



# NAZARENE THEOLOGICAL SEMINARY

# TITLE IX SEXUAL MISCONDUCT POLICY

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## OUR MISSION

The mission of Nazarene Theological Seminary is to form faithful and effective ministers of the Gospel of Jesus Christ to participate in the reconciling of the world to God (2 Corinthians 5:18-20).

### Purpose

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/>

## DISCRIMINATION POLICY

It is the policy of Nazarene Theological Seminary to prohibit discrimination and harassment based on 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:

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.

## 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.

# What is Title IX?

## §34 C.F.R. Part 106

Title IX of the Education Amendments of 1972

***“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance.”***

Nazarene Theological Seminary complies with Title IX, which protects all Students, employees (staff and faculty), visitors, and vendors from sexual harassment while on campus or attending a school sponsored program or activity within the United States.

Nazarene Theological Seminary does not discriminate based on sex and is committed to equal employment and education opportunities for all students and employees by creating an environment free from discrimination and harassment as it pertains to 34 CFR 106.

Title IX prohibits discrimination based on sex, pregnancy, gender identity, or gender expression. Prohibited conduct includes sexual harassment. Sexual assault, including rape, sodomy, sexual assault with an object, fondling, incest, or statutory rape, dating violence, domestic violence, and stalking are all forms of sexual harassment as it is defined under Title IX.

If you are involved in a Title IX sexual harassment or a sexual discrimination case you may be feeling overwhelmed, confused, angry, or upset and we are here to help if needed. If you are the complainant that means you believe someone has subjected, you to sexual harassment or discrimination. If you are the Respondent, that means you have been accused of violating NTS's Title IX sexual harassment policy or sexual discrimination policy.

We hope that these policies and procedures will help understand our Title IX process and help refer you to the resources that may be available for you to utilize.

There are several resources available to you as a party of this process, whether you are the complainant or the responder, for both on campus and off campus that can help address mental, emotional, physical, academic, medical or substance abuse needs. Your Title IX Coordinator can provide supportive measures to you.

If you do reach out for support, it is important for you to understand that some support resources are confidential, and some are not. If you need confidential support or information regarding your specific situation, please contact an employee with legal privilege of confidentiality or the confidential designee on campus.

At any time during the process, you may reach out to the Title IX Coordinator with questions.

**What is Sex discrimination?**

Conduct that is based on an individual's sex, gender, gender identity, gender expressions, or pregnancy that adversely affects employment, education, or living environment.

NTS defines sex discrimination as:

- Sexual harassment that does not rise to the level of sexual harassment as it is defined under Title IX or conduct that does meet the definition of Title IX sexual harassment and occurs outside NTS's education programs, activities, or employment, or occurs outside the United States, but nonetheless has an effect that interferes with or limits any person's ability to participate in or benefit from the Seminary's education programs, activities, or employment.
- workplace sexual harassment; or
- sex discrimination that does not involve conduct of a sexual nature.

## Definitions

**Advisor**

Advisor is an individual selected by the Complainant or the Respondent, or if a Party does not have their own Advisor, selected by the Seminary, to conduct all cross-examination and other questioning on behalf of a Party at a hearing; an Advisor may, but is not required to, be an attorney.

**Complainant**

Complainant refers to the person alleged to have been subjected to sexual harassment in violation of the Seminary's Title IX policy.

**Consent**

Consent to sexual activity is knowing and voluntary. Consent to sexual activity requires of all involved persons a conscious and voluntary agreement to engage in sexual activity. Each person engaged in the sexual activity must have met the legal age of consent. It is the responsibility of each person to ensure they have the consent of all others engaged in the sexual activity. Consent must be obtained at the time of the specific activity and can be withdrawn at any time. Consent, lack of consent or withdrawal of consent may be communicated by words or non-verbal acts. In order to be effective, consent cannot be procured by use of physical force, compelling threats, intimidating behavior, or coercion.

**Coercion**

Coercion is when a person pressures, tricks, threatens, or manipulates someone into having sex. Even if someone says yes, they have not given consent freely.

People who experience sexual coercion may feel they have no option but to have sex. The perpetrator may use guilt or the threat of negative consequences to get what they want. Alternatively, they may promise rewards that may or may not be real. Consent cannot be obtained by coercion.

**Dating violence**

Dating violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

**Domestic violence**

Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is co-habituating with or has co-habitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Missouri, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of Missouri.

**Formal Complaint**

Formal complaint means a written document filed by a Complainant or signed by a Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the Seminary investigate the allegation of sexual harassment.

**Incapacitation**

Incapacitation occurs when a person is in a state in which rational decision-making or the ability to consent is rendered impossible because of a person's temporary or permanent physical or mental impairment, including but not limited to physical or mental impairment resulting from drugs or alcohol, disability, sleep, unconsciousness, or illness. Consent does not exist when the Respondent knew or should have known of the other individual's incapacitation. Incapacitation is determined based on the totality of the circumstances. Incapacitation is more than intoxication, but intoxication can cause incapacitation. Sexual contact with someone one knows to be or should know to be incapacitated is a violation of policy.

**Informal Resolution**

Informal Resolution process is a voluntary, structured interaction between involved parties (complainant and respondent) to resolve the allegations following the filing of a formal complaint and prior to a formal hearing on the allegations.

**Mandated Reporter**

All Seminary employees, student employees, and affiliated individuals are required to disclose to the Title IX Coordinator any report of harassment or discrimination of which they are aware to ensure the Seminary can provide a prompt, thorough, and supportive response. Confidential employees are exempt from this requirement. Mandated reports do not require that complainants take any specific course of action, or any action at all, regarding any process under this Policy.

**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.

### **Preponderance of the Evidence**

A preponderance of the evidence means that the information or evidence provided is more likely than not to be true. When evaluating the information and evidence, the decision-maker(s) will first evaluate the quality. The decision-maker(s) will consider all the information and evidence regardless of its origin. Any information or evidence the decision-maker(s) find to be of high quality should be given more weight than any information or evidence the decision-maker(s) find to be of low quality. Quality may or may not be identical with quantity, and sheer quantity alone should not be the basis for a finding of responsibility. The testimony of a single party or witness or a single piece of information or evidence may be sufficient to establish a fact.

Decisions that require the use of an evidentiary standard (determinations of responsibility, process appeals, challenges to Title IX dismissal, and findings of fact) will be made after the decision maker(s) assess the quality of the information or evidence and unanimously determine that the decision is justified. That is, the decision-maker(s) should find that there is sufficient evidence that is relevant, probable, and persuasive to convince them that a particular assertion is more likely than not and that the evidence supporting such an assertion outweighs any evidence to the contrary.

### **Respondent**

Respondent refers to the individual reported to have committed an act of sexual harassment in violation of the Seminary's Title IX policy.

### **Retaliation**

Retaliation is any adverse action taken against a person because of that person's participation in or refusal to participate in the Title IX process. No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the Title IX policy.

Intimidation, threats, coercion, or discrimination, including charges against an individual for policy violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or Formal Complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation.

### **Sexual assault**

Sexual assault happens when someone touches another person in a sexual manner without their consent. Or when someone makes another person take part in a sexual activity with them without that person's consent. It includes unwanted kissing and sexual touching.

### **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.



## **Sexual and Gender-based Harassment**

Sexual and gender-based harassment means conduct based on sex that satisfies one or more of the following:

- Quid Pro Quo: An employee of the Seminary conditioning the provision of an aid, benefit, or service of the Seminary on an individual's participation in unwelcome sexual conduct.
- Hostile Environment: Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the Seminary's education program or activity; or
- "Sexual Assault," "Dating Violence," "Domestic Violence," or "Stalking" (see definitions).
- Unwelcome conduct: Unwelcome conduct based on sex that is determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity.

## **Sexual Assault**

Sexual Assault is engaging or attempting to engage in one of the following activities with another individual without consent or where the individual cannot consent because of age or temporary or permanent mental incapacity:

- Sexual intercourse (anal, oral, or vaginal), including penetration with a body part (e.g., penis, finger, hand, or tongue) or an object, however slight.
- Intentional touching of the intimate body parts of another for the purpose of sexual gratification. Intimate body parts include the breasts, buttocks, groin, and genitals.
- Sexual intercourse (anal, oral, or vaginal) between individuals who are not permitted to marry. In Missouri, this means that individuals closer in kin than second cousins may not have sexual intercourse.
- Sexual intercourse (anal, oral, or vaginal) with a person who is under the statutory age of consent. In Missouri, state law prohibits sex with any individual under the age of 13; additionally, individuals over the age of 16 may not have sex with individuals under the age of 14 §566.034.

## **Dating violence**

Dating violence is defined in the Violence Against Women Act (VAWA). Conduct based on sex that consists of violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant. The existence of such a relationship shall be determined based on the complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

## **Domestic violence**

Domestic violence as defined in the Violence Against Women Act (VAWA). A felony or misdemeanor crime of violence constituting conduct based on sex committed by:

- a current or former spouse or intimate partner of the victim.
- a person with whom the victim shares a child in common.
- a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner.
- a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

## **Stalking**

Stalking as defined in the Violence Against Women Act (VAWA) a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress.

## **Cyberstalking**

Cyberstalking is a form of stalking in which electronic forms of contact are used. For the purposes of this definition:

- Course of conduct means two or more acts, including, but not limited to, acts in which the respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- Reasonable person means a reasonable person under similar circumstances and with similar identities to the complainant.
- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

## **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.

## **Support Person**

Support person refers to an individual selected by a Party to accompany the Party to all meetings and interviews to provide support for the Party throughout the Title IX Process; Support Persons may not directly participate in the Title IX hearing unless also serving as a Party's Advisor.

## **Supportive measures**

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or Respondent before or after the filing of a Formal Complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the Seminary's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all Parties or the Seminary's educational environment, or deter sexual harassment.

## **Title IX**

Title IX prohibits discrimination based on sex, pregnancy, gender identity, or gender expression. Prohibited conduct includes sexual harassment, which includes sex or gender discrimination, sexual assault, dating violence, domestic violence, and stalking. All Nazarene Theological Seminary students, employees (faculty and staff), visitors, and vendors are protected under Title IX.

## NON-Title IX Sexual Misconduct

If a sexual assault does not raise to the definition for Title IX, it is still prohibited by NTS policy.

Non-Title is sexual assault that did not occur in a program or activity of the seminary, or it may have occurred outside the United States.

**Non-Title IX Sexual Assault:** As defined in the Title IX Sexual Assault definition above that did not reportedly occur in a program or activity of the Seminary in the United States.

**Non-Consensual Sexual Contact:** Any intentional touching of a person's breasts, buttocks, groin, genitals, or other intimate parts without consent. Touching may be over or under clothing and may include the respondent touching the complainant, the respondent making the complainant touch the respondent or another person, or the respondent making the complainant touch the complainant's own body.

### Sexual and Gender-Based Harassment

Sexual harassment is any unwelcome sexual advance, requests for sexual favor, and/or other verbal or physical conduct of a sexual nature when one of the conditions outlined in (1), (2), or (3), below, is present.

#### Gender-Based Harassment:

Gender-Based Harassment is one of a sexual nature, when one of the conditions outlined below is present.

- Submission to, or rejection of, such conduct is made implicitly or explicitly a term or condition of a person's instruction, academic standing, employment, or participation in any Seminary program, activity, or benefit, but which does not fit within the definition of Title IX Quid Pro Quo.
- Submission to, or rejection of, such conduct by an individual is used as a basis for evaluation in making academic or personnel decisions, in circumstances that do not fit within the definition of Title IX Quid Pro Quo.
- Such conduct creates a hostile environment. A Non-Title IX hostile environment exists:
  - in the employment context, when it unreasonably interferes with a person's work performance or creates an intimidating, hostile, or offensive work environment; or
  - in the education context, when it is sufficiently severe, persistent, or pervasive that the conduct interferes with a student's ability to participate in or benefit from the Seminary's educational programs or activities.

A single incident of Non-Title IX- Sexual Harassment alone may create a hostile environment if the incident is sufficiently severe. The more severe the conduct, the less need there is to show a pattern of incidents to create a hostile environment. The determination of whether an environment is "hostile" will be based on the totality of the circumstances, including, but not limited to:

- The frequency of the speech or conduct.
- The nature and severity of the speech or conduct.
- Whether the speech or conduct was physically threatening.

- The effect of the speech or conduct on the individual's mental and/or emotional state.
- Whether the speech or conduct was directed at more than one person.
- Whether the speech or conduct arose in the context of other discriminatory conduct.
- Whether the speech or conduct unreasonably interfered with the individual's educational opportunities or performance, work opportunities, or performance.
- Whether a statement is a mere utterance of an epithet that generates offense in an employee or a student or offends by mere discourtesy or rudeness; and/or
- Whether the speech or conduct is protected by the First Amendment and/or deserves the protections of academic freedom.

## Non-Title IX - Sexual Harassment can take many forms:

- May be blatant and intentional and involve an overt action, a threat or reprisal, or may be subtle and indirect, with a coercive aspect that is unstated.
- Does NOT have to include intent to harm, be directed at a specific target, or involve repeated incidents.
- May be committed by anyone, regardless of gender, age, position, or authority.
- May be committed by a stranger, an acquaintance, or someone with whom the individual has an intimate or sexual relationship.
- May be committed by or against an individual or may be a result of the actions of a group.
- May occur by or against an individual of any sex, gender identity, gender expression, or sexual orientation.
- May occur in the classroom, in the workplace, in residential settings, over electronic media (including the internet, telephone, and text), or in any other setting; and
- May affect the individual and/or others who witness or observe the harassment.

There may be situations where respondent's reported conduct constitutes both "Title IX -Sexual Harassment" and "Non-Title IX- Sexual Harassment." The respondent will receive notice of both charges and the resolution process will investigate both charges. If the reported conduct is adjudicated and the respondent is found responsible for the charge of "Title IX - Sexual Harassment," the respondent will not be separately sanctioned for the charge of "Non-Title IX –Sexual Harassment."

### **Sexual Exploitation:**

Any act where one person violates the sexual privacy of another or takes unjust or abusive sexual advantage of another, but that does not fall within the definition of Title IX Sexual Harassment. Sexual exploitation may include:

surreptitiously observing another individual's nudity or sexual activity or allowing another to observe consensual sexual activity without the knowledge and consent of all parties involved.

recording, photographing, transmitting, showing, viewing, streaming, or distributing intimate or sexual images, audio recordings, or sexual information without the knowledge and consent of all parties involved.

providing alcohol or drugs to a complainant with the intent to facilitate Prohibited Conduct.

exposing one's genitals or inducing another to expose their own genitals in non-consensual circumstances; or knowingly exposing someone to or transmitting an STD or HIV.

**Non-Title IX Domestic Violence:**

Domestic violence as defined in the Title IX Domestic Violence definition above that did not reportedly occur in a program or activity of the University in the United States.

**Non-Title IX Dating Violence:**

Dating violence as defined in the Title IX Dating Violence definition above that did not reportedly occur in a program or activity of the University in the United States.

**Non-Title IX Stalking:**

Stalking as defined in the Title IX Stalking definition above that did not reportedly occur in a program or activity of the University in the United States, or that otherwise fits within the definition of stalking but does not fall within the Title IX Stalking definition because the reported conduct is not directed at the alleged victim based on sex.

## Making a report: whether formal or informal

It is important to know the differences between a Title IX investigation from a criminal investigation. A Title IX investigation is a process to decide whether a Seminary policy has been violated. A Title IX investigation cannot result in the respondent being jailed but can result in disciplinary action by the seminary. A Title IX investigation can continue whether a criminal investigation is pursued or ongoing.

Any person may report sexual harassment to the Seminary's Title IX Coordinator. This does not have to be the complainant, if someone has knowledge of or has witnessed sexual harassment can make a report. If you see something say something. These reports may be made in person, e-mail, telephone, or others means that would result in the Title IX Coordinator receiving the verbal or written report.

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.

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.

To maximize the Seminary's ability to respond promptly and effectively, all those impacted by sexual harassment or sexual discrimination are encouraged to report as soon as possible. There is no time limit on

reporting violations of this policy, though prompt reporting by mandated reporters is required. If the respondent is no longer a student or employee at the time of the report, the Seminary may not be able to take disciplinary action against them. The Seminary will still provide support and reasonably available supportive measures to a complainant, as well as assistance in identifying appropriate external reporting options.

The Seminary seeks to remove barriers to reporting, including potential concern about policy violations related to drinking or the use of prohibited drugs. NTS will offer any student who reports or experiences Prohibited Conduct limited immunity from being charged for policy violations related to the personal ingestion of alcohol or other drugs, provided that any such violations did not and do not place the health and safety of any person at risk. The Seminary may choose, however, to pursue educational or therapeutic remedies for those individuals, rather than punishment. NTS desires to encourage its community members to offer help to others in need.

It is always the complainant's choice on whether to make a police report of the incident. NTS can aid a complainant in making a police report or requesting an order of protection.

Once the Title IX Coordinator has received the report, they will contact the complainant to discuss supportive measures, explain and discuss the Title IX process.

A Complainant may file a Formal Complaint with the Title IX Coordinator, which is a document alleging sexual harassment against a Respondent and requesting that the Seminary investigate the allegations. At the time of filing a Formal Complaint, the Complainant and the Respondent must be participating in or attempting to participate in an education program or activity of the Seminary in the U.S to have the allegations investigated.

Once a Formal Complaint has been received by the Title IX office, an assigned investigator will initiate the investigating process and send to the known Parties Notice of Allegations, which will include a description of the Title IX process and a Party's rights throughout the Title IX process, as well as notice regarding the allegations of sexual harassment charged.

Under Title IX, both the Complainant and the Respondent have the right to a fair and equitable adjudication process. During this process, the Title IX Coordinator or deputy Coordinators can answer any questions you may have about your rights and responsibilities. The Title IX office can help direct you to other resources both on and off campus that may be helpful to you in your situation, as well as help you make special arrangements for you depending on your situation.

## What is an Investigation?

An Investigation includes both the fact-finding and decision-making processes, excluding appeals.

The investigator will determine whether the conduct occurred.

- If it did occur, whether the conduct is sufficiently serious.
- If it is, what actions are necessary to:
  - End the discrimination.
  - Eliminate the hostile environment.
  - Prevent it recurrence.

## What does an investigation include?

- Conducting interviews with both the Complainant, Respondent, and witnesses
- Review student and personnel files
- Review law enforcement documents if applicable
- Gather and examine other relevant documents or evidence

## The Investigation

All investigations will be thorough, reliable, and impartial. The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the Seminary. The Parties may also present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence; all such evidence must be relevant.

The Parties shall be permitted to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, in sufficient time for the parties to meaningfully respond to the evidence prior to the conclusion of the investigation.

The Seminary will also provide each Party the opportunity to review and respond to the Investigator regarding the Investigative Report prior to it becoming final.

Each Party may elect to have a support person of their choice present with them for all Title IX process interviews and meetings.

The Complaint may be resolved by Informal Resolution (Parties both must voluntarily consent this option) or Hearing Panel Resolution (three-person panel).

The Seminary uses a “preponderance of the evidence” standard to determine whether the evidence shows that it is more likely than not that a policy violation occurred. If a finding of responsibility is made, sanctions and/or remedial actions of a varying range may be imposed.

For Hearing Panel Resolution, each Party may have an Advisor of their choice present at the hearing to conduct cross-examination and other questioning for that Party. The Advisor may be, but is not required to be, an attorney. If a Party does not have an Advisor of their choice present at the hearing, the Seminary will provide, without fee or charge to that Party, an Advisor of the Seminary’s choice to conduct cross-examination and other questioning on behalf of that Complainant or Respondent. Complainant or Respondent may not require that the assigned Advisor have specific qualifications such as being an attorney.

Dismissal of a Formal Complaint (or any of the allegations therein), or findings of responsibilities and sanctions imposed may be appealed by either the Complainant or Respondent for the following reasons:

- A procedural irregularity that affected the outcome of the matter.
- To consider new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the outcome of the matter.

- The Title IX Coordinator, Investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.
- The sanctions fall outside the range typically imposed for this offense, or for the cumulative conduct record of the Respondent.

## Informal Resolution

Informal Resolution is a voluntary agreement between parties involved in an issue that has come up related to these policies or a climate-related issue. The goal of an Informal Resolution is to provide flexibility and the option for the parties to agree on any of a wide range of outcomes.



## Flow Chart



# Informal resolution process

## Facilitated Dialogue/Mediation

An impartial Seminary assigned facilitator will foster dialogue between the parties to reach a mutually agreed upon resolution, if possible. Failure to abide by the agreed upon resolution may result in sanctions. If the parties are unable to reach a resolution, the investigation will be referred to the Hearing Panel Resolution Process.

## Administrative Resolution

The decision maker will attempt to meet separately with the complainant and the respondent to review the alleged policy violations, the investigative report, and evidence provided by the parties. At any time prior to a final determination being rendered, either party may request that the Formal complaint shift to the Hearing Panel Resolution Process.

Each party may provide a list of questions for the decision maker to ask to the other party.

If those questions are deemed appropriate and relevant, they may be asked on behalf the requesting party; answers will be shared the requesting party.

The respondent may choose to admit responsibility for all or part of the alleged policy violations at any point in

If the respondent admits responsibility, in whole or in part, the decision maker will render a finding that the individual is in violation of Seminary policy for the admitted conduct.

For any disputed violations, the decision maker will render a finding utilizing the "Preponderance of Evidence" standard.

The decision maker will also render a finding on appropriate sanctions or remedial actions, if applicable.

Either party may appeal a decision under the Administrative Resolution or stop informal resolution and request a Hearing Panel Resolution.

The decision maker will inform each party of the finding on the alleged policy violation(s) and sanctions(s), if applicable.

# Hearing Panel Resolution

In the notice of hearing, the parties will be given the names of the hearing panel members and must raise any objection to any panelist at least 10 business days prior to the hearing.

At least 7 days prior to the hearing, the Investigator will provide each party the names of proposed witnesses and proposed documentary evidence that the other party intends to call or use at the hearing.

At least 14 days before the hearing, a notice of hearing letter will be sent to the parties providing specific information about the hearing, including a copy of the final investigative report and exhibits.

The Hearing Officer shall preside at the hearing, and together with other Hearing Panel members may ask questions of the parties or any witnesses including the investigator at any time during the hearing.

The complainant will proceed first and may give a verbal statement of their allegations of sexual harassment against the respondent and then be subjected to cross examination by the advisor of the respondent and questions of the hearing panel. The complainant may also call witnesses who will be subjected to questioning by the advisor the complainant, questioning by the hearing panel and cross examination by the advisor of the respondent. The complainant may also submit documentary evidence.

After the complainant has finished the respondent may give a verbal statement in response to the allegations of sexual harassment made by the complainant and then be subjected to cross examination by the advisor of the complainant and questions from the hearing panel. The respondent may also call witnesses who will be subjected to questioning by the advisor the respondent, questioning by the hearing panel and cross examination by the advisor of the complainant. The respondent may also submit documentary evidence.

The investigator will then be available to answer questions of the hearing panel, subject to cross examination by the advisors of the complainant and the respondent. The investigator may also call witnesses who will be subject to questioning by the hearing panel, and cross examination by the advisors of the complainant and respondent.

The investigator may also submit documentary evidence.

The hearing panel will deliberate with no others present, except any legal advisor to the hearing panel, to determine whether the respondent is responsible for the policy violation(s) in question. The panel will base its finding on the preponderance of the evidence (the respondent more likely than not committed each alleged violation). If the respondent is found responsible by a majority of the panel, the panel will determine appropriate sanctions and remedial action by a majority of the vote.

The hearing officer will prepare a written determination of the hearing panel's decision and forward it to the Title IX Coordinator within 5 business days of the end of deliberations.

The Title IX Coordinator will inform each party of the finding(s) on the alleged policy violation(s) and sanction(s) if applicable, within 5 business days of receipt of the hearing panel decision. Notification must be in writing.

### Appeal

Both parties may appeal the Hearing Panel determination to an independent panel within 1 week of receiving the final report. Parties may appeal on 2 grounds: (1) procedural error that may change the outcome of the decision, or (2) substantive and relevant new information that was not available at the time of the investigation and may change the outcome of the decision.

## Your rights

All Parties involved will be treated equitably. A Party has a right:

- To be treated with respect by seminary officials.
- To be free from retaliation.
- To have access to Seminary support resources (such as counseling and mental health services and Seminary health services).
- To request a no contact directive between the Parties.
- To have a Support person of the Party's choice accompany the Party to all interviews and meetings (excluding hearings) throughout the Title IX Process.
- To refuse to have an allegation resolved through the Informal Resolution Processes.
- To receive prior to a hearing or other time of determination regarding responsibility, an investigative report that fairly summarizes the relevant evidence in an electronic format or hard copy for their review and written response.
- To have an opportunity to present a list of potential witnesses and provide evidence to the Investigator.
- To receive written notice of any delay of this process or limited extension of time frames for good cause which may include considerations such as the absence of a Party, a Party's Advisor or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.
- To be informed of the finding, rationale, sanctions, and remedial actions.
- To report the matter to law enforcement (if applicable) and to have assistance in making a report to law enforcement.
- To have an opportunity to appeal the dismissal of all or a portion of a Formal Complaint and appeal the determination of a Hearing Panel or other decision-maker.
- To have an opportunity to appeal the dismissal of all or a portion of a Formal Complaint and appeal the determination of a Hearing Panel or other decision-maker.

## Additional Rights for all Parties during the Hearing Panel Resolution:

- To receive notice of the hearing.
- To have the names of witnesses who may participate in the hearing and copies of all documentary evidence gathered during the investigation and any investigative report prior to the hearing.
- To be present at the hearing, which right may be waived by either written notification to the Hearing Officer or by failure to appear.
- To have present an Advisor during the hearing and to consult with such Advisor during the hearing, and to have the Advisor conduct cross-examination and other questioning on behalf of the Party at the hearing.
- To have an Advisor of the Seminary's selection appointed for a Party where the Party has no Advisor of their own choice at a hearing.
- To testify at the hearing or refuse to testify at the hearing; however, if a Party or witness fails to submit to cross-examination at the hearing, the Hearing Panel shall not rely on any statement of that party or witness in reaching a determination regarding responsibility. The Hearing Panel shall not draw any inference about the determination regarding responsibility based solely on a party's or witness's failure to submit to cross-examination.
- To have an equal opportunity to present and question witnesses, including fact and expert witnesses, and present relevant evidence.
- To request that the hearing be held virtually, with technology enabling participants simultaneously to see and hear each other.

### Resources

[Office for Civil Rights](#)

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

Kansas City 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](mailto:OCR.KansasCity@ed.gov)

Nazarene Theological Seminary email [care@nts.edu](mailto:care@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](http://KCCenterPoint.com)

Metropolitan Organization to Counter Sexual Assault (MOCSA) can be reached by calling 816-531-0233 phones are answered 24 hours a day.

Rape, Abuse & Incest National Network (RAINN) operates a National Sexual Assault hotline 800-565-HOPE. More information can be found at [RAINN](#) website

Preventing Sexual Assault for Students, [College Stats. ORG](#) has created a guide to preventing sexual assault.

[KCPD's Victim Resources](#) is available to help understand the process and to document and possibly report sexual assault.

## Title IX Office contact information

Title IX Coordinator  
Cindy Howard, Financial Aid and Student Accounts Coordinator  
cindy.howard@nts.edu  
816.268.5424

Deputy Coordinator  
Karen Scott, Registrar  
karen.scott@nts.edu  
816.268.5441

Deputy Coordinator  
Derek Davis, Director of Academic Programs  
derek.davis@nts.edu  
816.268.5413