



NAZARENE
THEOLOGICAL
SEMINARY

**TITLE IX
SEXUAL
MISCONDUCT
POLICY**

Cotents

- TITLE IX / SEXUAL MISCONDUCT POLICY AND PROCEDURES3
- DISCRIMINATION POLICY4
 - Title IX Coordinator4
 - Deputy Coordinator4
 - Deputy Coordinator4
- Reporting Procedure.....5
- SEXUAL MISCONDUCT POLICY6
- DEFINITIONS:7
 - Sexual Misconduct:7
 - Sexual Misconduct While under the Influence of Alcohol or Any Other Controlled Substance:7
 - Sexual and Gender based Harassment:7
 - Nonconsensual Sexual Contact:.....8
 - Nonconsensual Sexual Intercourse:.....8
 - Sexual Exploitation:8
 - Hostile Environment Sexual Harassment:8
 - Domestic and/or Dating Violence:.....8
 - Stalking:.....9
 - Retaliation:.....9
- Reporting Procedures for Sexual Misconduct9
- Follow-Up Procedures for Sexual Misconduct.....11
- Prevention/Education and Training.....17

TITLE IX / SEXUAL MISCONDUCT POLICY AND PROCEDURES

Nazarene Theological Seminary seeks to promote an academic community where all members and constituents – students, faculty, and staff - are treated with courtesy, respect, and dignity. The Seminary seeks to promote an environment free from all forms of conduct that can be considered discriminatory, harassing, coercive, or abusive. This is central to our mission as a learning community of Christian integrity and love.

The purpose of this policy is to prohibit all form of sexual misconduct based on but not limited to sexual assault, stalking, domestic or dating violence. Other forms of discrimination are addressed in related policies on discrimination, harassment, abuse, and bullying in the Student Handbook (for students) and the Staff and Faculty Handbooks (for staff and faculty).

It is the Seminary's intention that:

- All allegations as described in this policy will be investigated in a timely manner.
- Involved witnesses, complainants, and respondents will be protected against any unnecessary disclosure.
- The Seminary will make every attempt to remedy the discriminatory effects on the complainant(s) and others. Examples of such remedies may include an order of no contact, an adjustment of class schedule, etc. These remedies may be applied to one, both, or multiple parties involved.
- The Seminary may take steps to limit the effects of the alleged sexual misconduct and prevent its recurrence without initiating formal action against the respondent or without revealing the identity of the complainant. Examples may include increased educational efforts, increased security patrols, or the revising or publicizing of sexual misconduct policies.
- Students, faculty, staff, and constituents may raise concerns and make reports without fear of reprisal or retaliation. Retaliation against a complainant, respondent, or witness - regardless of the outcome of the investigation - is prohibited. Disciplinary action will be taken against any individual who threatens or engages in such retaliation, with sanctions up to and including expulsion from the Seminary.

This policy applies to all employees, students, and to any other person with whom the Seminary conducts business. This policy also applies in any Seminary-owned property or Seminary-sponsored program.

If you wish to view our annual security report, you may do so by visiting <https://www.nts.edu/annual-security-report/>

It is the policy of Nazarene Theological Seminary to prohibit discrimination and harassment on the basis of race, color, national origin, ancestry, sex, age, physical or mental disability, military status, gender stereotyping, gender identity or any other basis prohibited by law in regard to the administration of educational programs, admission of students, employment actions, athletics, or other sponsored activities.

The Seminary complies with the requirements of Title IX of the Education Amendments of 1972 which prohibits discrimination based on sex in all programs and activities receiving federal financial assistance. To ensure compliance with Title IX, the Seminary has designated the Financial Aid Coordinator as the Title IX Coordinator. The Title IX Coordinator is responsible for developing, adopting, and making this policy available to the Seminary community and coordinating Title IX compliance requirements, as appropriate.

Inquiries concerning the application of Title IX to the programs and activities of Nazarene Theological Seminary may be directed to the Title IX Coordinator.

Any individual who believes he or she has been discriminated against in violation of the Seminary's nondiscrimination policy, including sexual harassment or gender discrimination, or who has witnessed discrimination against another, may obtain information and assistance regarding the Seminary's policies and responsive processes from the following resources:
Title IX Coordinator and Deputy Coordinators

The Title IX Coordinator is the employee designated by the institution to coordinate the institution's efforts to comply with and carry out their responsibilities under Title IX at Nazarene Theological Seminary. The Title IX Coordinator is authorized to designate other appropriately trained individuals to receive and investigate reports and complaints of misconduct, discrimination, and harassment. They may consult with the President and/or the President's cabinet as needed throughout all aspects of their work.

Title IX Coordinator

Cindy Howard, Financial Aid and Students Account Coordinator
choward@nts.edu
816.268.5424

Deputy Coordinator

Karen Scott, Registrar
kscott@nts.edu
816.268.5441

Deputy Coordinator

Derek Davis, Director of Academic Programs
dldavis@nts.edu
816.268.5413

Individuals with inquiries concerning the application of Title IX may also contact:

[Office for Civil Rights](#)

[U.S. Department of Health and Human Services](#)

Kansas City Office Office
for Civil Rights
U.S. Department of Education
One Petticoat Lane
1010 Walnut Street, 3rd floor, Suite 320
Kansas City, MO 64106
Telephone: 816-268-0550
FAX: 816-268-0599; TDD: 800-877-8339
Email: OCR.KansasCity@ed.gov

Reporting Procedure

Nazarene Theological Seminary encourages those who have experienced sex discrimination to report these offenses to the Title IX Coordinator, a Deputy Title IX Coordinator, the Dean of Administration and/or other responsible employees of the institution. All incidents of sex discrimination, including sexual misconduct or retaliation as detailed later in this policy, should be reported. The Title IX Coordinator can assist with all aspects of the reporting procedure and will dispatch appropriate personnel to respond to and investigate a complaint. The Title IX Coordinator will evaluate requests for confidentiality against the safety and security of the campus community. For reports of violations of the sexual misconduct policy wherein the complaint involves students, the Seminary will address the issue through the process outlined in this policy under Sexual Misconduct.

Confidentiality

Those who disclose sexual misconduct should know that all Nazarene Theological Seminary employees - excluding Counseling Services Staff who may be bound by other professional standards of confidentiality - would report sexual misconduct to the Title IX Coordinator, Title IX Deputy Coordinator(s), and/or the Dean of Students. However, it is the institution's responsibility to ensure that the Title IX coordinator has knowledge of all Title IX reports and complaints. Employees include student staff employed by the Seminary when acting in their capacity as a student staff member. All inquiries, complaints, and investigations are treated with discretion and confidentiality; however, identity of the complainant may be revealed to the respondent(s) of such conduct.

Confidential Support System

This process can provide confidential one-on-one support. The confidential support system provides students an opportunity to make decisions about filing a formal complaint with the Seminary, seeking personal counseling, and finding community resources to assist in dealing with the issue. The following provide confidential services to our students:

Judi Schwanz

jaschwanz@nts.edu

Center Point Counseling and Recovery Center of Kansas City,
Missouri 9229 Ward Parkway #225
Kansas City, MO 64114
816.444.5511
KCCenterPoint.com

SEXUAL MISCONDUCT POLICY

Sexual misconduct jeopardizes the mental, physical, and emotional welfare of our students as well as the safety of our community. Sexual misconduct diminishes students' individual dignity and impedes their access to educational, social, and employment opportunities. It can permanently impact students' lives and may cause lasting physical and psychological harm.

Sexual misconduct violates our institution's commitments and its presence in the community presents a barrier to fulfilling the Seminary's mission. Sexual misconduct, therefore, will not be tolerated at Nazarene Theological Seminary and is expressly prohibited.

This policy provides information regarding the Seminary's prevention and education efforts related to sexual misconduct by and against students, as well as how the Seminary will proceed once it is made aware of sexual misconduct in keeping with our institutional values and to meet our legal obligations under Title IX and other relevant law.

Definition of Effective Consent

In order to understand and address incidents of sexual misconduct, the Seminary defines effective consent as voluntary agreement to engage in sexual activity. This definition is qualified as follows:

- In order to give effective consent, one must be of legal age.
- Past consent does not imply future consent.
- Silence or absence of resistance does not imply consent.
- Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another.
- Consent can be withdrawn at any time.
- In order to be effective, consent cannot be procured by use of physical force, compelling threats, intimidating behavior, or coercion. When someone makes it clear

that they do not want sex, that they want to stop, or that they do not want sexual interaction to go past a certain point, continued pressure beyond that point can be coercive.

- Sexual activity with someone known or discerned to be by a reasonable person mentally or physically incapacitated, including under the influence of alcohol or other drug use, otherwise unconsciousness or in a state of blackout is in violation of this policy and may be in violation of the law. Any time sexual activity takes place between individuals, those individuals must be capable of controlling their physical actions and be capable of making rational, reasonable decisions about their sexual behavior. This policy also covers someone whose incapacity results from mental disability, sleep, involuntary physical restraint, or from the taking of a so-called “date-rape” drug. Possession, use, and/or distribution of any of these substances, including, but not limited to, Rohypnol, Ketamine, GHB, Burundanga, etc., is prohibited, and administering one of these drugs to another student for the purpose of inducing incapacity is a violation of this policy. Use of alcohol or other drugs will never function to excuse behavior that violates this policy.

DEFINITIONS:

Sexual Misconduct:

Sexual misconduct offenses include but are not limited to criminal sexual abuse, criminal sexual assault, sexual harassment, nonconsensual sexual intercourse (or attempts to commit same), nonconsensual sexual contact (or attempts to commit same), sexual exploitation, pregnancy discrimination, gender stereotyping, gender identity, domestic or dating violence, and stalking.

Sexual Misconduct While under the Influence of Alcohol or Any Other Controlled Substance:

A student will be subject to the disciplinary process if there is a reasonable belief that he/she knew or should have known that others involved were under the influence of alcohol or any other controlled substance at the time that the violation occurred.

Sexual and Gender based Harassment:

Sexual and Gender based harassment encompasses any attention (because of one’s sex, sexual orientation, gender identity, failure to conform to stereotypical notions of masculinity or femininity) that is unwanted and can take many forms. Some examples of behavior or conduct that may constitute sexual harassment include, but are not limited to, the following:

- refusing to hire or promote, or granting or denying certain privileges because of acceptance or rejection of sexual advances;
- promising work-related benefit or a grade in return for sexual favors;
- suggestive or inappropriate communications, notes, letters, or other written materials displaying objects or pictures that are sexual in nature and that would create a hostile or offensive work or educational environment;
- innuendoes, comments, and remarks about a person’s clothing, body, activities, or appearance;
- suggestive or insulting sounds including whistling in a suggestive manner;
- humor or jokes about sex that denigrate men or women;

- sexual propositions, invitations, or pressure for sexual activity;
- implied or overt sexual threats;
- suggestive or obscene gestures;
- patting, pinching, and other inappropriate touching;
- unnecessary touching or brushing against the body;
- attempted or actual kissing or fondling;
- coerced sexual intercourse;
- sexual assault

Sexual and Gender based harassment is unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when one (1) or more of the following criteria are met:

- submission to such conduct is made either explicitly or implicitly a term or condition of the individual's employment or of the individual's status in a program, course or activity; or
- submission to or rejection of such conduct by an individual is used as a basis for employment decisions, a criterion for evaluation, or a basis for academic decisions or other decisions that affect such individual; or
- such conduct has the purpose or effect of unreasonably interfering with an individual's work performance and/or educational experience and/or creating an intimidating, hostile, and/or offensive work and/or educational environment.

Nonconsensual Sexual Contact:

Nonconsensual sexual contact is any intentional sexual touching, however slight, with any object, by a man or a woman upon a man or a woman, without effective consent.

Nonconsensual Sexual Intercourse:

Nonconsensual sexual intercourse is any sexual intercourse (anal, oral, or vaginal), however slight, with any object, by a man or woman upon a man or a woman, without effective consent.

Sexual Exploitation:

Sexual exploitation occurs when a student takes or attempts to take nonconsensual or abusive sexual advantage of another for his/her own advantage or benefit, or to the benefit or advantage of anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses.

Hostile Environment Sexual Harassment:

Quid Pro Quo Sexual Harassment: Submission to or rejection of conduct that is expressed or implied a term or condition of a person's employment, academic standing, or participation in Seminary programs, activities, or used in decisions affecting the individual.

Domestic and/or Dating Violence:

Violence against a spouse, former spouse, an individual who has had a dating or engagement relationship, or a family or household member is strictly prohibited. Any person who physically assaults another person has broken Missouri law.

Missouri law defines assault as occurring when a person purposely, knowingly, or recklessly causes physical injury to another person, or when a person negligently causes physical injury to another person, creates a risk of death or serious injury, causes another to apprehend immediate physical injury, or causes offensive physical contact with another person. In Missouri, Domestic Assault (or Domestic Violence) is any assault that occurs between members of the same family or household. Dating Violence is a term used to describe assault between individuals who are or have been in a romantic or intimate relationship.

Stalking:

Stalking encompasses any course of conduct directed at a specific person that would cause any reasonable person to fear for his/her safety, to fear for the safety of his/her family, or to otherwise suffer substantial emotional distress. Stalking can occur in various forms including, but not limited to, in-person interaction and electronic interaction (cyberstalking/cyberbullying) and is strictly prohibited.

Retaliation:

Retaliation is any action or words to intimidate or harass an individual who has filed a report.

Reporting Procedures for Sexual Misconduct

Nazarene Theological Seminary encourages all persons to report incidents of sexual misconduct. Incidents may be reported to the Title IX Coordinator, to a Deputy Coordinator, and/or to the Dean of Administration. However, the Title IX coordinator must have knowledge of all Title IX reports and complaints at the institution. Although the Seminary encourages reporting all sexual misconduct, unless the student is a minor, it is ultimately the student's decision whether to file a criminal and/or institutional complaint. If the student is a minor, the Seminary is required to report the matter to the Department for Child and Family Services (DCFS).

All incidents reported to a faculty or staff member (except those who are part of the confidential support network), occurring on campus or at a Seminary event or program, or off campus where the Seminary has a substantial interest, will become part of the campus crime report statistics and will be reported to the Title IX Coordinator.

The complainant need not be a student if they are harmed on Seminary property or at a Seminary program or event by a student.

An institutional complaint can be used to establish violations of the Title IX and Sexual Misconduct Policy but not whether a criminal act has been committed. When an individual believes that a crime has been committed, it is recommended that charges be filed with the local criminal justice system. Although there is no time limit on the filing of institutional complaints, if the accused is still a member of the Seminary, prompt reporting is likely to result in a more satisfactory investigation because memories are fresh, and witnesses are more readily available.

Additionally, any witness to any form of sexual misconduct is encouraged to report the incident observed.

Sexual assault: any victim of sexual assault is encouraged to get to a safe place as soon as possible and proceed with the following:

- It is of utmost importance to preserve physical evidence in a sexual assault investigation. Do not bathe, shower, douche, use the toilet, or change clothing. If the assault occurred on a bed or other area with bed clothes or loose fabrics, do not discard or wash them.
- Seek medical attention as soon as possible. If you go to a hospital emergency room you will undergo a physical examination for your protection and health to determine the presence of physical injury, sexually transmitted diseases, or pregnancy. They also are equipped to collect physical evidence.

How to File a Formal Criminal Complaint

You may call the Seminary at 816.268.5400 or the 24-hour service line at 816.268.5555 and request that the Title IX Coordinator or a deputy coordinator arrange a neutral meeting place for your initial contact with the appropriate police department and, if you wish, a support person from Nazarene Theological Seminary will accompany you. The Seminary has no control over the investigatory and legal process that may result when you report a crime to the police but will cooperate fully with it. If a student makes the decision to report, the Seminary's policy is to assist law enforcement as much as possible within Title IX guidelines.

- A police report is taken. This is an informational process that requires the student to recount details of the incident. The taking of this report implies that there now exists the possibility that criminal charges may be filed. The District Attorney may proceed with prosecution with or without permission of the complainant.
- The Title IX Coordinator will be informed of the report and may act based on the nature of the incident.

How to File a Formal Title IX/Sexual Misconduct College Complaint

Contact the Title IX Coordinator at 816.268.5424. Outside of the normal business hours of am - 4:30 pm Monday through Thursday, you may call the 24-hour service line at and request that the Dean of Administration, the Title IX Coordinator, or a Deputy Coordinator contact

- Institutional complaints against an employee of Nazarene Theological Seminary are filed through the Title IX Coordinator and/or the Office of Human Resources.
- An incident report is taken. The staff member taking the report will involve the Title IX Coordinator to follow the disciplinary process. Support persons and counseling services are available to support individuals throughout the process.

Follow-Up Procedures for Sexual Misconduct

Support

The Dean for Administration will serve to address any immediate safety concerns.

The Director of Physical Plant, the On-Call Maintenance Assistant, and the Manager of the King Conference Center will be available to connect a student to police and medical services.

Dr. Judi Schwanz will be available to connect a student to counseling and other support services.

Confidentiality

These persons and offices will provide confidential services to those students who were impacted by a sexual misconduct issue.

- Dr. Judi Schwanz
- Center Point Counseling and Recovery Center of Kansas City, Missouri

Interim Measures, Interventions

Following receipt of a complaint, Nazarene Theological Seminary may implement interim interventions as may be appropriate for the individuals involved and for the larger NTS community. Interim interventions may include separation of the Complainant's and Respondent's academic and living situations or other interventions outlined in the below section entitled "Sanctions." These interim interventions may be kept in place until the end of any review or appeal process.

Investigation

The Title IX Coordinator will determine the most effective method of reviewing the concerns raised by the reported sexual misconduct. In all cases, the Seminary will respond to the report in a prompt, thorough, procedurally fair, and effective manner. Upon receipt of a report, the Seminary will strive to complete its review within sixty (60) calendar days.

In most cases, this review will involve conducting a thorough fact-finding investigation which includes meeting separately with the Complainant (if participating), Respondent, Reporter (if applicable), and pertinent witnesses, and reviewing other relevant information. Occasionally,

Investigation Standard of Proof

The Investigator's findings will be made using the preponderance of the evidence standard. This standard requires that the information supporting a finding of responsibility be more convincing than the information in opposition to it. Under this standard, individuals are presumed not to have engaged in sexual misconduct unless a preponderance of the evidence supports a finding that sexual misconduct occurred.

Investigative Findings

In most cases, the Investigator will prepare a written report at the conclusion of an investigation. The Complainant and the Respondent will receive any information about the investigation or investigative findings equitably; no information will be provided to one and not the other.

Before the investigative report is finalized, the participating Complainant and Respondent will be given the opportunity to review their own statements and, to the extent appropriate to honor due process and privacy considerations, the participating Complainant and Respondent may also be provided with a summary of other information collected during the investigation. A Complainant or Respondent must submit any comments about their own statement, or on any investigation summary that might be provided, to the Investigator within five (5) business days after that statement or summary was sent to them for review. Following the receipt of any comments submitted, or after the five (5) day comment period has lapsed without comment, the Investigator will address any identified factual inaccuracies or misunderstandings, as appropriate, and then make a determination or recommendation.

The Investigator's final written report will generally contain, at a minimum:

1. A summary of the investigation;
2. The Investigator's findings; and
3. A summary of the Investigator's rationale in support of the findings.

The Investigator's report and findings must be reviewed and approved by the Title IX Coordinator. It may also be subject to review by a Campus Judicial Committee, the President, or the Board of Trustees depending on the type and severity of the claim. The Seminary's written determination will then be provided to the participating Complainant and Respondent. If a Complainant has chosen not to participate in the Seminary's review of the sexual misconduct report but desires to be notified of the outcome, the Seminary will notify the Complainant. If a Complainant has expressed a desire, in writing, not to be notified of the outcome, the Seminary will honor that decision. In such cases, the Seminary will not send the notification itself to the Complainant but may proceed with any necessary follow-up.

One or more members of the investigating team will administer the disciplinary process regarding sexual misconduct.

- Title IX Coordinator and/or Director of Human Resources
- Dean of Administration
- President
- Campus Judicial Committee (in severe cases and/or appeals)

Sanctions

If the Respondent is found responsible for sexual misconduct, the Seminary will initiate a sanctioning process designed to eliminate the misconduct, prevent its recurrence, and remedy its effects, while supporting the Seminary's educational mission and Title IX obligations.

Nazarene Theological Seminary reserves the right to take whatever measures it deems necessary in response to an allegation of sexual misconduct in order to protect students' rights and personal safety. Not all forms of sexual misconduct will be deemed to be equally serious offenses, and the Seminary reserves the right to impose differing sanctions depending on the severity of the offense. The Seminary will consider the concerns and rights of both the complainant and the respondent of sexual misconduct. In appropriate circumstances, a warning may be issued to the campus community, though any such notification would not jeopardize the confidentiality of the victim.

Sanctions can include, but not be limited to:

- **Written Admonition:** A letter of admonition may be sent to the student and copied to his/her discipline record.
- **Educational/Accountability Sanctions:** A student or employee may be required to attend an educational class, mandatory drug or alcohol assessments, or other educational sanctions.
- **Fines:** The Dean of Administration may levy fines.
- **Restitution:** A student or employee may be required to pay restitution for damages or loss of property.
- **Loss of Privilege –** A student or employee may lose a privilege afforded to them as a Nazarene Theological Seminary constituent.
- **Removal/Suspension –** A student or employee may be required to leave Seminary-owned housing for a determined amount of time; conditions may be placed on his/her return.
- **Interim Suspension:** In cases where a student, employee, or constituent is thought to pose a threat to the safety or well-being of the campus community, any individual, or normal operations of the Seminary, the Seminary may impose an interim suspension.
- **Disciplinary Probation:** A student or employee may be placed on probation for a limited amount of time, during which he or she may be held to immediate suspension or expulsion upon an additional violation.
- **Disciplinary Suspension:** A student or employee may be separated from the Seminary for a determined period, with certain conditions to be met for re-entry.
- **Disciplinary Expulsion:** A student or employee may be separated from the Seminary

Disciplinary sanctions will be part of a student's confidential disciplinary record. They will not appear on a student's academic record. Students may apply to have their disciplinary record expunged upon graduation. Records other than suspension or expulsion shall be expunged five years after the disposition of the case.

Amnesty for Victims

The Seminary encourages the reporting of sex discrimination and seminary policy violations. Sometimes, victims are hesitant to report to seminary officials because they fear that they themselves may be charged with policy violations at the time of the incident. It is in the best interest of this community that as many victims as possible choose to report to institution officials. To encourage reporting, the Seminary pursues a policy of offering victims of sex discrimination and sexual misconduct limited amnesty from being charged with policy violations related to the incident. While violations to policy cannot be completely overlooked, the Seminary will provide educational options rather than punishment, in such cases.

Conflicts of Interest

If a complainant or respondent believes that a member of the adjudicating team poses a conflict of interest, he or she should notify the Title IX Coordinator, a Deputy Coordinator, and/or the Dean for Administration of that conflict upon reporting or upon notification of the incident.

Appeal Process

This process applies to an appeal of sanctions received for a violation of sexual misconduct policy only. For appeal of sanctions received from a violation of other institutional policies, refer to the Student Handbook, Faculty Handbook, or Staff Handbook as appropriate. Both the accuser and the accused may participate in the appeal process. Students wishing to appeal the disciplinary process must do so, in writing, to the President or the President's designee within 5 seminary business days (NTS business days are Monday-Thursday) of the date of written notification of the decision in the case. Students will have only one opportunity to appeal. All appeal meetings are closed, and the proceeding may be kept confidential at the discretion of the Seminary. Appeal meetings may be recorded by the discretion of the Seminary without the consent of the student and where allowed by law.

The appeal petition must include:

Names of the parties involved

Clear statement of the nature of the appeal (must consist of one or more of the following exclusive grounds):

1. A material deviation from the procedures affected the outcome of the case;
2. There is new and relevant information that was unavailable, with reasonable diligence and effort, at the time of the investigation that could reasonably affect the investigation findings;

3. The sanctions/interventions are inappropriate or disproportionate to the determined violation(s);
4. A review of all available and relevant information indicates that the evidence clearly does not support the finding(s) and provides firm and definite support for modifying the original finding(s).

The President, in response to the written appeal and upon review of all information and testimony presented, will defer any appeal requests to the Campus Judicial Committee. If practical, the Campus Judicial Committee shall consist of two faculty members and two staff members (each selected by the President or designee, with one member designated as chair. After review of information, interview of witnesses if deemed necessary, and deliberation, the committee will make a recommendation to the President or the President's designee whose decision is final. In the case of a tie or deadlock, the deadlock or tie will be communicated to the President. There must be a minimum of three members present to constitute a quorum (including the chair). If the student behavior resulting in the disciplinary process involved violent or dangerous behavior, the committee shall be required to consider the safety of the community in its deliberations and recommendation, and any sanction imposed on the student shall not be stayed pending the appeal.

The Committee may conclude that there are no relevant issues of concern and therefore recommend that the President affirm the final decision and any sanctions/interventions. If the Committee identifies issues of concern, the Committee will provide the President with one of the following recommended actions and any additional instructions or recommendations it deems appropriate under the circumstances:

1. If there was a material deviation from procedure, remand the matter to the Title IX Coordinator and/or a new investigator with corrective instructions from the Committee.
2. If new information appears relevant, refer the matter to the Title IX Coordinator, and the original investigator if available, to determine whether any modifications may need to be made to the original investigative report.
3. If the sanctions are clearly inappropriate or disproportionate, alter the sanctions or interventions accordingly.
4. If the evidence clearly does not support the finding(s) and provides firm and definite support for modification, the matter will be submitted to the President or designee to review, in consultation with the Title IX Coordinator, to make any necessary modifications to the report.

After necessary consideration and consultation with others, as appropriate, including the Title IX Coordinator, the President and/or the President's designee may accept or modify the recommendations made by the Committee. The President's final decision will be made available to the participating parties, in writing, simultaneously.

Decisions made in the appeal process are final and may not be addressed through the "Grievance Process."

Protection from Retaliation and Assurance of Fair Treatment

Nazarene Theological Seminary will take appropriate steps to ensure that a person who in good faith reports, complains about, or participates in a sexual misconduct investigation will not be subjected to retaliation by the Respondent or by others with knowledge of the underlying report. Anyone who believes they are experiencing retaliation is encouraged to report the retaliation using the same procedure for reporting possible sexual misconduct under this policy. A retaliation complaint will be reviewed as a separate offense under this policy. A person can be found responsible for retaliation even if not found to be responsible for the underlying reported sexual misconduct.

Also, the Seminary will take appropriate steps to ensure that parties to the investigation are treated fairly throughout the Seminary's review.

Notification of Outcomes

The outcome of a Title IX investigation involving students is part of the education record of the student parties involved and is protected from release under the Family Educational Rights and Privacy Act (FERPA). However, the Seminary observes the legal exceptions that allow for notification of the parties involved and others whom the Seminary determines to inform based on the law and this policy. Students who bring any sort of sex discrimination or sexual misconduct complaint against faculty or staff will be informed of the outcome of the investigation and the resolution as stated in this policy.

The Seminary may release publicly the name, the nature of the violation, and the sanction for any student who is found in violation of an institutional policy that constitutes a violent crime including: arson, burglary, robbery, criminal homicide, sex offenses, assault, and kidnapping/abduction. The Seminary will release this information to the complainant in any of these offenses regardless of the outcome. The Seminary will disclose to the alleged victim of any crime of violence (as that term is defined in section 16 of title 18, United States Code) or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the Seminary against a student who is the alleged perpetrator of such crime or offense with respect to such crime or offense. If the alleged victim of such crime or offense is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

Time Limitations

Nazarene Theological Seminary may also extend its jurisdiction to misconduct that occurs prior to but is not reported until after the graduation of the offender, as long as the misconduct is reported within six months of its occurrence. Otherwise, there is no time limit on reporting of violations of this policy, if the offending student or other constituent is still enrolled, employed at, or involved with Nazarene Theological Seminary. However, the longer someone waits to report an offense, the harder it becomes for the Seminary to obtain information and witness statements and to decide regarding alleged violations.

Prevention/Education and Training

All incoming students will receive education on sexual misconduct and/or made aware of this policy and related issues as part of their admissions and orientation process, or as a separate course for new students. Dissemination of this material will also be made annually to all students. All responsible employees of the seminary, inclusive of most staff and faculty, receive training on sexual misconduct policies.

Staff members with an adjudicating role, a support role, a confidential role, or a safety role may receive additional training coordinated by the team of Title IX Coordinators.