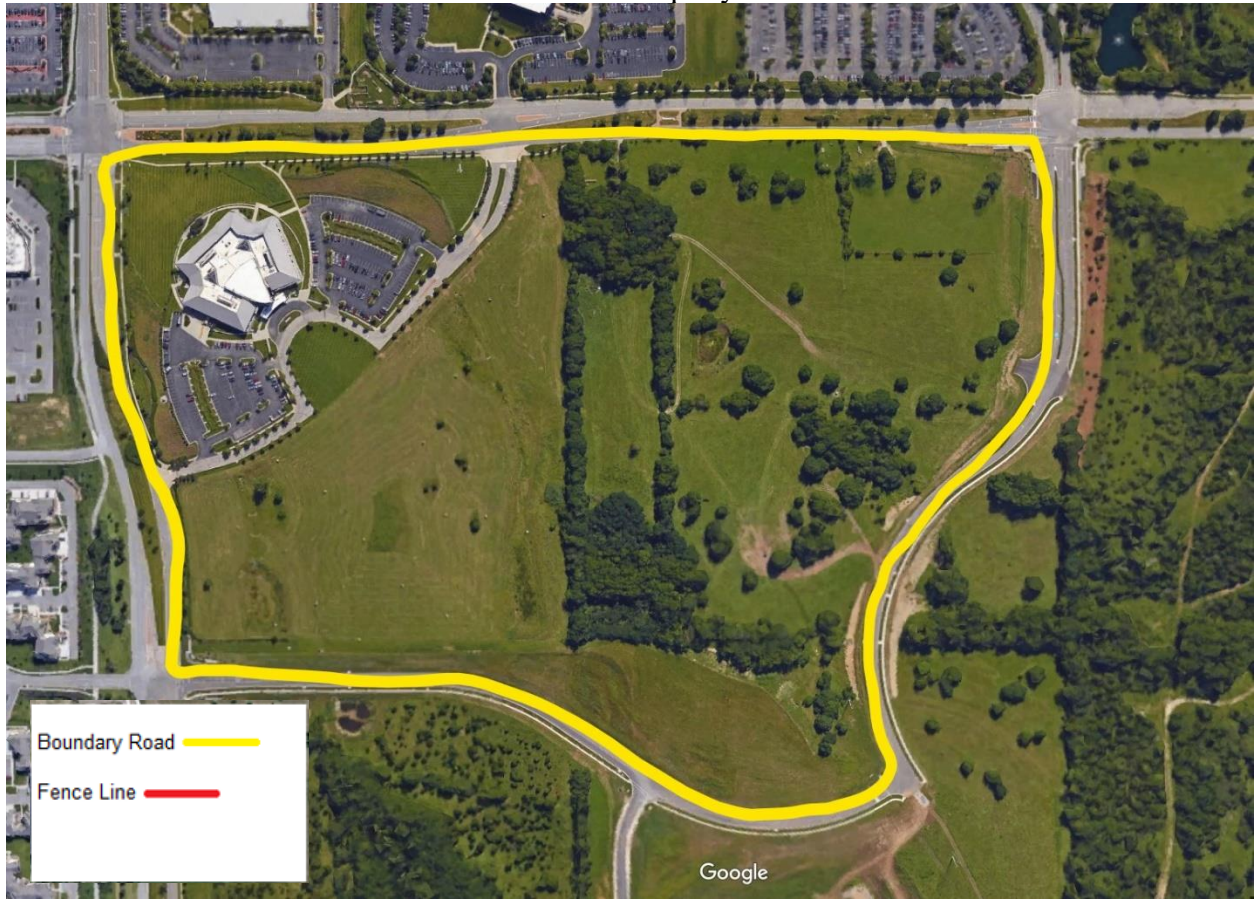
(1) Any building or property that are owned or controlled by an institution within the same reasonable contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and (2) Any building or property that is within or reasonably contiguous to the area identified in paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor). 34 CFR 668.46(A) (Federal Student Aid an Office of the U.S. Department of Education, 2015)

Nazarene Bible College has identified its boundaries as drawn below:

Colorado Springs Campus



Lenexa Property



APPENDIX II

Extended List of Sexual Misconduct Definitions:

Unless otherwise specified, the following definitions are provided to NBC and any other higher education institution through the Department of Education concerning VAWA, Title IX, and Clery legislation.

CONSENT:

Consent means cooperation in act or attitude pursuant to an exercise of free will and with knowledge of the nature of the act. A current or previous relationship is not sufficient to constitute consent. Submission under the influence of fear does not constitute consent.

CYBER STALKING:

- The term “cyber stalking” is defined as engaging in a course of conduct directed at a specific person, through the use of technology, that would cause a reasonable person to:
 - Fear for his or her safety or the safety of others
 - Suffer substantial emotional distress

DATING VIOLENCE:

Dating violence is violence committed by a person

- Who is or has been in a social relationship of a romantic or intimate nature with the complainant;
- Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - The reporting party’s statement,
 - The length of the relationship,
 - The type of relationship,
 - The frequency of interaction between the persons involved in the relationship.

DOMESTIC VIOLENCE:

Domestic Violence means

- An act or threatened act of violence upon a person with whom the actor is or has been involved in an intimate relationship. Domestic violence also includes any other crime against a person, or against property, including an animal or any municipal ordinance violation against a person, or against property, including an animal, when used as a method of coercion, control, punishment, intimidation or revenge directed against a person with whom the actor is or has been involved in an intimate relationship.
- Intimate relationship means a relationship between spouses, former spouses, past or present unmarried couples, or persons who are both the parents of the same child regardless of whether the persons have been married or have lived together at any time.

FONDLING:

- The term “fondling” defined²⁷ as the touching of private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent.

GENDER-BASED HARASSMENT:

- The term “Gender-Based Harassment” is defined²⁸ as any unwelcome conduct of a nonsexual nature based on a student’s actual or perceived sex, including conduct based on:
 - gender identity
 - gender expression and,
 - nonconformity with gender stereotypes

HOSTILE ENVIRONMENT BY SEXUAL HARASSMENT:

- A “Hostile Environment” exists when sex-based harassment is sufficiently serious to deny or limit the student’s ability to participate or benefit from the college’s programs or activities.
- A “Hostile Environment” can be created by anyone involved in a college’s program or activity.

INCAPACITATION:

- The term “incapacitation” in the context of VAWA considerations is defined as an instance in which an individual lacks the ability to knowingly choose to participate in sexual activity.
 - Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent.
 - Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may also be considered incapacitated.²⁹

INCEST:

- The term “incest” is defined³⁰ as any non-forcible sexual intercourse with a person who is under the statutory age of consent in that jurisdiction.

INTIMIDATION:

- The term “intimidation” is defined³¹ as to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct.
 - Intimidation does not include use of a weapon or subjecting the victim to actual physical attack, as this is considered a different crime under the Clery Act.

²⁷ (Scenario Learning Editorial Staff, 2016)

²⁸ (The Task Force to Protect Students from Sexual Assault, 2014)

²⁹ (Sexual Violence Prevention Workgroup, 2016)

³⁰ (Scenario Learning Editorial Staff, 2016)

³¹ (U.S. Department of Education, 2013-2014), (Know Your IX, n.d.)

RAPE:

- The term “rape” is defined³² 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 consent of the victim.

RETALIATION:

- The term “retaliation” is defined³³ as a situation in which an employer, its managers or supervisors, or its employees lash out against a person who has filed a complaint about an unlawful activity or refused to engage in an unlawful activity.

SEX BASED HARASSMENT:

- The term “Sex-Based Harassment” includes both sexual harassment and gender-based harassment.³⁴

SEXUAL ASSAULT:

Any actor who knowingly inflicts sexual intrusion or sexual penetration on a victim commits sexual assault if:

- The actor causes submission of the victim by means of sufficient consequence reasonably calculated to cause submission against the victim's will; or
- The actor knows that the victim is incapable of appraising the nature of the victim's conduct; or
- The actor knows that the victim submits erroneously, believing the actor to be the victim's spouse; or
- At the time of the commission of the act, the victim is less than fifteen years of age and the actor is at least four years older than the victim and is not the spouse of the victim; or
- The victim is in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over the victim and uses this position of authority to coerce the victim to submit, unless the act is incident to a lawful search; or
- The actor, while purporting to offer a medical service, engages in treatment or examination of a victim for other than a bona fide medical purpose or in a manner substantially inconsistent with reasonable medical practices; or
- The victim is physically helpless and the actor knows the victim is physically helpless and the victim has not consented.

³² (Scenario Learning Editorial Staff, 2016)

³³ (Scenario Learning Editorial Staff, 2016)

³⁴ (The Task Force to Protect Students from Sexual Assault, 2014)

SEXUAL EXPLOITATION:

- The term “sexual exploitation” is defined³⁵ as taking sexual advantage of another person without consent.
 - Examples of this include: voyeurism, indecent exposure, recording a person’s intimate activity without consent, distributing sexual information without consent, or inducing incapacitation with intent to engage in sexual conduct.

SEXUAL HARASSMENT:

- The term “sexual assault” is defined³⁶ as any unwelcome conducts of a sexual nature, including but not limited to:
 - unwelcome sexual advances
 - requests for sexual favors
 - or other verbal or nonverbal conduct of a sexual nature including rape, sexual assault, and sexual exploitation
- Depending on the facts, dating violence, domestic violence, and stalking may also be forms of sexual harassment.

SEXUAL MISCONDUCT:

- Any nonconsensual sexual physical contact.
 - This includes instances in which the person subjected to the misconduct is incapable of giving consent because of permanent or temporary mental or physical incapacity.

STALKING:

Engaging in a course of conduct (two or more acts) directed at a specific person that would cause a reasonable person to –

- Fear his or her safety or the safety of others; or
- Suffer substantial emotional distress

STATUTORY RAPE:

- Statutory rape occurs anytime sexual intercourse is had with an individual who is below the statutory age of consent based on the laws of the state in which the intercourse occurred.³⁷

³⁵ (Northwestern, n.d.)

³⁶ (The Task Force to Protect Students from Sexual Assault, 2014)

³⁷ (Northwestern, n.d.)

UNWELCOME CONDUCT:

- The term “unwelcome conduct” is conduct that has not been requested or invited and that can be considered undesirable or offensive. Unwelcomed Conduct can take many forms including:
 - name-calling
 - graphic or written statements
 - any other conduct that may be physically threatening, harmful, or humiliating
- Unwelcome conduct does not have to include intent to harm, be directed at a specific target, or involve repeated incidents.
- Unwelcome conduct can involve persons of the same or opposite sex.
- Participation in the conduct or the failure to complain does not always mean the conduct was welcome
- The fact that the student or employee has welcomed some of the conduct does not mean that they welcomed other conduct
- The fact that the student or employee requested or invited the conduct on one occasion does not mean that the conduct is welcome on a subsequent occasion³⁸

³⁸ (The Task Force to Protect Students from Sexual Assault, 2014)

APPENDIX III

Amnesty Program

NBC is dedicated to providing guidance and support for students who may wrestle with meeting the expectations of the NBC Code of Conduct and encourages students and employees to seek appropriate support when faced with challenges to conduct expectations. Some areas community members may wrestle with include: drugs, alcohol and/or inappropriate sexual behavior.

The amnesty program provides an opportunity for students or employees who are open to receiving assistance, resources and support while omitting the disciplinary process. In order to take advantage of the amnesty program, the individual must request help from appropriate office (Student Success or Human Resources) and agree to comply with the conditions set forth by that office. Additionally, the individual must offer consistent assurances through behavior and accountably that they are seeking help. This request must precede any report of a policy violation involving the individual.

Medical amnesty is offered under the Good Samaritan's Program and is available in the event an individual's health or safety is in jeopardy. In the case of an alcohol or drug related emergency, all members of the campus are urged to promptly seek emergency medical assistance by calling 911. This request for medical amnesty must precede any report of a policy violation involving the individual. Please see the following section GOOD SAMARITAN PROGRAM for more information.

Please contact the Student Success Office at 719-884-5061 or Human Resources at 719-884-5021 for more information.

*Please note that the college can only offer amnesty for their disciplinary proceedings and is unable to intervene in legal proceedings.

Good Samaritan Program

The college's Good Samaritan Program supports members of the campus community who reach out for assistance in the case of a medical emergency. An individual covered under the Good Samaritan Program will not be subject to disciplinary sanctions related to the violation of using or possessing alcohol or other drugs, as defined in NBC Code of Conduct. This program applies to any student or employee who seeks, or receives, medical help during an emergency for themselves or someone else. This program applies to emergencies both on and off campus.

Purpose:

At the college, the health and safety of every student and employee is of primary importance. All members of the campus community are strongly encouraged to be empowered bystanders who respond in a potentially dangerous situation without fear of reprisal from the college. The college's Good Samaritan Program supports students and employees who act responsibly by reaching out for assistance in the case of a medical emergency.

Application of the Program:

An individual is eligible to use the Good Samaritan Program on more than one occasion and are always strongly encouraged to report a medical emergency. The positive impact of reporting a medical emergency will always hold the highest priority when determining the appropriate response for college conduct violations.

Repeated use of the amnesty provided by the Policy is cause for a higher level of concern for the well-being of the student and amnesty in these cases will be individually reviewed by the Title IX coordinator.

Parental Notification – under aged students only:

Parents are vital partners in the educational process. The college will contact parents of students under 21 years of age in instances in which there is evidence of risk to health, welfare or safety. In addition, the college may record names of those students involved to enable the college to follow up with the students as deemed necessary to ensure a student's well-being.

Mandatory Intervention Program:

Any individual who utilizes the Good Samaritan Program may be referred by the Director of Student Success or Director of Human Resources to a mandatory intervention program, such as formal counseling. This decision will be made on a case-by-case basis by the Title IX coordinator.

Whistleblower Protection Policy

Nazarene Bible College requires directors, officers and employees to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. Employees and representatives of the Nazarene Bible College must practice honesty and integrity in fulfilling our responsibilities and comply with all applicable laws and regulations.

Reporting Responsibility

This Whistleblower Policy is intended to encourage and enable employees and others to raise serious concerns internally so that Nazarene Bible College can address and correct inappropriate conduct and actions. It is the responsibility of all board members, officers, employees, and volunteers to report concerns about violations of Nazarene Bible College's code of ethics, or suspected violations of law or regulations that govern Nazarene Bible College's operations.

No Retaliation

Nazarene Bible College prohibits retaliation against any board member, officer, employee, student, agent, or volunteer of Nazarene Bible College who, in good faith, reports an ethics violation or a suspected violation of law, such as a complaint of discrimination, suspected fraud, or suspected violation of any regulation governing the operations of Nazarene Bible College. Any individual who retaliates against someone who has reported a violation in good faith is subject to discipline up to and including termination of employment/student status.

Reporting Procedure

Nazarene Bible College has an open-door policy and suggests that employees share their questions, concerns, suggestions, or complaints with their supervisor. Employees with concerns or complaints may also submit their concerns in writing directly to their supervisor or the Director of Human Resources. If an employee is not comfortable speaking with his/her supervisor or is not satisfied with the supervisor's

response, he/she is encouraged to speak with the Director of Human Resources or a member of the President's Cabinet. Supervisors, directors, and administrators are required to report complaints or concerns about suspected ethical and legal violations in writing to Nazarene Bible College's Title IX/Clery Act coordinator, who has the responsibility to investigate all reported complaints. At Nazarene Bible College this position is held by the Vice President for Finance.

Title IX Coordinator

The Title IX coordinator is to ensure the college's compliance with Title IX of the Education Amendments of 1972. The Title IX coordinator must be informed of all reports and complaints raising Title IX issues, even if the report or complaint was initially filed with another individual or office. The Title IX coordinator is to oversee the college's response to Title IX reports and complaints and identify and address any patterns or systemic problems revealed by such reports and complaints. In addition, the Title IX coordinator is to conduct annual climate assessments for students and employees. Any questions concerning Title IX can be referred to the Title IX coordinator (TitleIXCoordinator@nbc.edu) or the Office for Civil Rights.

Accounting and Auditing Matters

The Coordinator shall immediately notify the Board Chair of the Audit Committee/Finance Committee (Chair) of any concerns or complaints regarding corporate accounting practices, internal controls, or auditing, and work with the committee until the matter is resolved. The Coordinator will report at least annually to the Chair on compliance activity relating to accounting or alleged financial improprieties.

Handling of Reported Violations

Nazarene Bible College's Coordinator will acknowledge receipt of the reported violation or suspected violation to the person who submitted the report. All reports will be promptly investigated and appropriate corrective action will be taken if warranted by the investigation. In the case of Title IX complaints, the Title IX coordinator will handle those complaints according to NBC's Sexual Misconduct Prevention: Policies and Procedures and NBC's Sexual Misconduct Disciplinary Policies.

Confidentiality

Violations or suspected violations may be submitted on a confidential basis by the complainant. Reports of violations or suspected violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

Acting in Good Faith

Anyone filing a written complaint concerning a violation or suspected violation must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation. Any allegations that prove not to be substantiated and which prove to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense.