

North Central Missouri College

3.15.00 Sexual Misconduct Policy *revised 11/06/17*

3.15.10 General Statement of Policy: NCMC prohibits sex discrimination

and is committed to fostering a learning environment that is safe, inclusive, and fosters academic success. NCMC considers sex discrimination in all its forms to be a serious offense and a violation of this policy. Sex discrimination involves differential treatment or adverse action based on a person's real or perceived sex, gender identity and/or gender expression. Sex discrimination includes discrimination on the basis of pregnancy, sexual orientation, gender identity, and failure to conform to stereotypical notions of femininity and masculinity, as well as same gender harassment. Sexual harassment is a form of prohibited sex discrimination, and sexual violence is a particularly severe form of sexual harassment. "Sexual misconduct", as used in this policy, is an umbrella term that collectively refers to sex discrimination, sexual harassment, sexual violence, domestic violence, dating violence, and stalking. The specific definitions of these terms are set forth below.

3.15.20 Scope of the Policy: NCMC's Sexual Misconduct Policy applies

to all members of the NCMC community. This includes allegations made by or against students, faculty, staff, administrators, Board of Trustees, and third parties. The College's prohibition of sexual misconduct extends to all aspects of its educational programs and activities, including, but not limited to, admissions, employment, academics, athletics, housing, and student services. NCMC has jurisdiction over conduct covered by this policy that occurs on campus, during or at an official College program or activity (regardless of location), or off campus when the conduct could create a hostile environment on campus. The College will investigate complaints made under this policy and, if necessary, take action to prevent the recurrence of sexual misconduct and remedy its effects.

3.15.30 Definitions: The following definitions are provided for clarity

purposes. Offenses listed fall under NCMC's Sexual Misconduct Policy.

3.15.30.1 Complainant: A person who alleges that he or she is the

subject of sexual misconduct, or of retaliation related to the complaint or investigation thereof and can be an NCMC employee, student, volunteer, guest, visitor or third party affiliated with the institution.

3.15.30.2 Consent: An active process where there is clear and unmistakable voluntary agreement, expressed in mutually understandable words or actions,

to engage in sexual activity. Silence or absence of resistance does not imply consent. Informed consent cannot be gained by force, coercion, threat, by ignoring or acting in spite of the objections of another, or by taking advantage of the incapacitation of another, where the respondent knows or reasonably should have known of such incapacitation. Informed consent is also absent when the activity in question exceeds the scope of informed consent previously given, i.e. past consent does not imply future 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 the state of Missouri, consent cannot be provided if the person lacks the mental capacity to authorize the conduct charged to constitute the offense and such mental incapacity is manifest or known to the actor; or it is given by a person who by reason of youth, mental disease or defect, intoxication, a drug-induced state, or any other reason anyone under the age of seventeen cannot give informed consent.

In evaluating whether consent was given, consideration will be given to the totality of the facts and circumstances, including but not limited to the extent to which a complainant affirmatively uses words or actions indicating a willingness to engage in sexual contact, free from manipulation, intimidation, fear, or coercion; whether a reasonable person in the respondent's position would have understood such person's words and acts as an expression of consent; and whether there are any circumstances, known or reasonably apparent to the respondent, demonstrating incapacitation or fear.

3.15.30.3 Dating Violence: Violence committed by a person—

(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship; (ii) The type of relationship; (iii) The frequency of interaction between the persons involved in the relationship. If a dating relationship is asserted by the reporting party, the assumption of a dating relationship will be made. Missouri law does not specifically define dating violence, but conduct of this nature is covered by Missouri's definitions of domestic violence and domestic assault.

3.15.30.4 Domestic Violence: Felony or misdemeanor crimes of

violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, 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 the jurisdiction. This would

include the following categories:

- Incidents between persons who are spouses
- Incidents between persons who are former spouses
- Incidents between persons who have a child in common regardless of whether or not they have been married or have resided together in the past
- Incidents between persons (of any age) related by blood
- Incidents between persons (of any age) related by marriage, excluding spouses
- Incidents between persons, not married, but presently residing together
- Incidents between persons, not married, but who have resided together in the past
- Incidents between persons who are or have been in a continuing social relationship of a romantic or intimate nature

Missouri's definition of domestic violence can be found at Mo. Rev. Stat. § 455.010. Under Missouri law, domestic violence also includes the crime of "domestic assault" which can be found at Mo. Rev. Stat. §§ 565.072-565.074.

3.15.30.5 Force: Physical force, violence, threat, intimidation, or coercion.

3.15.30.6 Incapacitation: The physical and/or mental inability to

make informed rational judgments. States of incapacitation include, without limitation, sleep, blackouts, flash-backs, when a person is unconscious, or because of an intellectual or other disability that prevents the person from having the capacity to give consent. A person can also be incapacitated due to the use of drugs or alcohol. Where alcohol or other drugs are involved, one does not have to be intoxicated or drunk to be considered incapacitated. Rather, incapacitation is determined by how the alcohol consumed impacts a person's decision-making capacity, awareness of consequences, and ability to make informed decisions. The question is whether the respondent knew, or a sober, reasonable person in the position of the respondent should have known, that the complainant was incapacitated. Because incapacitation may be difficult to discern, students and employees are strongly encouraged to err on the side of caution; i.e., when in doubt, assume that another person is incapacitated and therefore unable to give consent. Being intoxicated or drunk is never a defense to a complaint of sexual misconduct under this policy.

3.15.30.7 Intimidation: Spoken or written words or other types of

electronic communications, physical actions including gestures, or threats of retaliation that would cause a reasonable person to be put into fear or fear harm to property.

3.15.30.8 Respondent: A person whose alleged conduct is the

subject of a complaint under this policy and can be an NCMC employee, student, volunteer, guest, visitor or third party affiliated with the institution.

3.15.30.9 Retaliation: Any adverse action, to include employment

or educational action, taken against a person because of the person's participation in a complaint or investigation of discrimination or sexual misconduct. Includes, but is not limited to, threat, intimidation, reprisals, and/or adverse actions related to employment or education.

3.15.30.10 Sexual Harassment: Sexual harassment is unwelcome

conduct of a sexual nature and includes sexual advances, requests for sexual favors, and other verbal, physical, visual, or digital conduct of a sexual nature when: (A) Submission to such conduct is made or threatened to be made, either explicitly or implicitly, a term or condition of an individual's employment or education; (B) Submission to or rejection of such conduct by an individual is used or threatened to be used as the basis for academic or employment decisions affecting that individual; or (C) Such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance or creating what a reasonable person would perceive as an intimidating, hostile, or offensive employment, education, or living environment. Examples of sexual harassment include, but are not limited to, unwelcome conduct such as: (1) comments of a sexual nature, (2) sexually demeaning statements, questions, jokes, or anecdotes, (3) display of sexually explicit materials in the workplace, (4) remarks about sexual activity or speculations about sexual experiences, and (5) whistling or other sexually explicit sounds or gestures. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the harassment is physical.

3.15.30.11 Sexual Violence: Sexual violence is a particularly

severe form of sexual harassment. Sexual violence includes physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent because of his or her temporary or permanent mental or physical incapacity, because he or she is below the minimum age of consent in the applicable jurisdiction, or because of his or her incapacitation due to the use of drugs and/or alcohol. Other

types of conduct may also constitute sexual violence. Examples of sexual violence include, but are not limited to, the following: (A) Rape or sexual assault: sexual intercourse (anal, oral, or vaginal) by a man or woman upon a man or woman without consent; (B) The use of force or coercion to effect sexual intercourse or some other form of sexual contact with a person who has not given consent; (C) Unwilling sexual penetration (anal, vaginal, or oral) or other sexual touching with any object or body part that is committed by force, threat, intimidation, or otherwise without consent; (D) Having sexual intercourse with a person who is unconscious because of drug or alcohol use; (E) Hazing that involves penetrating a person's vagina or anus with an object; (F) Sexual exploitation, which includes, but is not limited to, the following: sexual voyeurism, use of the "date rape drug" to effect sexual intercourse or some other form of sexual contact with a person, knowingly transmitting a sexually transmitted disease such as HIV to another person through sexual activity, secretly videotaping or photographing sexual activity where the other party has not consented, disseminating sexual pictures or videos of another person without consent regardless if the pictures or videos were obtained with consent, or prostituting another person.

3.15.30.12 Stalking: Engaging in a course of conduct directed at

a specific person that would cause a reasonable person to— (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress. Missouri's definition of stalking can be found at Mo. Rev. Stat. § 455.010 and § 565.225. Cyberstalking is a form of stalking. Cyber-stalking is a pattern of threatening behaviors and unwanted advances directed from one individual to another over the Internet and other electronic, online and computer communications. It can involve, but is not limited to: threatening/obscene emails and text messages, online verbal abuse, and tracing a victim's computer and internet activity.

3.15.40 Title IX Coordinator's Role & the Title IX Compliance Team

3.15.40.1 The Title IX Coordinator's Role: The College's Title

IX Coordinator has primary responsibility for coordinating the College's efforts to comply with and carry out its responsibilities under Title IX, which prohibits sex discrimination in all the operations of this College, as well as retaliation for the purpose of interfering with any right or privilege secured by Title IX. The Title IX Coordinator oversees the College's response to reports and complaints that involve possible sex discrimination to monitor outcomes, identify and address any patterns of sexual misconduct, and assess effects on the campus climate, so the College can address issues that affect the wider school community. The

Title IX Coordinator is also responsible for working with the Title IX Compliance Team to implement training and educational programs for students, faculty, and staff. Specific responsibilities that fall under the Title IX Coordinator are outlined on the document “Title IX Coordinator Role and Responsibilities.” These responsibilities exclude gender equity in athletic programs, which are assigned to the Title IX Coordinator for Gender Equity in Athletics. Interested parties may contact the Title IX Coordinator in order to: (A) seek information about courses of action available to resolve reports or complaints that involve potential sexual misconduct; (B) file a complaint or make a report of sexual misconduct; (C) notify the College of an incident or policy or procedure that may raise potential Title IX concerns; (D) get information about available resources (including confidential resources) and support services related to sexual misconduct; (E) ask questions about the College’s policies and procedures related sexual misconduct; or (F) discuss options for training and educational programming

The Title IX Coordinator for Gender Equity in Athletics provides oversight for and coordinator for gender equity in athletic programs. Athletic programs include any interscholastic, intercollegiate, club, or intramural athletics offered, including with respect to (a) student interests and abilities; (b) athletic benefits and opportunities; and (c) athletic financial assistance. This individual monitors student participation in athletics to identify programs with disproportionate enrollment based on sex. The individual is also responsible for ensuring that sex discrimination is not causing any disproportionality or otherwise negatively affecting access to equal athletic opportunities for members of both sexes.

3.15.40.2 The Title IX Compliance Team:

The Title IX Coordinator is:

Dr. Kristen Alley, Associate Vice President of Student Affairs/Dean of Students

Address: NCMC Campus, Alexander Student Center

Office 12, 1204 Main Street, Trenton, MO

Phone: 660-359-3948, ext. 1400

Email: kalley@mail.ncmissouri.edu

The Deputy Title IX Investigators assist the Title IX Coordinator with

investigations. They are:

Kristi Harris, Chief of Staff
Address: NCMC Campus, President's Office Frey, 1113 Mabel Street, Trenton, MO
Phone: 660-359-3948, ext. 1203
Email: kharris@mail.ncmissouri.edu
Dr. Beth Caldarello, Director of Library Services
Address: NCMC Campus, Geyer Hall Library, 1301 Main Street, Trenton, MO
Phone: 660-359-3948 ext. 1322
Email: bcaldarello@mail.ncmissouri.edu

Title IX

Athletics: Steve Richman, Athletic Director/Men's Basketball

Coach

Address: NCMC, Ketcham Community Center 1322 Mabel Street
Trenton, MO
Phone: 660-359-3948, ext. 1409
Email: srichman@mail.ncmissouri.edu

3.15.40.3 Investigative Roles and Primary Disciplinary Authority: As the supervisor of the investigation, the Title IX Coordinator will work with the investigators to assist in the investigation of a complaint and supervise the investigation, assure remedial action takes place, comply with timelines, and provide communication to all parties. If the Title IX Coordinator is unavailable or is a complainant or respondent, an investigator will fulfill the Title IX Coordinator's function under this policy. The Title IX Coordinator reserves the right to conduct the investigation alone, hire an outside investigator, involve both Deputy Title IX Investigators, or designate other appropriate College official(s) to investigate the complaint.

3.15.50 Reporting Policies and Protocol

3.15.50.1 Institutional Complaint: A person who wishes to make a complaint with the College can contact the Title IX Coordinator directly to file a formal complaint or contact any NCMC employee and request their assistance in filing a formal complaint with the Title IX Coordinator. Contact and submission of a formal complaint can be completed in person, over the phone, electronically, or in paper form. Any person can file a report of sexual misconduct even if the alleged conduct was not perpetrated against him or her. For submission of an electronic or paper complaint, individuals are encouraged to complete a Sexual Misconduct Form in order to assure accurate information is recorded. Sexual Misconduct Forms are located on the NCMC website and/or available at the following locations: NCMC Library, Associate Vice President of Student Affairs/Dean of Students Office, Vice President of Academic Affairs Office, or Academic Resource Center. In all formal

complaint submissions, individuals are encouraged to provide as much information as possible, including a written description of the incident(s), the name of the respondent if known, the date(s), time(s) and location(s) of the conduct, the names of any witnesses, and if there is any specific relief being sought. The College encourages person to make complaints of sexual misconduct as soon as possible because delayed reporting may limit the College's ability to investigate and respond to the conduct.

3.15.50.2 An Employee's Obligation to Report: NCMC mandates reporting from all employees, but encourages anyone who believes that s/he has experienced or witnessed sexual misconduct or related retaliation to come forward promptly with inquiries, reports or complaints and to seek assistance from the appropriate campus resources. Any employee who observes sexual misconduct or related retaliation, receives a written or oral report of sexual misconduct or related retaliation, or in the exercise of reasonable care, should know about sexual misconduct or related retaliation is required to report it to the Title IX Coordinator. Any employee who knew about the sexual misconduct and took no action to stop it or failed to report the prohibited sexual misconduct will be subject to disciplinary action. An employee should not share information with law enforcement without the complainant's consent or unless the complainant has also reported the incident to law enforcement. Students should be aware that sharing information about an incident of sexual misconduct with an NCMC employee will result in a report to the Title IX Coordinator and that the College will then take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably. It is not possible to have an "off-the-record" conversation with an employee regarding an incident of sexual misconduct or related retaliation because of the employee's reporting obligation. Employees should, to the extent possible, ensure a student understands the employee's reporting obligations before information is disclosed – and, if the student wants to maintain confidentiality, direct the student to the confidential resource listed in the Section below. Employees should not pressure the complainant to seek out confidential resources, but will honor and support the complainant's wishes, including for the college to fully investigate an incident. Employees will also not pressure the complainant to make a full report if the complainant is not ready. For purposes of this section, an NCMC employee refers to anyone who is employed by the College and whose employment is defined in NCMC's faculty and employee classification policies in their respective manuals and includes Resident Assistants. Reports of sexual misconduct shall be made to the Title IX Coordinator. If the Title IX Coordinator is the subject of the sexual misconduct claim, it may be reported to another member of the Title IX

Compliance Team.

3.15.50.3 Confidential Discussions: North Central Missouri College works with North Central Missouri Mental Health Center (NCMMHC), a local, off-campus mental health care provider, to provide professional counseling to students. These professional counselors work with, but are separate from, the College and may talk to a victim in confidence. These counselors will generally only report to the College that an incident occurred without revealing any personally identifying information. Disclosures to these counselors will not trigger a College investigation into an incident against the victim's wishes. Following is the contact information for these individuals:

North Central Missouri Mental Health Center
1601 East 28th Street
Trenton, MO 64683
660-359-4487

3.15.50.4 Information Provided to Complainant and Respondent: A complainant who makes a claim of sexual misconduct to the College will be given a copy of the document titled "Rights and Options" under NCMC's Sexual Misconduct Policy. This document provides information about this policy, rights, and options parties have when a sexual misconduct complaint has occurred. . A person against whom a complaint has been filed will also be given similar information about the process and resources.

3.15.50.5 Criminal Complaints: Any victim of sexual crime is encouraged to contact local law enforcement to report the crime. A victim can contact law enforcement directly, or NCMC can provide assistance in contacting law enforcement at the victim's request. To report a crime, call 911 or contact local law enforcement. In Trenton, individuals may call:

Trenton Police Department
Emergencies: 911 or 660-359-2121
Non-Emergency: 660-359-5557
17th and Harris, Trenton, MO

NCMC has provided a copy of this policy and relevant resources to the Trenton Police Department. NCMC will work with local enforcement in the investigation, as is allowed under Title IX. With prior permission from either the complainant or respondent, NCMC will share the evidence supplied by those respective individuals to assist law enforcement in their investigation. However, NCMC will comply with all

lawful orders issued by criminal, civil, or tribal courts.

3.15.50.6 Complaints Concerning Off-Campus Conduct:

Complaints or reports of sexual misconduct or related retaliation made by an NCMC student, employee, or third-party affiliated with the institution shall be handled in accordance with the procedures outlined in this policy, regardless of where the conduct occurred.

3.15.50.7 False Complaints: It is a violation of this policy for

anyone to make an intentionally false accusation of sexual misconduct or related retaliation through the use of NCMC procedures. Anyone found to have made an intentionally false accusation of sexual misconduct or related retaliation will be subject to disciplinary action that may lead to suspension, expulsion, or termination.

3.15.50.8 Anonymous Reporting: NCMC does not have a

procedure that provides for anonymous reporting. If information about sexual misconduct is received but the identities of the parties are unknown, the College will investigate the situation to the extent possible based on available information.

3.15.50.9 Complaints Filed By Third Parties: If the individual

seeking to file the complaint is not the subject of the alleged misconduct, the Title IX Coordinator shall contact the victim, if identified, make them aware that they have been named in a report, and give him/her the opportunity to file a complaint. If the victim declines the option to file a complaint, the investigator shall then advise the victim of other resolution options. Where the welfare of NCMC requires it, NCMC reserves the right to initiate an investigation as outlined in this policy. There shall be no retaliation against the subject who declines to participate in an investigation. The Title IX Coordinator will also inform the victim of their rights under this policy and identify forms of support, including interim measures available.

3.15.50.10 Amnesty: To encourage reporting, NCMC provides

amnesty to victims who may be hesitant to report to College officials because they fear that they themselves may be accused of minor policy violations, such as underage drinking or visitation, related to the sexual misconduct incident. Amnesty means that the individual's conduct will not be subject to punitive conduct action, but may be addressed through education, assessment and/or treatment. No conduct

proceedings or conduct record will result from conduct that falls under amnesty. The Title IX Coordinator will make decisions regarding amnesty. The College's commitment to amnesty in these situations does not prevent action by police or other legal authorities against an individual who has illegally consumed alcohol or drugs or has otherwise violated the law.

3.15.50.11 Public Statements: Public awareness events such as

"Take Back the Night," the Clothesline Project, candlelight vigils, protests, "survivor speak outs" or other forums in which students disclose incidents of sexual misconduct, are not considered notice to the College of sexual misconduct for purposes of triggering its obligation to investigate any particular incident(s). Such events may, however, inform the need for campus-wide education and prevention efforts.

3.15.50.12 U.S. Department of Education: Inquiries or complaints

that involve potential violations of Title IX may also be referred to the U.S. Department of Education's Office for Civil Rights (OCR), which can be reached at:

Kansas City Office (OCR Office for Missouri)

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

U.S. Department of Education

(OCR National Headquarters)

Office for Civil Rights

Lyndon Baines Johnson Department of Education Bldg

400 Maryland Avenue, SW

Washington, DC 20202-1100

Telephone: 800-421-3481

FAX: 202-453-6012; TDD: 800-877-8339

Email: OCR@ed.gov

To file complaints of discrimination with OCR, you may use the online complaint form available at:

<http://www.ed.gov/ocr/complaintintro.html> or send a letter to the OCR enforcement office for the state of Missouri.

3.15.50.13 Jeanne Clery Disclosure of Campus Security Policy

and Campus Crime Statistics Act (Clery Act): The Clery Act provides mandatory reporting requirements for specific crimes, which may also be incidents reported under Title IX. In instances where there is a report of a crime that meets the crime definitions outlined in the Clery Act and occur within the geographic boundaries identified by Clery, the following will be initiated: (A) per Clery guidelines, each incident will be included in crime statistics in the respective year the crime occurred. The Title IX Coordinator and Deputy Investigators are Campus Security Authorities and have specific reporting duties under Clery to report and record applicable crimes in annual statistics; (B) if the incident represents a serious or ongoing threat to the campus community, a timely warning will be issued to the entire campus community; (C) if the incident is a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees, emergency notification will occur without delay. "Immediate" is defined as posing an imminent or impending threat. For more information about Clery, Clery crimes, definitions, or mandatory crime reporting under the Clery Act, go to:

<https://www.ncmissouri.edu/consumerinfo/annual-security-report.pdf> or speak with the Title IX Coordinator or Vice President of Academic Affairs.

3.15.60 Requests for Confidentiality

3.15.60.1 General: If a complainant does not wish to pursue

resolution or requests confidentiality, NCMC will take all reasonable steps to investigate and respond to the complaint consistent with the request of confidentiality. NCMC will evaluate the request for confidentiality in the context of their responsibility to provide a safe and nondiscriminatory environment for all students and employees, including the complainant. NCMC will weigh the complainant's age, the seriousness of the alleged sexual misconduct, other sexual misconduct complaints against the respondent, and the respondent's rights to receive information. There are times when the College may not be able to honor a complainant's request. NCMC may exercise its right to initiate an investigation into sexual misconduct or retaliation even if the

alleged subject of the sexual misconduct is unwilling to pursue the claim or believes that the claim has been satisfactorily resolved. If an investigation is pursued despite a request for confidentiality, the complainant will be informed that an investigation is going to occur and will, to the extent possible, only share information with people responsible for handling the College's response. If the College honors the request for confidentiality, the complainant must understand that the College's ability to meaningfully investigate the incident and pursue disciplinary action against the alleged perpetrator(s) may be limited. If the investigation or conduct action cannot occur due to confidentiality requests by the complainant, NCMC reserves the right to pursue other steps to limit the effects of the alleged harassment and prevent its recurrence without initiating formal action against the alleged perpetrator or revealing the identity of the complainant. Examples include: providing increased monitoring, supervision at locations or activities where the misconduct occurred, providing training and education materials for students and employees, revising and publicizing the school's policies on sexual misconduct, and conducting climate surveys regarding sexual misconduct.

3.15.60.2 Requesting Confidentiality from the College: How the

College Will Weigh the Request and Respond: The Title IX Coordinator, in consultation with other members of the Title IX Compliance Team as appropriate, is the person designated to evaluate requests for confidentiality. 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, but not limited to, the following: (A) the increased risk that the alleged perpetrator will commit additional acts of sexual misconduct, such as whether there have been other sexual misconduct complaints about the same alleged perpetrator, whether the alleged perpetrator has a history of arrests or records from a prior school indicating a history of sexual misconduct, or whether the alleged perpetrator threatened further sexual misconduct or other violence against the victim or others; (B) whether the sexual violence was committed by multiple perpetrators; (C) whether the sexual violence was perpetrated with a weapon; (D) whether the victim is a minor; (E) whether the College possesses other means to obtain relevant evidence of the sexual violence (e.g., security cameras or personnel, physical evidence); or (F) whether the victim'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.

3.15.70 Protecting the Complainant: Pending final outcome of an

investigation under this policy, the College will take steps to protect the complainant from further discrimination or harassment. This may include assisting and allowing the complainant to change his or her academic, living, transportation, or work situation, to the extent that the College has control over these environments, if options to do so are reasonably available and upon request of the complainant. Such changes may be available regardless of whether the victim chooses to report the crime to local law enforcement. The College will also assist the complainant in accessing other available victim advocacy, academic support, counseling, disability, and health or mental health services both on and off campus. Requests to change an academic, living, transportation, or work situation, or for any other protective measure or assistance, should be made to the Title IX Coordinator. If a complainant has obtained an ex parte order of protection, full order of protection, or any other temporary restraining order or no contact order against the alleged perpetrator from a criminal, civil, or tribal court, the complainant should provide such information to the Title IX Coordinator. The College will take all reasonable and legal action to implement the order. Through the College's agreement with North Central Missouri Mental Health Center, counseling and support for students is available, whether or not a victim chooses to make an official report or participate in the institutional disciplinary or criminal process.

3.15.80 Protection Against Retaliation: NCMC prohibits retaliation

against those who file a complaint or third-party report, or otherwise participate in the investigative and/or disciplinary process (e.g. a witness). Individuals should report any acts of retaliation to the Title IX Coordinator and NCMC will take strong responsive action if retaliation occurs. Individuals who are found to have violated this provision will be subject to disciplinary action that may lead to suspension, expulsion or termination as relevant for students and/or employees. Examples of possible retaliation include, but are not limited to: (1) an employee receives an unsatisfactory evaluation because s/he reported an incident of sexual harassment s/he perceived between his/her supervisor and a co-worker, (2) a student receives harassing phone calls because s/he reported an incident of sexual misconduct, and (3) a student has their residence hall room vandalized because s/he testified during an investigation of a sexual misconduct case. Protected activity can include, but not be limited to: reporting or filing a complaint of sexual misconduct; assisting someone in reporting or filing a complaint of sexual misconduct; participating in any manner in an investigation of sexual misconduct; protesting any form of sexual misconduct.

3.15.90 Special Guidance for Victims of Sexual Assault, Domestic Violence, Dating Violence, and Stalking

3.15.90.1 Contacting Law Enforcement and Preserving Evidence:

If someone is a victim of sexual assault, domestic violence, dating violence, or stalking, the College recommends that they contact the

appropriate law enforcement agency (dial 911 in emergency situations), in addition to making a complaint under this policy. A victim may decline to notify such authorities. It is important to take steps to preserve any available evidence because it may be needed for criminal prosecution or in obtaining a protection order. Evidence of sexual assault, domestic violence, dating violence, or stalking should be preserved as soon as possible after the incident, even if the reporting student is unsure about reporting or filing criminal charges. Some evidence may only be collected within a short period of time after the incident occurs and delaying action to preserve evidence immediately after an incident may reduce the chances for a successful criminal prosecution in the future. Staff are available to assist anyone interested in seeking a forensic exam. Contact the Title IX Coordinator for assistance. Please note that in instances of stalking, it is likely that the best available evidence is in the form of a letter, email, text, etc., rather than evidence of physical contact or violence. Obtaining a forensic exam allows an individual to have the future option of criminal prosecution without the obligation to take that step immediately. A forensic exam is a medical examination specifically for individuals that have experienced sexual assault. In addition to the general care provided in the emergency room (physical exam, treatment for injuries and testing for sexually transmitted infections and pregnancy), individuals can opt to receive a forensic exam that will check for evidence relating to the sexual assault. Physical evidence, such as hair, semen or photographs of injuries, will be collected during this exam and stored for possible future use in court to prosecute the person(s) who committed the sexual assault. Individuals pursuing a forensic exam should try NOT to: shower, douche, drink, smoke, eat, change clothes, use the bathroom, change clothes or brush their teeth. They may also want to bring extra clothes to change into after the exam. Victims of sexual assault are encouraged to not change their clothes, however, if a change of clothes occurred, place the original clothing in a paper bag (plastic may destroy evidence). Wright Memorial Hospital in Trenton has a forensics team and provides specially-trained nurses (SANE - Sexual Assault Nurse Examiner) to assist victims of sexual assault. Forensic exams are provided free of charge to victims of sexual assault. However, there may be costs associated with ER visits and other medical care received.

3.15.90.2 Off-Campus Resources: The following list contains options for assistance following an incident:

North Central Missouri Mental Health Center
1601 East 28th Street

Trenton, MO 64683

660-359-4487

Trenton Police Department

17th and Harris

Trenton, MO

Emergencies: 911 or 660-359-2121

or Non-Emergency: 660-359-5557

Outreach sites

Bethany Police Department: 660-425-3199

Brookfield Police Department: 660-258-3385

Chillicothe Police Department: 660-646-2121

Maryville Police Department: 660-562-3209

St. Joseph Police Department: 816-271-4702

Unionville Police Department: 660-947-7397

Wright Memorial Hospital

191 Iowa Boulevard

Trenton, MO

660-358-5700

A Sexual Assault Nurse Examiner (SANE) is available and calls may be placed ahead of arrival to request that a SANE nurse be accessible when a victim arrives. Green Hills Women's Shelter provides advocacy and support for victims of sexual violence. They operate a 24-hour hotline: 1-800-942-0649, serving both male and female victims of domestic violence and/or sexual assault. Two shelters, one in Trenton and one in Cameron are also available for women and children needing safe refuge. To contact the Trenton shelter, call 660-359-3297. To contact the Cameron shelter, call 816-632-4900.

Crisis hotlines are also available, including the following: (A) Missouri Crisis Line – 1-888-761-HELP (4357); Text HAND to 839863; (B) RAINN Sexual Abuse Hotline – 800-656-HOPE (4673); (C) Comprehensive Mental Health Services Crisis Line – 1-888-279-8188; (D) National Domestic Violence Hotline – 800-799-7233; (E) DoD Safe Helpline – 887-995-5247 (Crisis intervention for members of the military); and (F) The Trevor Project – 866-488-7386 (Crisis intervention for LGBTQ

community).

3.15.100 Preliminary Matters Related to the Investigation and Resolution

Process

3.15.100.1 Applicability: The procedures described in Section XI

and XII, below, apply to the resolution of all complaints of sexual misconduct. They are the exclusive means of resolving complaints of sexual misconduct, and they apply regardless of the status of the parties involved (e.g., faculty, staff, administrators, students, third parties).

3.15.100.2 Promptness, Fairness, and Impartiality: The procedures

provide for prompt, fair, and impartial investigations and resolutions. Those implementing the procedures shall discharge their obligations fairly and impartially. If a person determines that he or she cannot apply the procedures fairly and impartially because of the identity of a complainant, respondent, or witness, or due to any other conflict of interest, another appropriate individual shall be designated to fulfill the role of the conflicted individual. Complainants and respondents may raise concerns of a conflict of interest with the Title IX Coordinator.

3.15.100.3 Training: The procedures will be implemented by

officials who receive annual training on the issues related to sexual misconduct and how to conduct an investigation process including such topics as: hearing decorum, standards of proof, compliance, report writing, conduct and investigation procedures that protect the safety of victims and promote accountability, and other information relevant to their roles. All faculty/staff must complete HR training related to sexual harassment. Faculty, staff and students are provided with ongoing prevention and awareness campaigns and information related to sexual misconduct, sex discrimination policy and procedures, and their role in reporting sexual misconduct. Training topics also include: (A) NCMC's Title IX Coordinator, who it is and how to reach; (B) Title IX and NCMC's Sexual Misconduct policy and procedures used to process complaints, applicable disciplinary code provisions relating to sexual misconduct and the consequences of violating those provisions; (C) What constitutes sexual misconduct and when it creates a hostile environment, sexual violence, including same-sex sexual violence; (D) NCMC's definition of consent applied to sexual conduct, including examples; (E) Signs of abusive behavior and how to avoid potential attacks; (F) How NCMC determines conduct that is unwelcome under Title IX and when it creates a hostile environment; (G) Reporting options, including reports to responsible employees, local law enforcement, and confidential disclosure options, as well as timeframes; (H) Effects of trauma,

including neurobiological changes victims might experience; (I) The role alcohol and drugs often play in sexual misconduct incidents, including the deliberate use of alcohol and/or other drugs to perpetrate sexual violence; (J) Strategies, skills, and options for bystanders to intervene safely and positively to prevent harm and possible sexual violence; (K) How to report sexual violence to campus or local law enforcement and concurrent reporting; the role of “responsible employees;” (L) Students rights under Title IX; (M) Resources that provide support service; (N) Title IX’s protections against retaliation; and (O) Amnesty rule. Specifically, for NCMC employees, training will also include their rights and obligations under Title IX, including the appropriate response to reports of sexual misconduct and the obligation to report sexual misconduct to appropriate College officials. Training is also provided to specific audiences, such as Resident Assistants, student athletes, residential students and student workers on, at minimum, an annual basis. All new, full-time students attend mandatory orientation sessions and receive Title IX training. A Safety Awareness Week is also conducted on campus and sexual misconduct education is provided, as well as bystander intervention information. Passive programming is also provided on the NCMC website and portal. A variety of assessments are used to evaluate the effectiveness of training and education initiatives.

3.15.100.4 Timing of the Process: NCMC will endeavor to

conclude its investigation and resolution of the complaint within sixty (60) calendar days of receiving it. Both the complainant and the respondent will be given periodic updates regarding the status of the investigation. If either the complainant or respondent needs additional time to prepare or to gather their witnesses or information, they shall notify the Title IX Coordinator in writing explaining how much additional time is needed and why it is needed. The Title IX Coordinator shall respond to any such request within three (3) days.

3.15.100.5 Informal Resolution: Informal means of resolution,

such as mediation, may be used in lieu of the formal procedure. The following standards apply to any informal resolution method that is utilized: (A) Can only be used with the complainant’s voluntary cooperation, the respondent’s cooperation, and the involvement of the Title IX Coordinator; (B) The complainant will not be required to work out the problem directly with the respondent; (C) Either party may terminate the informal process at any time and elevate the complaint to the formal investigation procedures described below; and (D) Informal means, even on a voluntary basis, will not be used to resolve complaints alleging any form of sexual violence.

3.15.100.6 Interim Measures: In all complaints of alleged sexual

misconduct, regardless of whether the complainant wishes to pursue a formal complaint, NCMC will take prompt and effective action to support and protect the complainant, including taking interim steps before the final outcome of the investigation, as well as remedial measures after the final outcome, and making the complainant aware of all available resources. Accordingly, Title IX Coordinator may impose a “no contact” order, which typically includes a directive that mandates parties refrain from having contact with another in any way, including in person, via email, phone, text messaging, social media or any other electronic or direct communication. The order also includes third parties acting on the person’s behalf. The Title IX Coordinator may also take any further protective action that he/she deems appropriate concerning the interaction of the parties, including without limitation, directing College officials to make academic accommodations (alter academic schedules, withdraw from/retake a class without penalty), access academic support such as tutoring, change college housing, access to dining facilities, and/or college employment arrangements. When taking steps to separate the complainant and the respondent, the Title IX Coordinator will seek to minimize unnecessary or unreasonable burdens on either party; provided, however, that every reasonable effort will be made to allow the complainant to continue in his/her academic, college housing, and/or college employment arrangements. Violation(s) of the directive and/or protective actions will constitute a separate violation of policy that may lead to disciplinary action up to and including suspension and/or termination regardless of the outcome of the underlying complaint.

3.15.100.7 Advisor: During all stages of the process, the

complainant and respondent may have an advisor accompany them. Generally, if either party brings an attorney, the College may also have legal counsel present in an observational role. In cases involving multiple complainants or respondents, the advisor cannot be another complainant or respondent. An advisor does not serve as an advocate on behalf of the complainant or respondent, may not be actively involved in any proceedings, and must agree to maintain the confidentiality of the process. Advisors may speak privately to the advisee, and the complainant and respondent may request a break during any disciplinary proceeding to consult with the advisor, which will be granted at the discretion of the Title IX Coordinator. An advisor cannot address the Title IX Coordinator, opposing party, or anyone else in the room but the advisee. An advisor may be removed if he or she becomes disruptive or does not abide by the limitations discussed in the previous sentences. An advisor will be asked to sign an affirmation that he or she understands his or her role in the process.

3.15.100.8 Pending Criminal Investigation: Some instances of sexual

misconduct may also constitute criminal conduct. In such instances, the complainant is also encouraged to file a report with the appropriate law enforcement authorities and, if requested, the College will assist the complainant in doing so. The pendency of a criminal investigation, however, does not relieve the College of its responsibilities under Title IX. An investigation by the College and a criminal investigation can exist concurrently. Therefore, to the extent doing so does not interfere with any criminal investigation, the College will proceed with its own investigation and resolution of the complaint. If the College needs to temporarily delay the fact-finding portion of its Title IX investigation while the police are gathering evidence, interim measures may still be taken to protect the complainant in the educational setting. Updates will also be provided to both the respondent and the complainant regarding the status of the investigation and when the College resumes the investigation.

3.15.100.9 Standard of Review: A preponderance of the evidence

standard is used to evaluate evidence and make a final decision. A preponderance of evidence means that the evidence shows that it is “more likely than not” that the respondent violated this policy.

3.15.100.10 Rights of the Parties: During the investigation and resolution

of a complaint, the complainant and respondent shall have equal rights. They include: (A) equal opportunity to identify and have considered witnesses and other relevant evidence; (B) similar and timely access to all information considered by the investigator(s) and Title IX Coordinator; (C) equal opportunity to review any statements or evidence provided by the other party; (D) equal access to review and comment upon any information independently developed by the investigator(s) and/or Title IX Coordinator should the information be shared with the other party; (E) and equal opportunity to appeal determinations pursuant to the following section.

3.15.110 Investigation and Resolution Procedures

3.15.110.1 Notification of Complaint and Intake Meetings: Once

an incident of sexual misconduct has been reported, the Title IX Coordinator will, as soon as practicable but not later than seven days after the complaint is made, schedule separate intake meetings with the complainant and respondent in order to share College policy, provide clarification and/or answer questions about the policy and procedures. The Title IX Coordinator will also provide them with the form “Rights and Options” under NCMC’s Sexual Misconduct Policy if not previously provided, and with the complainant, identify their wishes regarding consent to the investigation, involvement of law enforcement, and confidentiality, and to identify forms of support, including interim

measures available. Through intake meetings, the Title IX Coordinator will attempt to determine the name(s) of others who may be involved in the incident(s), names of witnesses, and the date, location, and nature of the alleged sexual misconduct, if it has not been provided, and if the complaint is going to be pursued, preferences from both parties regarding informal resolution.

3.15.110.2 Investigators: The Title IX Coordinator will also

promptly schedule a meeting with the designated investigator(s) to share the complaint and work in conjunction to conduct a prompt, thorough and impartial investigation. Investigators are neutral fact-finders, who, during the course of the investigation, typically conduct interviews with the complainant, the respondent, and each third-party witness and/or expert witnesses if applicable; visit and take photographs at each relevant site; and where applicable, coordinate with law enforcement agencies to collect and preserve relevant evidence.

3.15.110.3 Content of the Investigation: During the investigation,

the complainant will have the opportunity to describe his or her allegations and present supporting witnesses or other evidence. The respondent will have the opportunity to respond to the allegations and present supporting witnesses or other evidence. The investigator(s) will review the statements and evidence presented and may, depending on the circumstances, interview others with relevant knowledge, review documentary materials, and take any other appropriate action to gather and consider information relevant to the complaint. All parties and witnesses involved in the investigation are expected to cooperate and provide complete and truthful information.

3.15.110.4 Investigative Report: At the conclusion of the

investigation, the investigator(s) will submit findings via an investigative report. The investigative report shall include: Names of all witnesses interviewed; any documents reviewed; summaries of interviews with the complainant, the respondent(s), and each third-party witness, where applicable; photographs of the relevant site(s) and related logs; other photographic, electronic and forensic evidence, and; a restatement of the relief (i.e., corrective or disciplinary action) requested by the complainant. Investigative reports will be provided to the Title IX Coordinator in order to seek a resolution of the complaint and determine appropriate disciplinary action in cases of substantiated findings. If the respondent is the Title IX Coordinator, the investigative report will be submitted to the Vice President of Academic Affairs. The Title IX Coordinator will review all records to guarantee protection of

the victim's confidentiality, including record-keeping that excludes personally identifiable information on victims.

3.15.110.5 Resolution of a Complaint: Within five (5) business

days of receipt of the investigative report, the Title IX Coordinator will review the information gathered in the investigation process and make a determination. If necessary to reach a determination, the Title IX Coordinator may consult with the investigator(s), meet with and question the parties and/or witnesses, and review relevant evidence. The five day deadline may be extended in such situations and the parties will be notified of any extensions. Also, if the Title IX Coordinator meets with one party during this phase, the other party will be given a similar opportunity. In general, complaint findings fall into three categories: (A) Responsible/Substantiated – where any or all allegations are found by a preponderance of the evidence to have occurred; (B) Not Responsible/ Unsubstantiated – where there is a lack of a preponderance of the evidence to support the allegations in the complaint; or (C) False/Malicious Complaints – where there is a preponderance of the evidence that the allegations were intentionally false and malicious. After a determination has been made, the parties will be notified of the outcome in writing along with an explanation of appeal procedures. The Final Outcome Letter will indicate whether or not the complaint was substantiated, the final relief/remedy in cases of a substantiated complaint, as well as a final summary of the investigation, to include all witnesses interviewed and a list of all documents reviewed. The complainant's letter will contain: any individual remedies offered or provided to the complainant or any sanctions imposed on the respondent that directly relate to the complainant, and other steps the school has taken to eliminate the hostile environment, if one is found to exist, and prevent recurrence (e.g., requiring the respondent to stay away from the complainant until both parties graduate, prohibiting the respondent from attending school for a period of time, or transferring the respondent to another residence hall room or other class). The respondent will not be notified of the individual remedies offered or provided to the complainant. NCMC will not require a party to abide by a nondisclosure agreement, in writing or otherwise, that would prevent the redisclosure of information related to the outcome of the proceeding. The Final Outcome Letter is the final determination on the matter unless appealed in accordance with the procedures in Section XII.

3.15.110.6 Possible Sanctions: If there is a finding of a

substantiated complaint, the Title IX Coordinator will impose appropriate, corrective remedies to: (A) eliminate the policy violation,

(B) reasonably prevent a recurrence of the violation, and (C) remedy the effects of the violation on the complainant and the College community. Suspension or expulsion for students and termination for employees will be considered, however, the Title IX Coordinator may impose sanctions that it finds to be fair and proportionate to the violation, while meeting the corrective action conditions above. Past violations of College policy may be considered, as well as the nature and severity of such past violation(s). Other remedies may include: probation, termination of housing agreement, counseling, no contact orders, adjustment of schedules, etc. Sanctions are not effective until the resolution of any timely appeal of the decision. However, if advisable to protect the welfare of the complainant or the College community, the Title IX Coordinator may determine that interim measures be taken immediately and continue in effect until such time as an appeal has been heard. These measures may include, but are not limited to: allowing the respondent to attend class, engage in other activities on a supervised or monitored basis, or other modifications to the determination as may be advisable. The Title IX Coordinator may suspend the interim measures pending exhaustion of any appeals by the respondent. If the respondent is a student and the Title IX Coordinator imposes a sanction of suspension or expulsion, then, following exhaustion of any appeals by the student, the Title IX Coordinator will notify the Registrar's Office to place a notation on the student's transcript reading "Disciplinary Suspension" or "Disciplinary Expulsion," as the case may be.

3.15.110.7 Other Possible Remedies: In addition to any sanctions

imposed against the respondent, additional remedies will be sought to eliminate the hostile environment, prevent its recurrence, and, as appropriate, remedy its effects. All services needed to remedy the hostile environment will be offered to the complainant. These remedies are separate from, and in addition to, any interim measure that may have been provided prior to the conclusion of the investigation. In any instance in which the complainant did not take advantage of a specific service (e.g., counseling) when offered as an interim measure, those services will continue to be offered. Remedies sought may include changes to the College services and/or policies by (A) providing an effective escort to ensure that the complainant can move safely between classes and activities; (B) insuring the complainant and perpetrator do not share classes or extracurricular activities; (C) moving the perpetrator or complainant (if the complainant requests to be moved) to a different residence hall room; (D) providing counseling; (E) providing academic support services, such as tutoring; (F) arranging for the complainant to have extra time to complete or re-take a class or

withdraw from a class without any academic or financial penalty; and (G) reviewing any disciplinary actions taken against the complainant to see if there is a causal connection between the sexual violence and the misconduct that may have resulted in the complainant being disciplined. Remedies for the broader student population may include, but are not limited to: (A) providing an on-call counselor specifically trained in providing trauma-informed comprehensive services to victims of sexual violence; (B) training or retraining employees on the College's responsibilities to address allegations of sexual violence; (D) developing materials on sexual violence, which should be distributed to all students and employees; (E) conducting bystander intervention and sexual violence prevention programs with students and employees; (F) issuing policy statements or taking other steps that clearly communicate that the College does not tolerate sexual violence and will respond to any incidents and to any individual who reports such incidents; (G) conducting, in conjunction with student leaders, a campus climate check to assess the effectiveness of efforts to ensure that the College is free from sexual violence, and using that information to inform future proactive steps that the College will take; (H) providing targeted training for a group of students if, for example, the sexual violence created a hostile environment in a residence hall or on an athletic team; and (I) reviewing protocol for working with local law enforcement.

3.15.120 Appeals: Either party may appeal the Title IX Coordinator's

decision within ten (10) calendar days of the date noted on the Final Outcome letter. Appeals should be sent to the Vice President of Academic Affairs. An appeal can only be filed on one of the following grounds: (A) there was a procedural error significant enough to call the outcome into question; (B) there is a substantial likelihood that newly discovered information, not available at the time evidence was presented to the investigator(s), would result in a different decision; or (C) the sanctions imposed are disproportionate to the offense. The appeal must be in writing and contain the following: (A) name of the complainant; (B) name of the respondent; (C) a statement of the determination of the complaint, including corrective action if any; (D) a detailed statement of the basis for the appeal including the specific facts, circumstances, and argument in support of it, and (E) requested action, if any. Upon receipt, the Appellate Officer will inform the non-appealing party that an appeal has been filed. The individual making the appeal may request a meeting with the Appellate Officer, but the decision to grant a meeting is within the Appellate Officer's discretion. However, if a meeting is granted, then the other party will be granted a similar opportunity. The Appellate Officer will resolve the appeal within five (5) business days of receiving it and may take any and all actions that he/she determines to be in the interest of a fair and just decision. The parties will be notified in writing if the Appellate Officer's decision will take longer than

5 days. The decision of the Appellate Officer is final. The Appellate Officer shall issue a short written statement of the resolution of the appeal, including any changes made to the previous determination and/or the sanctions and remedial measures imposed. The written statement will be promptly and concurrently provided to the complainant, respondent, and Title IX Coordinator.

3.15.130 Documentation: Throughout all stages of the investigation,

resolution, and appeal, the investigator(s), Title IX Coordinator, and Vice President of Academic Affairs, as the case may be, are responsible for maintaining documentation of the investigation and appeal, including documentation of all proceedings conducted under these procedures.

3.15.140 Dissemination of Campus Policy: This policy shall be available

through campus publications, orientation programs, NCMC website, in Board Policy located on the intranet, and other appropriate forms of communication. In accordance with Title IX, NCMC disseminates a notice of nondiscrimination, has a designated Title IX Coordinator to coordinate efforts to comply with and carry out responsibilities under Title IX, take specific and continuing steps to disseminate information, and adopt and publish grievance procedures providing for prompt and equitable resolution of student and employee sex discrimination complaints.

3.15.150 Review of Policy: This policy shall be reviewed regularly.

Revisions shall be made as deemed necessary after each review. Comments on the policy may be submitted at any time to the Title IX Coordinator. Any modifications of the policy shall be recommended to the President and Board of Trustees for review and approval.