

Campus Sexual Violence Elimination (SaVE) Act Policy

Introduction

Nash Community College is committed to providing a safe learning and working environment. NCC is required to comply with federal law, specifically the Jeanne Clery Act and the Campus Sexual Violence Elimination (SaVE) Act. Nash Community College has adopted policies and procedures to help prevent and respond to incidents of sexual assault, domestic violence, dating violence, and stalking. These guidelines apply to NCC students, faculty, and staff as well as contractors and visitors.

Nash Community College will not tolerate sexual assault, domestic violence, dating violence, or stalking, as defined in this policy, in any form. Such acts of violence are prohibited by Nash Community College policy, as well as state and federal laws. Violators of these types of behaviors are subject to penalties up to and including dismissal or separation from Nash Community College regardless of whether they are also facing criminal or civil charges in a court of law.

Definitions

Consent - is explicit approval to engage in sexual activity demonstrated by clear actions or words. Non-verbal communication silence, passivity, or lack of active resistance does not imply consent. Consent has not been obtained in situations where the individual is forced, pressured, manipulated, or has reasonable fear. Consent also has not been obtained when an individual is incapable of consent due to physical or mental incapacity, or is under the influence of drugs or alcohol.

Dating Violence – refers to 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 – is physical or psychological behaviors used by one person in a relationship to control the other. Partners may be married or not married; heterosexual, gay, or lesbian; living together, separated or dating.

Domestic Violence may include violent acts by a current or former spouse; by a person with whom the victim shares a child in common; by a person who is or has cohabitated with the victim as a spouse; by a person similarly situated to a spouse; between a parent and child; between members of the same household in an intimate relationship; or by any other person similarly situated. Domestic violence can be physical, sexual, emotional or economic in nature.

Sexual Assault – has been committed if an individual by force or the threat of force engages in sexual relations against the will of another person.

Forcible sex offense is defined as any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent. They include rape, sodomy, sexual assault, and forcible fondling.

Non-forcible sex offense includes incest and statutory rape.

Stalking – is unwanted or obsessive attention by an individual or group toward a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or to suffer substantial emotional distress. Stalking may include the monitoring of an individual online or involve the use of social media, email or other technology. It may also include unwanted observation or surveillance.

Sexual Harassment is a type of sex discrimination and is prohibited by Title IX. Sexual harassment may include unwelcome sexual advances, requests to engage in sexual conduct or for sexual favors.

Sexual harassment can be verbal, visual or physical and can occur regardless of the relationship, position, gender, or sexual orientation of the parties involved. It can be overt (e.g., in a suggestion that a person can get a higher grade by submitting to sexual advances), or implied from conduct or circumstances.

Sexual harassment can also consist of unwelcome attempts to make an educational or professional relationship into a personal one. It may include severe, persistent and pervasive unwelcome sexual flirtation or inappropriate or derogatory language, including jokes involving individuals or classes of people, or persistent requests for dates. A single incident or few incidents may not necessarily amount to harassment, but a single extreme incident could constitute prohibited discrimination or harassment. Sexual harassment can also include the display of offensive materials, unwelcome physical contact, or serious physical abuse such as sexual assault or rape.

Reporting an Incident

Nash Community College encourages any member of the college community who has experienced sexual assault, domestic violence, dating violence, or stalking, or knows of another member of the community who has experienced sexual assault, domestic violence, dating violence, or stalking to report the incident to College officials.

If a Nash Community College student, faculty or staff member, visitor, or contractor has experienced a sexual assault, domestic violence, dating violence, or stalking, they should immediately report the incident to the Nash Community College Police Department (NCCPD) at 252-451-8313.

Individuals who are on campus can also make an in-person report at the NCCPD, Building B, office number 2149. The NCCPD will assist all members of the college community by assessing the incident, advising the victim on how to seek legal protection, and making the victim aware of medical, counseling, and other support services. If a reported incident did not occur on campus, the NCCPD can assist the victim in notifying the local law enforcement agency with jurisdiction over the crime. **In case of an emergency or ongoing threat, a victim should get to a safe location and call 911.** Calling 911 will put you in touch with an emergency dispatcher.

Students who have experienced a sexual assault, domestic violence, dating violence, or stalking may also report an incident to Student and Enrollment Services located in Building A, or to the College's Title IX Deputy Coordinator, Larry Mitchell at 252-451-8224.

Employees, contractors and campus visitors who have experienced a sexual assault, domestic violence, dating violence, or stalking may also report an incident to the Human Resources Director, Title IX Coordinator at 252-451-8258.

These offices will provide victims of sexual assault, domestic violence, dating violence, and stalking with information about available support services and resources, and also assist any victim in notifying the appropriate law enforcement agency, if the victim chooses to do so.

Victims are not required to report to area law enforcement in order to receive assistance from or pursue any options within Nash Community College. For more information, please visit the section on how to report an assault.

Reporting sexual assault, domestic violence, dating violence, and stalking to the police (including the Nash Community College Police Department) does not commit the victim to further legal action. However, the earlier an incident is reported, the easier it will be for law enforcement to investigate.

Written Notification of Rights and Options

Any student or employee who reports an incident of sexual assault, domestic violence, dating violence, or stalking, whether the incident occurred on or off campus, shall receive a written explanation of their rights and options as provided for under this policy.

These rights and options include the rights of a victim to:

- A. Go to court, and to file a domestic abuse complaint requesting an order restraining your attacker from abusing you, and/or an order directing your attacker to leave your household, building, school, college, or workplace;
- B. Seek a criminal complaint for threats, assault and battery, or other related offenses;
- C. Seek medical treatment (the police will arrange transportation for you to the nearest hospital or otherwise assist you in obtaining medical treatment if you wish);
- D. Request the police remain at the scene until your safety is otherwise ensured;
- E. Request that a police officer assist you by arranging transportation or by taking you to a safe place, such as a shelter or a family or friend's residence; and
- F. Obtain a copy of the police incident report at no cost from the police department.

Procedures Victims Should Follow

If an incident of sexual assault, domestic assault, dating violence, or stalking occurs, it is important to preserve evidence so that successful criminal prosecution remains an option.

The victim of a sexual assault should not wash, shower or bathe, douche, brush teeth, comb hair, or change clothes prior to a medical exam or treatment. If a victim has removed the clothing worn during the assault prior to seeking medical treatment, that clothing should be placed in a paper (not plastic) bag and brought to the hospital when treatment is sought. If the victim is still wearing the clothes worn during an assault, a change of clothes should be brought to the hospital so that the clothes containing possible evidence can be preserved and examined for evidence of the crime.

Evidence of violence, such as bruising or other visible injuries, following an incident of sexual assault, or domestic or dating violence, should be documented with photographs. Evidence of

stalking, including any communications such as written notes, email, voice mail, or other electronic communications sent by the stalker, should be saved and not altered in any way.

On-Campus and Off-Campus Resources

Nash Community College, Nash County, the Town of Nashville, and the City of Rocky Mount, all offer other important resources to the victims of sexual assault, domestic assault, dating violence, or stalking, including medical treatment, counseling services, and advocacy that victims may wish to utilize.

The following Nash Community College employees and on-campus offices can assist members of the NCC community in considering options and navigating through any resources or recourse they may elect to pursue.

A victim need not formally report an incident of sexual assault, domestic violence, dating violence, or stalking to law enforcement or NCCPD in order to access the following resources:

Sexual Assault Response Team (SART) Members:

Michelle Noyes, Director of Human Resources Title IX Coordinator for faculty, staff, contractors and visitors	252-451-8258
Larry Mitchell Title IX Deputy Coordinator for students	252-451-8224
Lindsey Stokes Counselor, Student and Enrollment Services	252-451-8392
Marbeth Holmes Clinical Outreach Counselor	252-451-8319
Jim Hartsell Counselor	252-451-8260
Wayne Lamm Campus Safety Director and NCC Police Chief	252-451-8313

Off-Campus Resources:

Nash Community Service Area Crisis/Counseling Resources:

Coastal Plain Hospital
2301 Medpark Drive
Rocky Mount, NC 27804
(252) 962-5000

EAP Partnerships
848 Country Club Square
Rocky Mount, NC 27804
(252) 937-5477

Eastpointe

(800) 913-6109
(888) 819-5112 (TTY)
(800) 273-8255 (Veterans Crisis Line)

My Sister's House
PO Box 7665
Rocky Mount, NC 27804
(252) 459-3094
(800) 465-9507
(252) 462-0366 (Non-Emergency)

Tar River Mental Health Association (Serving Nash & Edgecombe Counties)
230 Sunset Avenue
Rocky Mount, NC 27804
(252) 937-8820

Alcoholics Anonymous
(252) 977-7744

Alcohol/Drug Council of North Carolina
1-800-688-4232

National Crisis/Counseling Resources:
National Suicide Prevention Lifeline
1-800-273-TALK (8255)

National Runaway Safeline
1-800-786-2929 (1-800-RUNAWAY)

RAINN (Rape, Abuse and Incest National Network)
1-800-656-4673 (HOPE)

National Child Abuse Hotline
1-800-4-A-CHILD (1-800-422-4453)

National Domestic Violence/Child Abuse/Sexual Abuse
1-800-799-7233 (SAFE)
1-800-787-3224 (TTY)

Elder Abuse Hotline
1-800-451-8693

National Center for Missing & Exploited Children
1-800-THE-LOST (1-800-843-5678)

Accommodations

Nash Community College is committed to providing a safe learning or working environment. This is regardless of whether a student or employee reports an incident of sexual assault, domestic violence, dating violence, or stalking to law enforcement or pursues any formal action. Upon request, Nash Community College will make any reasonably available change to a victim's academic class schedule, or employee's work environment. When a reported incident of abuse involves more than one member of the Nash Community College community, the College's Title IX Coordinator, Michelle Noyes, Deputy Title IX Coordinator, Larry Mitchell or NCCPD may also issue a formal letter prohibiting the individuals from contacting one another, either on or off campus. Students should contact the Vice President for Student and Enrollment Services Office (522 North Old Carriage Road, Building A, Room 2023, 252-451-8224) for assistance, and employees may contact the Office of Human Resources (522 North Old Carriage Road, Business and Industry Center, 252-451-8258) for assistance.

NCCPD officers will advise victims of a reported incident of sexual assault, domestic violence, dating violence, or stalking about how to seek a restraining order from a criminal court that directs the accused to refrain from abuse and to leave the victims household, building, school, college, or workplace.

Nash Community College will ensure that restraining orders issued by courts are fully upheld on all College-owned, used, and controlled property. If any member of the NCC community obtains a restraining order, it should promptly be communicated to NCCPD and a copy of that order for compliance. Nash Community College will take measures to protect victims from any further harm. If the NCCPD determines that an individual's presence on campus poses a danger to one or more members of the College community, the NCCPD shall notify the individual verbally and in a follow up letter that the individual must leave campus or be subject to being arrested for trespassing.

Victim Confidentiality

Nash Community College recognizes the sensitive nature of sexual assault, domestic violence, dating violence, and stalking incidents. The College will respect the privacy of individuals reporting incidents of abuse, to the extent that doing so is permitted by law and consistent with the College's need to protect the safety of the community.

College employees are required to share with the Title IX Coordinator information they obtained concerning a report of sexual assault, or an incident of domestic or dating violence, or stalking. The Title IX Coordinator will investigate the incident, track trends (including possible multiple reports involving the same assailant) and determine whether steps are needed to ensure the safety of the campus community. It is the victim's choice to participate in the investigation; however, the College may proceed with an investigation without the victim's permission if there is a concern for the safety of other members of the community. In all cases, the NCC Police

Department should be notified for Clery Act reporting requirements.

Reports made to the NCCPD will be shared with the Title IX Coordinator in all cases, and may also be made public (maintaining the victim's anonymity) and shared with the accused in cases where criminal prosecution is necessary. Reports received by the College concerning the abuse of a minor or juvenile must be reported to law enforcement officials in compliance with state law. All members of the Nash Community College community are required by College policy to report any instances of known child abuse or neglect to the NCCPD. The NCCPD will in turn report such information to the appropriate authorities.

Reports and information received by the NCC Clinical Outreach Counselor is considered legally protected or "privileged" under NC law. The Clinical Outreach Counselor will not share information learned from victims with others within the institution (including the College's Title IX Coordinator) or with any third party except in cases of imminent danger. Absent circumstances of imminent danger, the only information that the Clinical Outreach Counselor will report to the College concerning incidents is statistical information. Statistical information does not identify the victims, and will be included in the annual Clery reporting requirements.

Reports of sexual assault, domestic or dating violence, or stalking, which are shared with NCC's Title IX Coordinator or other College officials, will be treated with the greatest degree of respect and privacy possible.

A victim's ability to speak in confidence and with confidentiality may be an essential path to recovery.

Nash Community College Educational Programs

Nash Community College is committed to increasing the awareness of and prevention of violence. The College will make continued efforts to provide students and employees with education programs, and strategies intended to prevent rape, acquaintance rape, sexual assault, domestic violence, dating violence, and stalking.

To address the issue of sexual assaults, domestic violence, dating violence, and stalking in a college environment, Nash Community College will periodically offer practical guidance for risk reduction, violence prevention, and bystander intervention. SaVE information can be found on the College's web site and publications.

Personal Safety Workshops –The College will provide opportunities for members of the community to learn about safety precautions. The NCCPD and the Office of Student and Enrollment Services conduct awareness workshops on a wide variety of subjects including, but not limited to alcohol awareness, the definition of consent and sexual assault, and wellness.

New Student Orientation – Orientation programs addressing awareness of and prevention of violence are delivered by members of the orientation staff.

Safety Escorts – If requested, the NCCPD provides safety campus escorts during normal operating hours. This service typically provides students, faculty, and staff with an escort from class to various parking locations.

Crime Alerts – The NCCPD shall issue as necessary crime alerts to members of the NCC community. Alerts may be circulated at times, not in response to specific incidents, but as general reminders to community members about measures that members of the community can take to enhance personal and property security.

New Employee Orientation – All new employees receive training on Sexual Harassment and Title IX through the Office of Human Resources. The NCCPD also provides new employees with information concerning issues of safety and personal awareness on such subjects as emergency preparedness, campus security authorities, and awareness of and prevention of violence.

Conduct Proceedings

If a Title IX investigation concludes that evidence exists which suggests a student more likely than not engaged in sexual assault, domestic violence, dating violence, or stalking, the matter will be referred to the Associate Dean of Student and Enrollment Services for adjudication pursuant to the College's Sexual Violence Policy. The Office of Human Resources will handle any incidents involving employees and College affiliates who are found by the College to have engaged in behavior that violates College policy, including but not limited to sexual assault, domestic violence, dating violence, or stalking.

Nash Community College's Title IX Coordinator, Michelle Noyes, (for faculty, staff, contractors and visitors) or the College's Deputy Coordinator, Larry Mitchell (for students) will oversee all investigations of allegations of gender-based violence. Employees who are found responsible for having committed such a violation could face termination of employment, and students who are found responsible for having committed such a violation may face disciplinary probation, deferred suspension, suspension from the College, or dismissal from the College.

Nash Community College strictly prohibits all acts of sexual assault, domestic violence, dating violence, and stalking. In addition to facing criminal investigation and prosecution, students, employees, and other affiliates may also face action by Nash Community College. When students or employees are accused of having engaged in sexual assault, domestic violence, dating violence, or stalking, the College may, depending on the facts alleged, issue interim safety measures prior to the resolution of the charges. Such interim safety measures might include altering an individual's work or class schedule or placing an employee accused of misconduct on leave, or placing a student accused of misconduct on suspension.

All conduct proceedings, whether the conduct is reported to have occurred on or off campus, shall provide a prompt, fair, and impartial investigation and resolution. All

investigations and proceedings shall be conducted by officials who receive annual training on the nature of the types of cases they are handling, how to conduct an investigation, and how to conduct a proceeding in a manner that protects the safety of victims and promotes accountability.

Nash Community College seeks to investigate and adjudicate any official complaints of sexual abuse, domestic violence, dating violence, or stalking that are filed with the College within sixty (60) days of receipt of that complaint, unless mitigating circumstances require the extension of a time frame beyond sixty (60) days. Such circumstances may include the complexity of the allegations, the number of witnesses involved, the availability of the parties or witnesses, the effect of a concurrent criminal investigation, college breaks or vacations that occur during the term of the investigation, or other unforeseen circumstances. In these matters the complainant and the accused shall be notified, provided an explanation, and given information about the amount of additional time required.

In all investigatory and adjudication proceedings conducted by the College concerning charges of sexual misconduct, domestic violence, dating violence, or stalking, including any related meetings or hearings, both the complainant and the accused will be afforded the same process rights, including equal opportunities to have others present. This includes the right to be accompanied by an advisor of their choice. Both the complainant and accused will also be afforded an equal opportunity to introduce evidence and identify witnesses.

When a student is accused of any violation of student conduct, including but not limited to charges of sexual assault, domestic or dating violence, or stalking, the charges will be decided using the preponderance of evidence standard. This implies that it is more likely than not that the reported misconduct occurred.

For additional information concerning student complaints of sexual wrongdoing and the process for resolving such complaints please see the Nash Community College Academic Catalog available in print and on the College website.