

Northwest Nazarene University



NORTHWEST
NAZARENE UNIVERSITY

2021 COMBINED ANNUAL SECURITY REPORT & FIRE SAFETY REPORT

Introduction

This report is provided in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act, as amended. It provides students and employees of Northwest Nazarene University ("University" or "NNU") with information on: the University's security arrangements, policies and procedures; programs that provide education on such things as drug and alcohol abuse, awareness of various kinds of sex offenses, and the prevention of crime generally; and procedures the University will take to notify the campus community in the event of an emergency. Its purpose is to provide students and employees with information that will help them make informed decisions relating to their own safety and the safety of others.

Policy for Preparing the Annual Report

This report is prepared by the Director of Campus Safety in cooperation with local law enforcement authorities and includes information provided by them as well as by the University's campus security authorities and various other elements of the University. Each year an e-mail notification is made to all enrolled students and employees that provides the website link to access this report. Prospective students and employees are also notified of the report's availability. Hard copies of the report may also be obtained at no cost by contacting the Director of Campus Safety, Campus Safety Department, 515 S. Ivy St., Nampa, ID, 83686, 208-467-8911. The University is committed to taking the actions necessary to provide a safe and secure working/learning environment for all students and staff. As a member of the campus community, you can feel safe and comfortable knowing that security procedures are in place that represent best practices in the field, and are constantly tested and re-evaluated for their effectiveness.

In addition to its Nampa campus, the University leases office space in Idaho Falls, ID, that meets the definition of a separate campus as of October 2020, according to the Clery Act. The Idaho Falls campus is used solely by the University's graduate social work program. No undergraduate students attend classes at the location and no residential housing is available. This report includes the crime statistics for the Idaho Falls campus for the calendar year 2020.

General Safety and Security Policies

Campus Security Personnel & Relationship with Local Law Enforcement

The Campus Safety Department is responsible for campus safety at the University's main campus.

Campus Safety Officers on campus are not sworn law enforcement officers and do not possess law enforcement authority. NNU's Campus Safety jurisdiction is restricted to the campus and University owned or leased property. As employees of the University, Campus Safety staff is responsible for enforcement of University policies. Criminal incidents are referred to the Nampa Police Department.

While the University does not have any written agreement with local law enforcement agencies, it does maintain a close working relationship with the Nampa Police Department. This relationship ensures timely and effective responses to criminal activity. Campus Safety Officers work with law enforcement agencies as appropriate to address violations of state law and federal law. With respect to the University's main campus, Nampa Police Department operates a substation in the University Facilities Building at 410 E. Florida Ave. The University and Nampa Police have a verbal agreement for use of a part of the facility as a substation, as well as a verbal understanding for the use of communication devices and support when needed. The Campus Safety Department in Nampa meets as needed with the Nampa Police Department Administration. Campus Safety Officers are in direct communication with the Police Department Dispatch Center and Nampa Police Officers.

The University does not have Campus Safety Officers on site at the Idaho Falls campus and does not have any written agreement with Idaho Falls local law enforcement agencies. Criminal incidents are referred to the Idaho Falls Police Department.

Campus Security Authorities

The University has designated certain officials to serve as campus security authorities. Reports of criminal activity can be made to these officials. They in turn will ensure that the crimes are reported for collection as part of the University's annual report of crime statistics. The campus security authorities to whom the University would prefer that crimes be reported are listed below.

- Campus Safety Officer at 208-467-8911
- Director of Campus Safety at 208-467-8550
- Interim Vice President for Student Life at 208-467-8663
- Associate Vice-President for Student Engagement at 208-467-8663
- University Athletic Director at 208-467-8352
- Director of Human Resources at 208-467-8036

- University Title IX Coordinator at 208-467-8062

Reporting a Crime or Emergency

The University encourages accurate and prompt reporting of all criminal actions, emergencies, or other incidents occurring on campus, on other property owned by the University, or on nearby public property to the appropriate administrator and appropriate police agencies. Such a report is encouraged even when the victim of a crime elects not to make a report or is unable to do so.

- Main Campus: All crimes occurring on or near University property should be reported immediately to the Department of Campus Security. The number to contact is 208-467-8911. An Officer is available 24/7.
- Idaho Falls Campus: All crimes occurring on the Idaho Falls campus property should be reported immediately to Idaho Falls Police at 208-529-1200. If a crime is in progress or there is some other situation posing imminent danger, local law enforcement can be reached by dialing 911.
- Students, staff, and visitors should also report situations to one of the campus security authorities identified above. Once reported, the individual may also be encouraged to report the situation to the appropriate police agency. If requested, a University staff member will assist in making the report to the police.
- While the University does not have an official channel for making general anonymous reports, anonymous reports of sexual assault or sexual harassment can be made online through the link on the University's [Title IX webpage](#).

Confidential Reporting

The University will protect the confidentiality of victims. Only those with a need to know the identity for purposes of investigating the crime, assisting the victim or disciplining the perpetrator will know the victim's identity.

Pursuant to the University's sexual misconduct policy, when an employee who is not a confidential resource becomes aware of alleged misconduct under that policy (including, but not limited to, dating violence, domestic violence, sexual assault, and stalking), the employee is responsible for reporting that information, including the status of the parties if known, to the Title IX Coordinator. A victim of other types of crimes (e.g., aggravated assault, burglary, etc.) who does not want to pursue action within the University disciplinary system or the criminal justice system is nevertheless encouraged to make a confidential report to a campus security authority. Upon the victim's request, a report of the details of the incident can be filed with the University without revealing the victim's identity. Such a confidential report complies with the victim's wishes, but still helps the University take appropriate steps to ensure the future safety of the victim and others. With such information, the University can keep an accurate record of the number of incidents involving members of the campus community, determine where a pattern of crime may be developing and alert the community as to any potential danger. These confidential reports are counted and disclosed in the annual crime statistics for the University.

The University encourages its pastoral and professional counselors, if and when they deem it appropriate, to inform the person they are counseling to report crimes on a voluntary, confidential basis for inclusion in the annual report of crime statistics.

Security of and Access to Campus Facilities

Nampa Main Campus

During fall and spring semesters, academic buildings are open for faculty/staff members and students Monday-Friday 7:00 AM -10:00 PM. On Saturdays, academic buildings with scheduled classes are open for faculty/staff and students from 07:00 AM - 6:00 PM or as needed for special classes or events. On weekends, the Fine Arts building is available 12:00 PM – 12:00 AM and the Leah Peterson Learning Commons is available Saturdays from 11:00 AM - 5:00 PM and Sundays from 4:00 PM - 12:00 AM. All academic buildings are secured on school holidays unless a class or event is scheduled in the building.

All academic buildings are secured during the evenings and weekends, except as specified above. Access to the buildings must be approved by assigned administration, immediate supervisor, faculty, or staff. Access will only be granted when Campus Safety is notified in writing or by a phone call from assigned administration, immediate supervisor, faculty, or staff. Summer building hours are contingent on class and special conference and event schedules. However, in general, the campus facilities are accessible Monday-Friday 7:00 AM -6:00 PM. On Saturdays, only facilities being used for classes are available during scheduled class times. The campus is closed on Sundays and for holidays.

All residence hall entrance doors are locked and secured 24 hours a day seven days a week. Access is gained by key card access and is restricted to undergraduate on-campus student residents and approved administrators/faculty/staff from 6:00 AM -12:00 AM. After 12:00 AM residence halls are restricted to assigned residents only and approved administrators/staff. Non-campus residents must make arrangements for access by contacting their student, the resident hall Resident Director or Resident Assistant, or by calling Campus Safety.

Security Officers perform random “walk-throughs” in residence halls and other campus facilities as well as vehicle patrols of parking lots and surrounding areas at various times both day and night.

The campus community is advised:

- Do not prop doors open or allow strangers into campus buildings that have been secured.
- Do not lend keys or access cards to non-students and do not leave them unattended.
- Do not give access codes to anyone who does not belong to the campus community.

Keys to the offices, laboratories, and classrooms on campus will be issued to employees only as needed and after receiving proper authorization. Each department supervisor is responsible for assuring his/her area is secured and locked.

Employee and student identification cards may be used to verify the identity of persons suspected to be in campus facilities without permission.

All vendors requiring access to residence halls and other campus facilities must register with the Facilities Department. After the vendor is registered, access will be granted during normal business hours and will be supervised by the club organization, department, or employee who

arranged for service. After-hours facility access for vendors must be approved by the Facilities Manager, Department Administrator, or by the campus employee who arranged for the service. Campus Safety will only grant access when notified in writing or by a phone call from the Facilities Manager, Department Administrator, or by the campus employee who arranged for the service. University Administration and Security reserve the right to terminate visitor access to the campus and campus facilities any time deemed necessary.

Idaho Falls Campus

The University leases office space located at 901 Pier View Dr., 105D, Idaho Falls, that is used as classroom space for the graduate social work program. The classroom is open for faculty/staff and students only on Thursdays and Fridays from 3:00 PM – 10:00 PM and Saturdays from 10:00 AM – 2:00 PM. The site administrator locks and unlocks the classroom for classes. Vendors requiring access to the classroom are approved and accompanied by the administrator.

Security Considerations in the Maintenance of Facilities

For the Nampa Main Campus, the Campus Safety Department works with the Facilities Department to identify maintenance issues on the main campus that may be safety hazards. Safety checks are completed to identify street or safety lights that are not functioning properly, or to determine if shrubs or other landscaping might need trimming. Maintenance personnel regularly check to ensure there is adequate lighting on pathways and that egress lighting is working in hallways and stairwells.

For the Idaho Falls campus, the Idaho Falls site administrator works with the landlord and/or the Department Chair to identify maintenance issues that might be safety hazards and to correct issues in a timely manner.

Educational Programs Related to Security Awareness and Prevention of Criminal Activity

The University seeks to enhance the security of its campus and the members of the campus community by periodically presenting educational programs to inform students and employees about campus security procedures and practices, to encourage students and employees to be responsible for their own security and the security of others and to inform them about the prevention of crimes. These programs are discussed below.

The University provides information at the beginning of each academic term for students and employees regarding the University's security procedures and practices. This information is in the form of pamphlets, posters and other displays, as well as email blasts. Among other things, it advises students and employees of the importance of reporting criminal activity, to whom crimes should be reported, being responsible for their own safety and the safety of others, and practices regarding timely warnings and emergency notifications.

Crime prevention programs are also presented each semester by Campus Safety and Residential Life. In addition, email blasts are periodically sent out to students and employees with crime prevention and other safety tips. Pamphlets and videos on crime prevention are available in the Campus Safety Office and Conrad Commons.

Monitoring Off Campus Locations of Recognized Student Organizations

The University does not have any officially recognized student organizations with off campus locations and therefore does not monitor or record criminal conduct occurring at such locations.

Disclosure of the Outcome of a Crime of Violence or Non-Forcible Sex Offense

Upon written request, the University will disclose to the alleged victim of a crime of violence (as that term is defined in section 16 of title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the University against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of the paragraph.

The previous paragraph does not apply to victims of dating violence, domestic violence, sexual assault, or stalking because under the Violence Against Women Act both the accused and accuser in these cases are given the results without the need to make a written request.

Drug and Alcohol Policy

Northwest Nazarene University is an alcohol and drug-free community. Students, faculty, and staff sign a lifestyle agreement that they will not use alcohol or illegal drugs on or off-campus. The possession, use, or distribution of alcoholic beverages is prohibited on the University campus and the University enforces Idaho underage drinking laws. University policies and State laws regarding alcohol and drug use are enforced by Campus Safety, the residence life staff, concerned members of the campus community, the Nampa Police Department, and the Idaho Falls Police Department.

University employees commit to a drug-free, alcohol-free workplace. Employees who violate this policy will be subject to appropriate disciplinary action up to and including termination, or requiring the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purpose.

These policies apply to all full-time and part-time students and all full-time and part-time employees, including faculty, administration, exempt and non-exempt staff.

The University also enforces federal and state drug laws. The possession, sale, manufacture or distribution of illegal drugs is prohibited on campus or as any part of the University's activities. Violators of the University's policies or federal and state laws regarding illegal drugs will be subject to disciplinary action and possibly criminal prosecution.

Federal Drug Laws

Denial of Federal Benefits (21 U.S.C. § 862) A federal drug conviction may result in the loss of federal benefits, including school loans, grants, scholarships, contracts, and licenses. Federal drug trafficking convictions may result in denial of federal benefits for up to five years for a first conviction. Federal drug convictions for possession may result in denial of federal benefits for up to one year for a first conviction and up to five years for subsequent

convictions, successful completion of a drug treatment program, including periodic testing, and appropriate community service, or any combination of the three.

Forfeiture of Personal Property and Real Estate (21 U.S.C. § 853) Any person convicted of a federal drug offense punishable by more than one year in prison shall forfeit to the United States any personal or real property related to the violation. A warrant of seizure may be issued and property seized at the time an individual is arrested on charges that may result in forfeiture.

Federal Drug Trafficking Penalties (21 U.S.C. § 841) Penalties for federal drug trafficking convictions vary according to the type and quantity of the controlled substance involved in the transaction. Penalties for subsequent convictions are more severe.

In the case of a controlled substance in schedule I or schedule II, GHB, or flunitrazepam, a person shall be sentenced to a term of imprisonment of not more than 20 years. If death or serious bodily injury results from the use of a controlled substance which has been illegally distributed, the person convicted on federal charges of distributing the substance faces the possibility of a life sentence and fines ranging up to \$10 million.

In the case of a controlled substance in schedule III, a person shall be sentenced to a term of imprisonment of not more than 10 years, and if death or serious bodily injury results, shall be sentenced to a term of imprisonment of not more than 15 years or a fine not to exceed \$500,000, or both, for a first offense.

For less than 50 kilograms of marijuana, the term of imprisonment shall not be more than five years, and the fine shall not be more than \$250,000, or both, for a first offense.

In the case of a schedule IV substance, the term of imprisonment shall not be more than five years, and the fine shall not be more than \$250,000, or both, for a first offense.

Persons convicted on federal charges of drug trafficking within 1,000 feet of an elementary school, secondary school, college, or university (**21 U.S.C. § 860**) face penalties of prison terms and fines which are twice as high as the regular penalties for the offense, with a mandatory prison sentence of at least one year, unless the offense involves five grams or less of marijuana.

Federal Drug Possession Penalties (21 U.S.C. § 844) Persons convicted on federal charges of possessing any controlled substance face penalties of up to one year in prison, a mandatory fine of no less than \$1,000, or both. Second convictions are punishable by not less than 15 days but not more than two years in prison and a minimum fine of \$2,500. Subsequent convictions are punishable by not less than 90 days but not more than three years in prison and a minimum fine of \$5,000.

Drug and Alcohol State Laws

Category	Summary (Idaho Code Annotated)
Possession of Marijuana	Under Idaho Code § 37-2732, any person who possesses marijuana in excess of 3 ounces is guilty of a felony and may be subject to penalties of imprisonment up to 5 years and a fine of up to \$10,000. Possession of under three ounces is a misdemeanor with a penalty of imprisonment up to

Category	Summary (Idaho Code Annotated)
	1 year and a fine of up to \$10,000. Possession with intent to distribute up to one pound or up to 24 plants of marijuana is a felony punishable by up to five years in prison and \$15,000 in fines. <i>Id.</i>
Controlled Substances	Idaho statutes cover a wide range of offenses related to the possession and distribution of controlled substances. <i>See</i> Idaho Code §§ 37-2732 – 37-2739B. Possession with intent to deliver Schedule I narcotics or Schedule II drugs results in a fine up to \$25,000 and a prison sentence up to life. For non-narcotics classified in Schedule 1, or controlled substances classified in Schedule III, the fine is up to \$15,000, and the prison term is up to five years. For Schedule IV drugs, the fine is up to \$10,000, and the prison term is up to three years. For Schedule V and VI, the term is up to one year, and the fine is up to \$5000. Possession of a nonnarcotic Schedule I drug or a Schedule II drug results in a prison term up to seven years and a fine up to \$15,000. Schedule I drugs include fentanyl-related substances as well as certain opium derivatives, including heroin. Idaho Code § 37-2705. Schedule II drugs include opium, including codeine, morphine, and oxycodone, as well as cocaine, fentanyl, and amphetamines. Idaho Code § 37-2707. Schedule III drugs include various narcotics as well as hallucinogenic substances. Idaho Code § 37-2709. Schedule IV drugs include other narcotics, as well as certain depressants and stimulants. Idaho Code § 37-2711. Schedule V drugs include, for example, less than 200 milligrams of codeine and less than 100 milligrams of opium. Idaho Code § 37-2713.
Alcohol and Minors	<p>Under Idaho Code § 23-604, a citizen under 21 years of age who purchases, attempts to purchase, consumes, or otherwise possesses any alcoholic beverage shall be guilty of a civil infraction and subject to a \$300 fine. A subsequent conviction constitutes a misdemeanor and is punishable by a fine of not more than \$2000, or up to 30 days in jail, or both. <i>See</i> Idaho Code §18-1502(b) and (e).</p> <p>Under Idaho Code §23-949, it is also unlawful for anyone under 21 to sell, serve, or dispense alcohol. A first offense is an infraction subject to a \$300 fine. A subsequent conviction is a misdemeanor, punishable by a fine of not more than \$2000, or up to 30 days in jail, or both. <i>See</i> Idaho Code §18-1502(b) and (e).</p>
Driving Under the Influence (DUI)	It is unlawful for any person with a blood alcohol level of .08 or more to drive or be in actual physical control of a motor vehicle. Idaho Code § 18-8004. For a person under 21 it is also illegal to drive or be in actual physical control of a motor vehicle with a blood alcohol level of over .02. <i>Id.</i> These individuals under 21 shall be subject to a fine of \$1,000 for a first offense and have driving privileges suspended for a period of one year, 90 days of which shall not be reduced. A second offense involves mandatory jail time of a minimum of five days, not to exceed 30, and a fine between \$500 and \$2000, and suspended driving privileges for up to two years, one of which shall not be reduced, and additional penalties. <i>Id.</i> at §18-8004A. For individuals over the age of 21, a guilty verdict can result in jail time up to six months and a fine up to \$1,0000 and driver's license suspension for a minimum of 30 days, along with other penalties. <i>Id.</i> at §18-8005.

Drug and Alcohol Abuse Prevention Program

The University has a drug and alcohol abuse and prevention program and conducts a biennial review of this program to evaluate its effectiveness. For more information, see below.

- Student alcohol/drug policy: [NNU Student Handbook](#)
- Employee alcohol/drug policy: <https://my.nnu.edu/ics/> (Log in to NNU Portal, under Employee Tab, right hand column “Links”/” Policy Manuals”.)
- Alcohol/drug webpage: [NNU Campus Safety: Drug Free Schools & Communities Act of 1989](#)
- Biennial Review of the University’s drug and alcohol abuse prevention program: [NNU Campus Safety: Drug Free Schools & Communities Act of 1989](#)

Prevention, Intervention, and Assistance Programs are available to all members of the NNU Community to combat and cope with problems stemming from chemical use and abuse. Students are encouraged to contact the Wellness Center (208-467-8466) if they themselves or a friend are affected by chemical use or abuse. Programs are also available for University employees through the Employee Assistance Program (EAP) which offers confidential assessment, referral, and counseling resources.

Alcohol and Drug Awareness education is provided to the campus community at various times throughout the year by the Wellness Center and Student Life with assistance provided by Student Peer Counselors, Student Peer Health Educators, and Campus Safety.

Policies, Procedures, and Programs Related to Dating Violence, Domestic Violence, Sexual Assault, and Stalking

Consistent with applicable laws, the University prohibits dating violence, domestic violence, sexual assault, and stalking. The University's policy used to address complaints of this nature, as well as the procedures for filing, investigating and resolving complaints, may be found at:

- Sexual Misconduct Policy: <https://www.nnu.edu/students/student-resources/helpful-links/title-ix>

The following sections of this report discuss the University's educational programs to promote the awareness of dating violence, domestic violence, sexual assault and stalking; provides information concerning procedures students and employees should follow and the services available in the event they do become a victim of one of these offenses, and advises students and employees of the disciplinary procedures that will be followed after an allegation that one of these offenses has occurred.

Primary Prevention and Awareness Program:

The University conducts a Primary Prevention and Awareness Program (PPAP) for all incoming students and new employees. The PPAP advises campus community members that the University prohibits the offenses of dating violence, domestic violence, sexual assault and stalking. They are also informed of the topics discussed below, including relevant definitions, risk reduction, and bystander intervention.

Crime Definitions

Crime Type (Idaho Code Annotated)	Definitions
Dating Violence	The institution has determined, based on good-faith research, that Idaho law does not define the term dating violence.
Domestic Violence	<p>Idaho law defines domestic violence in both its criminal statutes and protective order statutes.</p> <ul style="list-style-type: none"> • Domestic Violence (Idaho Code Ann. § 18-918): <ul style="list-style-type: none"> ○ Any household member who in committing a battery [see below] inflicts a traumatic injury upon any other household member is guilty of a felony. ○ A household member who commits an assault [see below] against another household member which does not result in traumatic injury is guilty of a misdemeanor domestic assault. ○ For the purpose of this section: (a) "Household member" means a person who is a spouse, former spouse, or a person who has a child in common regardless of whether they have been married or a person with whom a person is cohabiting, whether or not they have married or have held themselves out to be husband or wife; and (b) "Traumatic injury" means a condition of the body, such as a wound or external or internal injury, whether of a minor or serious nature, caused by physical force. • The following definitions from the Idaho Code apply to the statutes above: <ul style="list-style-type: none"> ○ Assault (Idaho Code Ann. § 18-901): An assault is: (a) An unlawful attempt, coupled with apparent ability, to commit a violent injury on the person of another; or (b) An intentional, unlawful threat by word or act to do violence to the person of another, coupled with an apparent ability to do so, and doing some act which creates a well-founded fear in such other person that such violence is imminent. ○ Battery (Idaho Code Ann. § 18-903): A battery is any: (a) Willful and unlawful use of force or violence upon the person of another; or (b) Actual, intentional and unlawful touching or striking of another person against the will of the other; or (c) Unlawfully and intentionally causing bodily harm to an individual. • Definitions in Idaho's Domestic Violence Crime Prevention Statute (Idaho Code Ann. § 39-6303): <ul style="list-style-type: none"> ○ "Domestic violence" means the physical injury, sexual abuse or forced imprisonment or threat thereof of a family or household member, or of a minor child by a person with whom the minor child has had or is having a dating relationship, or of an adult by a person with whom the adult has had or is having a dating relationship.

Crime Type (Idaho Code Annotated)	Definitions
	<ul style="list-style-type: none"> ○ "Dating relationship," for the purposes of this chapter, is defined as a social relationship of a romantic nature. Factors that the court may consider in making this determination include: (a) The nature of the relationship; (b) The length of time the relationship has existed; (c) The frequency of interaction between the parties; and (d) The time since termination of the relationship, if applicable. ○ "Family member" means spouses, former spouses and persons related by blood, adoption or marriage. ○ "Household member" means persons who reside or have resided together, and persons who have a child in common regardless of whether they have been married or have lived together at any time.
Stalking	<ul style="list-style-type: none"> • Stalking in the Second Degree (Idaho Code Ann. § 18-7906): A person commits the crime of stalking in the second degree if the person knowingly and maliciously: (a) Engages in a course of conduct that seriously alarms, annoys or harasses the victim and is such as would cause a reasonable person substantial emotional distress; or (b) Engages in a course of conduct such as would cause a reasonable person to be in fear of death or physical injury, or in fear of the death or physical injury of a family or household member. [note that stalking in the first degree is defined at Idaho Code Ann. § 18-7905 and involves a person committing a violation under § 18-7906 with aggravating circumstances.] • The following definitions apply to the above stalking crimes: <ul style="list-style-type: none"> ○ "Course of conduct" means repeated acts of nonconsensual contact involving the victim or a family or household member of the victim, provided however, that constitutionally protected activity is not included within the meaning of this definition. ○ "Family or household member" means: (i) A spouse or former spouse of the victim, a person who has a child in common with the victim regardless of whether they have been married, a person with whom the victim is cohabiting whether or not they have married or have held themselves out to be husband or wife, and persons related to the victim by blood, adoption or marriage; or (ii) A person with whom the victim is or has been in a dating relationship, as defined in section 39-6303, Idaho Code; or (iii) A person living in the same residence as the victim. ○ "Nonconsensual contact" means any contact with the victim that is initiated or continued without the victim's consent, that is beyond the scope of the consent provided by the victim, or that is in disregard of the victim's expressed desire that the contact be avoided or discontinued. "Nonconsensual contact" includes, but is not limited to: (i)

Crime Type (Idaho Code Annotated)	Definitions
	<p>Following the victim or maintaining surveillance, including by electronic means, on the victim; (ii) Contacting the victim in a public place or on private property; (iii) Appearing at the workplace or residence of the victim; (iv) Entering onto or remaining on property owned, leased or occupied by the victim; (v) Contacting the victim by telephone or causing the victim's telephone to ring repeatedly or continuously regardless of whether a conversation ensues; (vi) Sending mail or electronic communications to the victim; or (vii) Placing an object on, or delivering an object to, property owned, leased or occupied by the victim.</p> <ul style="list-style-type: none"> ○ "Victim" means a person who is the target of a course of conduct.
Sexual Assault	The institution has determined, based on good-faith research, that Idaho law does not define the term Sexual Assault.
Rape, Fondling, Incest, Statutory Rape	<p>For purposes of the Clery Act, the term "sexual assault" includes the offenses of rape, fondling, incest, and statutory rape. These definitions under Idaho law are as follows:</p> <ol style="list-style-type: none"> 1. Rape (Idaho Code Ann. § 18-6101): Rape is defined as the penetration, however slight, of the oral, anal or vaginal opening with a penis accomplished under any one (1) of the following circumstances: <ol style="list-style-type: none"> 1. Where the victim is under the age of sixteen (16) years and the perpetrator is eighteen (18) years of age or older. 2. Where the victim is sixteen (16) or seventeen (17) years of age and the perpetrator is three (3) years or more older than the victim. 3. Where the victim is incapable, through any unsoundness of mind, due to any cause including, but not limited to, mental illness, mental disability or developmental disability, whether temporary or permanent, of giving legal consent. 4. Where the victim resists but the resistance is overcome by force or violence. 5. Where the victim is prevented from resistance by the infliction, attempted infliction, or threatened infliction of bodily harm, accompanied by apparent power of execution; or is unable to resist due to any intoxicating, narcotic, or anesthetic substance. 6. Where the victim is prevented from resistance due to an objectively reasonable belief that resistance would be futile or that resistance would result in force or violence beyond that necessary to accomplish the prohibited contact. 7. Where the victim is at the time unconscious of the nature of the act. As used in this section, "unconscious of the nature

Crime Type (Idaho Code Annotated)	Definitions
	<p>of the act" means incapable of resisting because the victim meets one (1) of the following conditions: (a) Was unconscious or asleep; (b) Was not aware, knowing, perceiving, or cognizant that the act occurred.</p> <ol style="list-style-type: none"> 8. Where the victim submits under the belief that the person committing the act is the victim's spouse, and the belief is induced by artifice, pretense or concealment practiced by the accused, with intent to induce such belief. 9. Where the victim submits under the belief that the person committing the act is someone other than the accused, and the belief is induced by artifice, pretense or concealment practiced by the accused, with the intent to induce such belief. 10. Where the victim submits under the belief, instilled by the actor, that if the victim does not submit, the actor will cause physical harm to some person in the future; or cause damage to property; or engage in other conduct constituting a crime; or accuse any person of a crime or cause criminal charges to be instituted against the victim; or expose a secret or publicize an asserted fact, whether true or false, tending to subject any person to hatred, contempt or ridicule. <ol style="list-style-type: none"> 2. Fondling: The institution has determined, based on good-faith research, that Idaho law does not define the term fondling outside of the context of sexual exploitation of a child. 3. Incest (Idaho Code Ann. § 18-6602): Persons being within the degrees of consanguinity within which marriages are declared by law to be incestuous and void, who intermarry with each other, or who commit fornication or adultery with each other, are punishable by imprisonment in the state prison for a term not to exceed life. 4. Statutory Rape: The institution has determined, based on good-faith research, that Idaho law does not define the term statutory rape.
Other "sexual assault" crimes	<p>Other crimes under Idaho law that may be classified as a "sexual assault" include the following:</p> <ul style="list-style-type: none"> • Sexual Battery (Idaho Code Ann. § 18-924): Sexual battery is any willful physical contact, over or under the clothing, with the intimate parts of any person, when the physical contact is done without consent and with the intent to degrade, humiliate or demean the person touched or with the intent of arousing, appealing to or gratifying the lust, passion or sexual desires of the actor or any other person. For purposes of this section, "intimate parts" means the genital area, groin, inner thighs, buttocks or breasts. [note that aggravated sexual battery is defined at Idaho

Crime Type (Idaho Code Annotated)	Definitions
	<p>Code Ann. § 18-925 and involves a person committing a violation under § 18-924 with aggravating circumstances.]</p> <ul style="list-style-type: none"> • Sexual abuse and exploitation of a vulnerable adult (Idaho Code Ann. § 18-1505B): (1) It is a felony for any person, with the intent of arousing, appealing to or gratifying the lust, passion or sexual desires of such person, a vulnerable adult or a third party, to: (a) Commit any lewd or lascivious act or acts upon or with the body or any part or member thereof of a vulnerable adult including, but not limited to: genital-genital contact, oral-genital contact, anal-genital contact, oral-anal contact, manual-anal contact or manual-genital contact, whether between persons of the same or opposite sex;(b) Involve a vulnerable adult in any act of bestiality or sadomasochism as defined in section 18-1507, Idaho Code; or (c) Cause or have sexual contact with a vulnerable adult, not amounting to lewd conduct as defined in paragraph (a) of this subsection. • Sexual Abuse of a Child under the Age of Sixteen Years (Idaho Code Ann. § 18-1506): It is a felony for any person eighteen (18) years of age or older, with the intent to gratify the lust, passions, or sexual desire of the actor, minor child or third party, to: (a) Solicit a minor child under the age of sixteen (16) years to participate in a sexual act; (b) Cause or have sexual contact with such minor child, not amounting to lewd conduct as defined in section 18-1508, Idaho Code; (c) Make any photographic or electronic recording of such minor child; or (d) Induce, cause or permit a minor child to witness an act of sexual conduct. • Lewd Conduct with Minor Child under Sixteen (Idaho Code Ann. § 18-1508): Any person who shall commit any lewd or lascivious act or acts upon or with the body or any part or member thereof of a minor child under the age of sixteen (16) years, including but not limited to, genital-genital contact, oral-genital contact, anal-genital contact, oral-anal contact, manual-anal contact, or manual-genital contact, whether between persons of the same or opposite sex, or who shall involve such minor child in any act of bestiality or sadomasochism as defined in section 18-1507, Idaho Code, when any of such acts are done with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of such person, such minor child, or third party, shall be guilty of a felony and shall be imprisoned in the state prison for a term of not more than life. • Sexual Battery of a Minor Child Sixteen or Seventeen Years of Age (Idaho Code Ann. § 18-1508A): It is a felony for any person at least five (5) years of age older than a minor child who is sixteen (16) or seventeen (17) years of age, who, with the intent of arousing, appealing to or gratifying the lust, passion, or sexual desires of such person, minor child, or third party, to: (a) Commit any lewd or lascivious act or acts upon or with the body or any part

Crime Type (Idaho Code Annotated)	Definitions
	<p>or any member thereof of such minor child including, but not limited to, genital-genital contact, oral-genital contact, anal-genital contact, oral-anal contact, manual-anal contact or manual-genital contact, whether between persons of the same or opposite sex, or who shall involve such minor child in any act of explicit sexual conduct as defined in section 18-507, Idaho Code; or (b) Solicit such minor child to participate in a sexual act; or (c) Cause or have sexual contact with such minor child, not amounting to lewd conduct as defined in paragraph (a) of this subsection; or (d) Make any photographic or electronic recording of such minor child.</p> <ul style="list-style-type: none"> • Forcible Sexual Penetration by Use of Foreign Object (Idaho Code Ann. § 18-6608): Every person who, willfully, causes the penetration, however slight, of the genital or anal opening of another person, by any object, instrument or device: (1) Against the victim's will by: (a) Use of force or violence; or (b) Duress; or (c) Threats of immediate and great bodily harm, accompanied by apparent power of execution; or (2) Where the victim is incapable, through any unsoundness of mind, whether temporary or permanent, of giving legal consent; or (3) Where the victim is prevented from resistance by any intoxicating, narcotic or anesthetic substance; or (4) Where the victim is at the time unconscious of the nature of the act because the victim: (a) Was unconscious or asleep; or (b) Was not aware, knowing, perceiving or cognizant that the act occurred; shall be guilty of a felony and shall be punished by imprisonment in the state prison for not more than life.
Consent (as it relates to sexual activity)	The institution has determined, based on good-faith research, that Idaho law does not define the term consent (as it relates to sexual activity).

University Definition of Consent

The University uses the following definition of consent in its sexual misconduct policy for the purpose of determining whether sexual violence (including sexual assault) has occurred:

Consent means words or overt actions by a person clearly communicating that a particular sexual contact or sexual activity is welcome. If the sexual contact or sexual activity constitutes unwelcome conduct as described above, consent is not present.

Words or overt actions clearly communicate consent when a reasonable person in the circumstances would believe those words or actions indicate a willingness to participate in a mutually agreed-upon sexual contact or sexual activity. Although consent does not need to be verbal, verbal communication is the most reliable form of asking for and obtaining consent. It is the responsibility of the person initiating the specific sexual activity or sexual contact to obtain consent for that contact or activity.

The definition of consent is subject to the following:

- Consent can only be given if one is of legal age. In Idaho, the legal age of consent is 16.
- Consent to one form of sexual activity does not, by itself, constitute consent to any other forms of sexual activity.
- Consent can be withdrawn at any time. When consent is withdrawn, the sexual activity for which consent was initially provided must stop.
- Consent is active, not passive. Silence or the absence of resistance or saying "no," in and of themselves, cannot be interpreted as consent.
- Whether an individual actively and willingly participates in conduct may be a factor in determining whether there was consent.
- Previous relationships or previous consent do not, by themselves, constitute consent to future sexual acts. In cases of prior relationships, the manner and nature of prior communications between the parties and the context of the relationship may be factors in determining whether there was consent.
- An existing sexual, romantic, or marital relationship does not, by itself, constitute consent.
- Prior sexual activity with other individuals does not imply consent.
- Consent cannot be procured, expressly or implicitly, by use of force, intimidation, threats, or **coercion**, as that term is defined in the University's Title IX Sexual Misconduct Policy.
- An individual known to be—or who should be known to be—**incapacitated**, as defined by in the University's Title IX Sexual Misconduct Policy, cannot consent to sexual activity initiated by another individual.
- Use of alcohol or other drugs will never function to excuse behavior that violates the University's Title IX Sexual Misconduct Policy.

Risk Reduction

If you find yourself in an uncomfortable sexual situation, these suggestions may help you reduce your risk:

- Go with your gut. Trust your instincts. If a situation feels unsafe or uncomfortable, leave. Find a safe place Don't worry about whether others will think you are overreacting. Your personal safety comes first.
- Stay alert. Don't make yourself vulnerable. Know the people you are with. Agree with a friend that you will watch out for each other. With technology, music, texting, it's easy to be distracted. It's important to be aware of your surroundings.
- Use your phone. Make sure your cell phone is charged and that you call on friends if you need assistance. Because phones lose power, or coverage may be lost, have a backup plan.
- Be careful when leaving status updates on social media sites. Leaving information, such as details about your whereabouts, can make you vulnerable. Use common sense. Don't post personal information that you would have reservations about giving to a stranger.
- Be assertive. Your personal safety is too important to worry about what others may think of you or whether you may hurt someone's feelings. If you're in a situation that makes you uncomfortable, getting out should be your main priority.

- Use the buddy system. Stay with friends. Agree that you'll keep an eye out for each other. If you're going to be separated, tell your friend where you are going and make plans for checking in. If a friend's safety seems compromised, help them move to a safe place.
- If you believe you or a friend has been drugged, call 911 immediately.

Watching out for your friends includes being there when you know or suspect a friend is in an abusive relationship. Signs to look for include:

- You observe actual or threatened physical or verbally abusive behavior directed toward your friend. Your friend may have injuries that are inconsistent with his or her explanation.
- Your friend's partner is belittling, unreasonably critical, or engages in behavior that embarrasses or humiliates your friend. Victims of domestic abuse and dating violence often exhibit signs of low self-esteem even when they were previously self-confident.
- Other signs of an abusive relationship could be your friend seeming afraid or anxious about keeping his or her partner happy. Your friend's partner is overly controlling or jealous of your friend. Abusive individuals often attempt to excessively monitor their partner's activities and isolate their partners from family and friends. Victims of domestic abuse and dating violence are often overly anxious about keeping their partner apprised of their whereabouts and often begin missing work, school, or social occasions without explanation. Consistent with their desire for control, abusive individuals often limit their partner's access to money, credit cards, or transportation and rarely allow their partner to go out in public without them.

Bystander Intervention

In addition to reporting incidents to appropriate authorities, below are some ways in which individuals can take safe and positive steps to prevent harm and intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking against another person. We strive to create an environment where students feel a sense of responsibility to their fellow students and other members of our community. The goal of bystander intervention is to stop sexual violence before it occurs. This entails knowing both when and how to safely intervene.

- Realize that it is important to intervene to help others.
- Don't assume that because others are present, that someone else will intervene.
- Assess whether intervention may be appropriate by identifying interactions that could raise red flags. Pay attention to conduct of a sexual nature that is or may be unwelcomed.
- In determining how to best intervene, the witnesses will want to assess:
 - What resources are available – counseling service, campus security
 - The risks of taking action – can you intervene without risking your own personal safety, and
 - Whether there is someone else who is in a better position to act – maybe a close friend.
- Treat everyone respectfully. Less confrontational approaches are often effective.
- Be confident when intervening.
- Recruit help from others if necessary.
- Be honest and direct.
- Keep yourself safe.

- If things get out of hand or if your safety is at risk, don't hesitate to contact the police.

Other Information Covered by the PPAP

The PPAP also provides information on possible sanctions and protective measures that may be imposed following a determination that an offense of dating violence, domestic violence, sexual assault, or stalking has occurred, an explanation of the disciplinary procedures that will be followed when one of these offenses is alleged, the rights of the parties in such a proceeding, available resources, and other pertinent information. Much of this information is set forth in the upcoming sections of this security report.

Ongoing Prevention and Awareness Campaign:

The University also conducts an Ongoing Prevention and Awareness Campaign (OPAC) aimed at all students and employees. This campaign covers the same material as provided in the PPAP, but is intended to increase the understanding of students and employees on these topics and to improve their skills for addressing the offenses of dating violence, domestic violence, sexual assault and stalking.

PPAP and OPAC Programming Methods:

The PPAP and OPAC are carried out in a variety of ways, using a range of strategies, and, as appropriate, targeting specific audiences throughout the University. Methods include, but are not limited to: presentations, online training modules, distribution of written materials, periodic email blasts, and guest speakers. A summary of this programming is provided below.

New Students:

- All incoming freshmen are required to take the online training, *Speak Up: Understanding and Preventing Sexual Violence*. The training provides education on the prevention of dating violence, domestic violence, sexual assault, and stalking. It also helps students identify sexual violence, know how to protect themselves and others, understand the bystander effect and bystander intervention, and understand how to get help and report violations of the University's sexual misconduct policy. The training is a course requirement for the freshmen first year course, Cornerstone.
- Incoming freshmen attend Freshman Retreat weekend where programs include in-service on alcohol education, healthy relationships, and healthy dating.

Other Students:

- Traditional undergraduate students, non-traditional undergraduate students, and graduate students are provided the online *Speak Up: Understanding and Preventing Sexual Violence* training and are asked to complete the training within two weeks after classes begin.

New employees, including student employees:

- New employees are required to complete the employee version of the *Speak Up: Understanding and Preventing Sexual Violence* training. The training provides education on the prevention of dating violence, domestic violence, sexual assault, and

stalking. It also helps employees identify sexual violence, know how to protect themselves and others, understand the bystander effect and bystander intervention, understand how to get help, and understand the reporting obligations of all employees as responsible employees.

- In-person training for new employees is available upon request.

All employees, including student employees:

- All employees are required to complete the employee version of the *Speak Up* training each academic year. The training helps employees identify sexual violence, know how to protect themselves and others, understand the bystander effect and bystander intervention, understand how to get help, and understand the reporting obligations of all employees as responsible employees.
- The Title IX coordinator participates in employee orientations and workshops as requested to provide additional information on the University's Title IX policy and process.
- In-person training is available for current employees.
- On-campus first responders, including confidential resources, campus safety personnel, coaches, and resident directors and assistants, receive additional training related to their roles.

Awareness and Prevention Campaigns:

- Bystander training is required by all athletes each academic year.
- Bystander training is offered to resident assistants and other groups on campus as requested.
- Campus offices, dorm facilities, and restrooms have brochures and posters with information about the University's sexual misconduct policy, how to report policy violations, the resolution process, available support measures, and on and off-campus resources.
- Healthy relationship programming through the Wellness Center throughout the year.
- Annual campus alcohol awareness programming and related programming available through Student Life and the Wellness Center.
- Domestic violence awareness programs through a relationship with the Family Justice Center (local community resource for victims of domestic violence and sexual assault).
- Sexual assault, domestic and dating violence, and stalking awareness programs throughout the year (e.g., "What Were You Wearing" live art exhibit, partnership with Nampa Family Justice Center with "No More" campaign, Domestic Violence Awareness through freshman Cornerstone class project).
- Potty notes: covering important campus issues including healthy relationships, mental health education, drug and alcohol use, and safe dating.

Procedures to Follow if You are a Victim of Dating Violence, Domestic Violence, Sexual Assault, or Stalking:

Nampa Campus: If you are a victim of dating violence, domestic violence, sexual assault, or stalking, go to a safe place and call 911 or call the Campus Safety Department at 208-467-8911.

Idaho Falls Campus: If you are a victim of dating violence, domestic violence, sexual assault, or stalking, go to a safe place and call 911 or Idaho Falls Police dispatch at 208-529-1200.

You may also report to the following:

Title IX Coordinator:

Sheila Bryant
Emerson Administration, Room 208
Phone: 208-467-8062
Email: sheilabryant@nnu.edu; TitleIX@nnu.edu

Deputy Title IX Coordinators:

Karen Pearson
Interim Vice President for Student Life
Conrad Student Commons, Room 133
Phone: 208-467-8663
Email: klpearson@nnu.edu

Alison Larson
Associate Athletic Director for Compliance and Student Affairs
Johnson Sports Center, Main Athletic Office
Phone: 208-467-8629
Email: alisonlarson@nnu

Heidi Powers
Director of Human Resources
Emerson Administration, Room 104
Phone: 208-467-8588
Email: heidipowers@nnu.edu

You can get additional assistance and support from:

On-Campus Resources:

NNU Wellness Center
518 E. Dewey Ave.
(Next to College Church)
Website: wellnesscenter.nnu.edu
Phone: 208-467-8466
Email: wellnesscenter@nnu.edu

University Chaplain
Grant Miller
Conrad Student Commons, Room 136
Phone: 208-467-8665
Email: gtmilller@nnu.edu

Off-Campus Resources:

Nampa Off-Campus Resources

Nampa Family Justice Center

1305 3rd Street South

Website: www.cityofnampa.us/190/Family-Justice-Center

Phone: 208-475-5700

WCA Rape Crisis Center

Website: www.wcaboise.org

Phone: 208-345-7273

Idaho Falls Off-Campus Resources

Domestic Violence and Sexual Assault Center

1050 Memorial Dr., Idaho Falls, ID 83402

Website: <https://www.dvsacac.org/>

24-Hour Crisis: 208-253-2414

To make an appointment: 208-529-4352

Victims will be notified in writing of the procedures to follow, including:

1. To whom and how the alleged offense should be reported (contact the Title IX Coordinator or refer to the other resources listed in this report).
2. The importance of preserving evidence that may be necessary to prove the offense in a criminal proceeding or disciplinary action or to obtain a protective order.
3. The victim's options regarding notification to law enforcement, which are: (a) the option to notify either on-campus or local police; (b) the option to be assisted by campus security authorities in notifying law enforcement if the victim so chooses (the institution is obligated to comply with such a request if it is made); and (c) the option to decline to notify such authorities.
4. Where applicable, the rights of victims and the institution's responsibilities regarding orders of protection, no-contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court.

Preservation of Evidence & Forensic Examinations

Victims of physical assault are advised to not remove clothing items worn during or following an assault, as they frequently contain valuable fiber, hair, and fluid evidence. Don't bathe or wash, or otherwise clean the environment in which the assault occurred. You can obtain a forensic examination at:

Nampa Main Campus

St. Alphonsus Medical Center

Garrity Location:

4402 E. Flamingo Ave.

Nampa, ID 83687

Phone: 208-463-5000

12th Avenue Location:
1512 12th Ave. Rd.
Nampa, ID 83686
Phone: 208-463-5000

St. Luke's Nampa Medical Plaza
9850 W. St. Luke's Dr.
Phone: 208-505-2000

Nampa Family Justice Center
1305 3rd Street South
Website: <https://www.cityofnampa.us/190/Family-Justice-Center>
Phone: 208-475-5700

WCA Rape Crisis Center
Website: www.wcaboise.org
Phone: 208-345-7273

Nampa Police Department
820 2nd Street South
Phone: 208-465-2257

Idaho Falls Campus

Eastern Idaho Regional Medical Center
3100 Charming Way
Idaho Falls, ID 83404
Website: eirmc.com
Phone: 208-529-7910

Domestic Violence and Sexual Assault Center
1050 Memorial Dr
Idaho Falls, ID 83402
Website: <https://www.dvsacac.org/>
24-Hour Crisis: 208-235-2412
To make an appointment: 208-529-4352.

Idaho Falls Police Department
605 N. Capital Ave.
Idaho Falls, ID Phone: 208-529-1200.

Completing a forensic examination does not require you to file a police report, but having a forensic examination will help preserve evidence in case you decide at a later date to file a police report.

Victims are also advised to retain evidence in electronic formats (e.g., text messages, emails, photos, social media posts, screenshots, etc.). Such evidence is valuable in all situations, and it may be the only type of evidence available in instances of stalking.

Security/Law Enforcement & How to Make a Police Report

- Nampa Main Campus: NNU Campus Safety Phone: 208-467-8911.
- Nampa Main Campus: Nampa Police Department, 820 2nd Street, South Nampa, ID; Phone: 208-465-2257.
 - To make a police report, contact Nampa Police Dispatch at 208-465-2257. Dispatch will take your information and a police officer will be assigned to contact you to complete the report.
- Idaho Falls Campus: Idaho Falls Police Department, 605 N. Capital Ave., Idaho Falls, ID; Phone: 208-529-1200.
 - To make a police report, call Idaho Falls Police Dispatch at 208-529-1200. Dispatch will take your information and an officer will be assigned to contact you to complete the report.

Information about Legal Protection Orders

Individuals who would like to avoid contact with another individual have several options available to them, including seeking a protective order from a civil court, a criminal no-contact order from a criminal court, or requesting a no-contact directive from the University.

Civil Protective Order:

Protective orders and criminal no-contact orders are legal orders issued by a state court which forbid someone from making contact with another. A protective order is issued by a state civil court. Any victim of domestic violence can obtain a civil protective order by going to the clerk of court and asking for the form for protective orders. It is not required that the person who committed the assault be arrested in order to obtain a civil protective order. The University does not issue protective orders, but one can be obtained through making an application to the Canyon County District Court.

Nampa Main Campus: Applications for a protective order can be obtained from the Canyon County Court Assistance Office or online:

Canyon County Court Assistance Office

Canyon County Courthouse

1115 Albany St., Room 334

Caldwell ID 83605

Website: www.canyonco.org

Email: cao@canyonco.org

Phone: 208-454-7455

Forms Available Online: courtsselfhelp.idaho.gov

Idaho Falls Campus: Applications for a protective order can be obtained from the Bonneville County Court House:

Bonneville County Court House

605 N. Capital Ave.

Idaho Falls, ID 83402

Phone: 208-529-1375

Forms Available Online: www.co.bonneville.id.us

Criminal No-Contact Order:

A criminal no-contact order is issued by a state criminal court as part of a criminal case, when a person has been arrested and charged with a crime. Criminal no-contact orders are generally issued in criminal cases of assault, aggravated assault, battery, aggravated battery, assault or battery with intent to commit a serious felony, domestic assault and battery (misdemeanor and felony), rape, sexual abuse of a minor, lewd conduct, and phone harassment. These criminal no-contact orders are requested by the county attorney at the time of the defendant's first appearance before a judge.

No-Contact Directive:

A no-contact directive is a University-issued directive that prohibits one or both parties from communication or contact with another. No-contact directives may be mutual or one-sided. Generally, no-contact directives issued prior to the conclusion of the complaint resolution process will be mutual and serve as notice to both parties that they must not have verbal, electronic, written, or third party communication with one another. To request a no-contact directive from the University, individuals should contact the Title IX Coordinator:

Sheila Bryant
Emerson Administration, Room 208
Phone: 208-467-8062
Email: sheilabryant@nnu.edu; TitleIX@nnu.edu

The University is responsible for honoring requests for information about available options for protective orders and no contact orders and has a responsibility to comply with and enforce such orders. To request additional information about available options for protective orders and no-contact orders, contact the Title IX Coordinator. A protective order or no-contact order can be enforced by contacting local law enforcement. A University no-contact directive may be enforced by contacting Campus Safety or the Title IX Coordinator. The University will fully cooperate with any protective order and/or no-contact order issued by a criminal, civil, or tribal court.

Available Victim Services:

Victims will be provided written notification about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available to them, both within the University and in the surrounding community. Those services include:

NNU Wellness Center
518 E. Dewey Ave.
(Next to College Church)
Website: wellnesscenter.nnu.edu
Phone: 208-467-8466
Email: wellnesscenter@nnu.edu

Student Financial Aid – Sometimes a victim of a crime may feel the need to take a leave of absence from school. If a student is considering a leave of absence based on the circumstances of a complaint, he/she should understand there may be financial aid implications in taking such leave. This should be discussed with financial aid personnel, and the Title IX Coordinator can assist in facilitating this conversation if desired.

Financial Aid Office
Emerson Room 1B
Phone: 208-467-8638

Website: <https://www.nnu.edu/students/student-resources/contact-info/financial-aid>

NNU International Student Programs Office:
Joe Willey, Principle Designated School Official/Responsible Officer
Leah Peterson Learning Commons, Room 113
Phone: 208-467-8768
Email: bwilley@nnu.edu

USCIS (US Citizenship and Immigration Services)
USCIS Application Support Center
1185 S. Vinnell Way
Boise, ID 83709

State/Local Resources

Health Care Options
Sexual Assault Forensic Examiners (SAFE Nurses) available at area hospitals:

Nampa:

St. Alphonsus Medical Center
Garrity Location:
4402 E. Flamingo Ave.
Nampa, ID 83687
Phone: 208-463-5000

12th Avenue Location:
1512 12th Ave. Rd.
Nampa, ID 83686
Phone: 208-463-5000

St. Luke's Nampa Medical Plaza
9850 W. St. Luke's Dr.
Phone: 208-505-2000

Idaho Falls:

Eastern Idaho Regional Medical Center
3100 Charming Way
Idaho Falls, ID 83404
Website: eirmc.com

Phone: 208-529-7910

Off-Campus Confidential Resources and Support

Nampa

Nampa Family Justice Center

1305 3rd Street South

Nampa, ID

Website: www.cityofnampa.us/190/Family-Justice-Center

Phone: 208-475-5700

WCA Rape Crisis Center

Website: www.wcaboise.org

Phone: 208-345-7273

Idaho Legal Aid Services

212 12th Ave Rd

Nampa, ID

Phone: 208-476-7541

Idaho Falls

Domestic Violence and Sexual Assault Center

1050 Memorial Drive

Idaho Falls, ID

24-Hour Crisis: 208-235-2412

To make an appointment: 208-529-4352

Website: www.dvsacac.org

Idaho Legal Aid Services

482 Constitution Way STE 101

Idaho Falls, ID

Phone: 208-524-3660

National Resources

- National Domestic Violence Hotline: [1-800-799-7233](tel:1-800-799-7233)
- National Sexual Assault Hotline: [1-800-656-4673](tel:1-800-656-4673)
- Rape, Abuse and Incest National Network (RAINN): <https://www.rainn.org/>
- US Dept. of Justice Office on Violence Against Women: <https://www.justice.gov/ovw>
- National Coalition Against Domestic Violence: <http://www.ncadv.org/>
- National Sexual Violence Resource Center: <http://www.nsvrc.org/>
- U.S. Citizenship and Immigration Services: <https://www.uscis.gov/>
- Immigration Advocates Network: <https://www.immigrationadvocates.org/>

Accommodations and Protective Measures:

The University will seek to support any person adversely impacted by Sexual Misconduct. Both the University and the community provide a variety of resources to assist and support individuals who have experienced Sexual Misconduct or are affected by allegations of Sexual Misconduct. These resources, both immediate and ongoing, are available to all persons irrespective of their decision to report to the University or to law enforcement.

Support services that may be available include, but are not limited to, connecting the individual with appropriate on-campus and off-campus counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and support services; making changes to academic, living, transportation, and/or working arrangements; assistance in filing a criminal complaint; and providing information about restraining orders and other available protections and services. Additional information about ongoing assistance is found in Supportive /Interim Measures below. To receive information about obtaining support services, individuals should contact the Title IX Coordinator or a confidential resource. The University will provide written notification to affected individuals about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the University and in the community. In addition, a complete description of and contact information for University and community resources, both confidential and non-confidential, and additional information regarding what individuals can do if they experience Sexual Misconduct is provided in the Support Resources section at the end of the University's Title IX Sexual Misconduct Policy and on the University's website. Individuals who believe they have been subjected to any form of sexual misconduct are encouraged to seek support from these resources.

Requests for Reasonable Accommodations

Individuals who need a reasonable accommodation should contact the Title IX Coordinator. The University will consider requests for reasonable accommodations submitted to the Title IX Coordinator on a case-by-case basis. Accommodations the University may provide include:

- Providing reasonable accommodations as required by law to an individual with a disability who requests an accommodation necessary to participate in the complaint resolution process.
- Providing an interpreter for individuals who are limited English-language proficient.

Supportive/Interim Measures

After receiving a report of alleged Sexual Misconduct, the Title IX Coordinator will consider whether supportive/ interim actions, accommodations, or protective measures are reasonably necessary or appropriate to protect the parties and the broader University community. Such supportive/interim measures will be available without fee or charge to the complainant, respondent, and others adversely impacted by the complaint resolution process, if requested and reasonably available. Such measures will be designed to restore or preserve equal access to the University's education program or activity without unreasonably burdening the other

party, including measures designed to protect the safety of all parties or the University's educational environment, or to deter sexual harassment.

The University will provide written notification to affected individuals about options for, available assistance in, and how to request changes to academic, living, transportation and working situations, or protective measures. The University will comply with a student's reasonable request for a living and/or academic situation change following an alleged incident of Sexual Misconduct. The University will make such accommodations and provide such protective measures, with or without a formal complaint, even when an individual asks to keep a reported violation of this Policy confidential or requests that the University not investigate the matter, and regardless of whether an individual chooses to report to law enforcement.

Examples of possible supportive/interim measures include, without limitation:

- Establishing a "no contact" directive prohibiting the parties involved from communicating with each other;
- Changing an individual's on-campus residency, dining, or transportation arrangements;
- Special parking arrangements;
- Assistance in finding alternative housing;
- Changing an individual's student or employee status or job responsibilities;
- Changing an individual's work or class schedule;
- Providing academic accommodations or providing assistance with academic issues;
- Providing security escorts;
- Providing a temporary cell phone;
- Access to counseling and medical services;
- Making information about protective orders and criminal no contact orders available and providing assistance with respect to obtaining and enforcing such orders;
- Assistance in identifying an advocate to help secure additional resources or assistance, including off-campus and community advocacy, support, and services, legal assistance, visa and immigration assistance, and student financial aid.

The University determines which measures are appropriate for a particular individual on a case-by-case basis. Such measures will vary based on the particular facts and circumstances, including, but not limited to, the specific need expressed by the individual, the age of the individuals involved, the severity or pervasiveness of the allegations, any continuing effects on the individual, whether the complainant and respondent share the same residence hall, dining hall, class, transportation, or job location, and whether other judicial measures have been taken to protect the complainant. The Title IX Coordinator will be responsible for determining what measures will be put in place.

Requests for accommodations or protective measures should be made to the Title IX Coordinator at 208-467-8062, and the Title IX Coordinator is responsible for deciding what, if any, accommodations or protective measures will be implemented.

The University will maintain as confidential any accommodations or protective measures provided a victim to the extent that maintaining confidentiality would not impair the University's ability to provide them. However, there may be times when certain information must be disclosed to a third party in order to implement the accommodation or protective measure. Such decisions will be made by the University in light of the surrounding circumstances, and disclosures of this nature will be limited so that only the information necessary to implement the accommodation or protective measure is provided. In the event it is necessary to disclose information about a victim in order to provide an accommodation or protective order, the University will inform the victim of that necessity prior to the disclosure, including which information will be shared, with whom it will be shared and why.

Any concern about a violation of a supportive interim measure should be reported to the Title IX Coordinator promptly.

Procedures for Disciplinary Action:

Allegations of domestic violence, dating violence, sexual assault, or stalking will be processed through the University's Title IX Sexual Misconduct Policy and the related complaint resolution procedures. The procedures are utilized whenever or wherever a complaint is made, regardless of the status of the complainant and the respondent.

A. Reporting to the University

The University urges anyone who experiences or becomes aware of an incident involving Sexual Misconduct to report the incident to the University by contacting any one of the following:

Title IX Coordinator

Sheila Bryant
Emerson Administration, Room 208
Phone: 208-467-8062
Email: sheilabryant@nnu.edu; TitleIX@nnu.edu

Deputy Title IX Coordinators

Karen Pearson
Interim Vice President for Student Life
Conrad Student Commons, Room 133
Phone: 208-467-8663
Email: klpearson@nnu.edu

Alison Larson
Associate Athletic Director for Compliance and Student Affairs
Johnson Sports Center, Main Athletic Office
Phone: 208-467-8629
Email: alisonlarson@nnu.edu

Heidi Powers
Director of Human Resources
Emerson Administration, Room 104

Phone: 208-467-8588

Email: heidipowers@nnu.edu

Reports can be made by telephone, mail, email, in-person, and online on the [NNU Title IX Website](#). Reports may be made at any time, including non-business hours by phone, email, mail, or the University's website. As discussed below, individuals also have the option to file an anonymous report using the University's online reporting form. Reports to the University should include as much information as possible, including the names of the complainant, respondent, and other involved individuals, and the date, time, place, and circumstances of the incidents, to enable the University to respond appropriately.

Upon receiving a report of Sexual Misconduct, the Title IX Coordinator will promptly contact the complainant to discuss the availability of supportive measures with or without the filing of a formal complaint and to explain the process of filing a formal complaint. In addition, when a student or employee reports to the University that they have been a victim of Sexual Assault, Dating Violence, Domestic Violence, or Stalking, whether the offense occurred on or off campus, the University will provide the student or employee with a written explanation of the student's or employee's rights and options, along with the procedures victims should follow.

Anonymous Reports

The University will accept anonymous reports of Sexual Misconduct. Reports may be filed anonymously using the University's online reporting form without requesting further action from the University: [Online Reporting Form](#). The individual making the report is encouraged to provide as much detailed information as possible to allow the University to investigate the report and respond as appropriate. The University will likely be limited in its ability to investigate an anonymous report unless sufficient information is furnished to enable the University to conduct a meaningful investigation.

When the University receives a formal complaint of a potential Sexual Misconduct Policy violation, the University will promptly and equitably respond, investigating and adjudicating the formal complaint pursuant to the guidelines and procedures set forth below.

As discussed above in section X. General Provisions for Complaint Resolution Process, different procedures apply to the complaint resolution process depending on the particular circumstances of a case, including the type of Sexual Misconduct that is alleged. Further information about the different procedures is provided below.

B. Initial Meeting Between Complainant and Title IX Coordinator

In most cases, the first step of the complaint resolution process is a preliminary meeting between the complainant and the Title IX Coordinator. The purpose of the preliminary meeting is to allow the Title IX Coordinator to gain a basic understanding of the nature and circumstances of the report or formal complaint; it is not intended to be an investigation interview.

As part of the initial meeting with the complainant, the Title IX Coordinator will:

- Assess the nature and circumstances of the allegation;
- Address immediate needs of the complainant and the campus;
- Notify the complainant of the right to contact law enforcement and seek medical treatment;
- Notify the complainant of the importance of preservation of evidence;
- Provide the complainant with information about on- and off-campus resources;
- Notify the complainant of available supportive/interim measures with or without filing a formal complaint;
- Provide the complainant with an explanation of the procedural options, including how to file a formal complaint (if the complainant has not already done so) and the complaint resolution process;
- Advise the complainant of the right to have an advisor of choice, as applicable under this Policy;
- Discuss the complainant's expressed preference for the manner of resolution and any barriers to proceeding; and
- Explain the University's policy prohibiting retaliation.

All reports and formal complaints of Sexual Misconduct will be reviewed by the Title IX Coordinator to determine the risk of harm to individuals or to the campus community. Steps will be taken to address these risks in consultation with certain members of Campus Safety and the Office of Academic Affairs.

If the Title IX Coordinator determines that the report or formal complaint, even if substantiated, would not be a violation of this Policy, they may dismiss the matter or refer it to another applicable disciplinary procedure. The parties will be notified of that determination and the complainant will be informed of other procedures for resolving the complaint and of other resources that may be available to the complainant.

C. Formal Complaint and Notice of the Allegations

The filing of a formal complaint typically begins the complaint resolution process under this Policy. Generally, the complainant files a formal complaint with the Title IX Coordinator. However, in some cases, the University may move forward with a complaint resolution process even if the complainant chooses not to make or move forward with a complaint. Generally, the Title IX Coordinator will make a determination of whether the University will move forward with a complaint resolution process even when the complainant has not filed a complaint. If the University decides that it has an obligation to move forward with a complaint resolution process, the Title IX Coordinator will sign the formal complaint and the University will notify the complainant before proceeding. See section VII(C) Requests for Confidentiality or Non-Action above for more information. The Title IX Coordinator signing the formal complaint does not make the Title IX Coordinator a party to the complaint resolution process or adverse to the respondent.

Formal complaints of Sexual Misconduct should be made through the Title IX Coordinator.

When the Title IX Coordinator has received a formal complaint, the Title IX Coordinator will assess the formal complaint to determine if it states any allegations of Sexual Misconduct. If the formal complaint alleges Sexual Misconduct, the Title IX Coordinator will provide a written notice of allegations to the parties who are known. The written notice will include:

- Notice of the University’s complaint resolution process, including the informal resolution process;
- Notice of the allegations, including the identities of the parties involved in the incident(s), if known, the conduct allegedly constituting Sexual Misconduct, and the date and location of the alleged incident, if known;
- A statement that the respondent is presumed not responsible for the alleged conduct and a determination regarding responsibility is made at the conclusion of the complaint resolution process;
- Notice that the parties have the right to an advisor of choice, as applicable under the University's Sexual Misconduct Policy, who may be, but is not required to be, an attorney;
- Notice that the parties have the right to inspect and review evidence, as applicable under the University's Sexual Misconduct Policy; and
- Notice of policy provisions that prohibit knowingly making false statements or knowingly submitting false information during the complaint resolution process.

If the University decides to investigate allegations about the complainant or respondent that are not included in the notice provided, the notice will be updated to provide notice of the additional allegations to the parties whose identities are known.

In addition, upon receiving a formal complaint, the Title IX Coordinator will make a preliminary determination of the procedures that will apply to the complaint resolution process.

When the Title IX Coordinator has received a formal complaint of Sexual Misconduct, the Title IX Coordinator will also meet with the respondent and will:

- Notify the respondent of the complaint and alleged policy violations;
- Provide the respondent an explanation of the complaint resolution process, including the informal resolution process;
- Notify the respondent of the importance of preservation of evidence;
- Notify the respondent of any supportive/interim measures that have been put in place that directly relate to the respondent (i.e., no-contact order);
- Notify the respondent of available supportive/interim measures;
- Provide the respondent with information about on- and off-campus resources;
- Advise the respondent of the right to have an advisor of choice, as applicable under this Policy; and
- Explain the University's policy prohibiting retaliation.

This stage of initial review of the formal complaint by the Title IX Coordinator and initial notice of the allegations to the parties generally will take no more than ten (10) calendar days. In some cases, more time may be required.

D. Investigation of Other University Policy Violations

If a formal complaint of Sexual Misconduct also implicates alleged violations of other University policies, the Title IX Coordinator, in coordination with other appropriate school officials, will evaluate the allegations to determine whether the investigation of the alleged

Sexual Misconduct and the other alleged policy violations may be appropriately investigated together without unduly delaying the resolution of the Sexual Misconduct formal complaint. Where the Title IX Coordinator, in coordination with other appropriate school officials, determines that a single investigation is appropriate, the determination of responsibility for each of the alleged policy violation will be evaluated under the applicable policy. The adjudication may be conducted in accordance with this Policy or the adjudication of the other policy violation may be conducted separately from the adjudication of the alleged Sexual Misconduct.

E. Consolidation of Formal Complaints

The University reserves the right to consolidate formal complaints into one complaint resolution process as to allegations of Sexual Misconduct against more than one respondent, by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of Sexual Misconduct arise out of the same facts or circumstances.

Informal Resolution Process

Following a formal complaint, at any time prior to reaching a determination regarding responsibility, the University may facilitate an informal resolution process. In cases involving allegations of Sexual Assault or more serious Sexual Misconduct, informal resolution may not be appropriate. In addition, in cases involving allegations that an employee engaged in Title IX Sexual Harassment against a student, informal resolution is not appropriate.

If the complainant, the respondent, and the University all agree to pursue an informal resolution, the Title IX Coordinator will attempt to facilitate a resolution that is agreeable to all parties. The Title IX Coordinator will not be an advocate for either the complainant or the respondent in the informal resolution process, but, rather, will aid in the resolution of the formal complaint in a non-adversarial manner. Under the informal process, the University will only conduct such fact-gathering as is useful to resolve the formal complaint and as is necessary to protect the interests of the parties, the University, and the University community.

The University will not compel a complainant or respondent to engage in mediation, to directly confront the other party, or to participate in any particular form of informal resolution. Participation in informal resolution is voluntary, and the complainant and respondent have the option to discontinue the informal process and request a formal complaint resolution process at any time prior to reaching an agreed upon resolution. In addition, the University also always has the discretion to discontinue the informal process and move forward with a formal complaint resolution process. If at any point during the informal resolution process prior to reaching an agreed upon resolution, the complainant or respondent or the University wishes to cease the informal resolution process and to proceed through the formal resolution process, the informal resolution process will stop and the formal resolution process outlined below will be invoked.

Prior to engaging in an informal resolution process, the University will provide the parties with a written notice disclosing: the allegations, the requirements of the informal resolution process, including the circumstances under which the informal resolution process precludes

the parties from resuming a formal complaint arising from the same allegations, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared. In addition, the University will obtain the parties' voluntary, written consent to the informal resolution process.

Any informal resolution must adequately address the concerns of the complainant, as well as the rights of the respondent and the overall intent of the University to stop, remedy, and prevent policy violations. Informal resolution may involve the imposition of individual and community remedies designed to maximize the complainant's access to the educational and extracurricular activities of the University. Examples of potential remedies are provided in the Supportive/Interim Measures section of the Policy. The proposed resolution may also include other institutional responses, requirements, or sanctions imposed on the respondent.

The informal resolution process ends when a resolution has been reached or when the complainant, the respondent, or the University terminates the process. A successful informal resolution results in a binding agreement between the parties. If the parties to the formal complaint and the University agree in writing to the terms and conditions of a proposed resolution within five (5) calendar days of the Title IX Coordinator presenting the proposed resolution to the parties, the case will be resolved without further process under this procedure. If all parties to the formal complaint and the University do not agree in writing to the terms and conditions of the proposed resolution within five (5) calendar days of the Title IX Coordinator presenting the proposed resolution to the parties, the formal complaint will be referred to the formal resolution process.

Appeals are not allowed in cases where the parties have agreed to a voluntary alternative resolution of the matter.

The informal resolution process generally will take no more than fifteen (15) calendar days. In some cases, more time may be required.

Formal Resolution Process

If the formal complaint is not processed or resolved through the informal resolution process discussed above, the formal complaint will be processed according to the formal resolution process outlined below.

A. Investigation

The Title IX Coordinator will designate one or more investigators to conduct a prompt and equitable investigation. The University will ensure that the investigator has received the appropriate training, is impartial, and is free of any conflict of interest or bias for or against complainants and respondents generally and for or against the complainant and respondent in the case. The parties will receive written notice of the investigator(s) appointed. If any party has a concern that the investigator(s) has a conflict of interest or bias, the party should report the concern in writing as indicated in section XI(J) Conflicts of Interest above.

The investigator(s) will conduct the investigation in a manner appropriate to the circumstances of the case, which will typically include audio-recorded interviews with the complainant, the respondent, and any witnesses. The complainant and respondent will have

the opportunity to advise the investigator(s) of any witnesses they believe should be interviewed, other evidence they believe should be reviewed by the investigator(s), and questions they believe the investigator(s) should ask the other party or witnesses, including questions challenging credibility. The investigator(s), in consultation with the Title IX Coordinator, has (have) discretion to assess the relevancy of any proposed witnesses, evidence, and questions, and to determine which interviews to conduct, including the discretion to conduct interviews of individuals not identified by the parties. The investigator(s) may also decline to ask a question or questions suggested by the parties. The interviews will be supplemented by the gathering of any physical, documentary, or other evidence, as appropriate and available. The complainant and respondent will be given equal opportunity to present witnesses they believe should be interviewed, and other inculpatory and exculpatory evidence, as part of the investigation. In cases involving allegations of Title IX Sexual Harassment, any witness that a party wishes to call at a hearing must be suggested as part of the investigation process, prior to the issuing of the investigation report, unless extraordinary circumstances exist as determined by the Title IX Hearing Panel, in consultation with the Title IX Coordinator.

The parties will be informed of a close of evidence date. The parties must submit any and all information and evidence they would like considered as part of the investigation by the close of evidence date. After the close of evidence date, the parties will not be permitted to submit new or additional evidence that existed prior to the close of evidence date, unless the investigator(s), in consultation with the Title IX Coordinator, determine(s) otherwise. In cases involving allegations of Title IX Sexual Harassment, all evidence a party wishes to offer or refer to at the hearing must have been provided as part of the investigation process, prior to the close of evidence, unless extraordinary circumstances exist as determined by the Title IX Hearing Panel, in consultation with the Title IX Coordinator.

At the conclusion of the investigation, the investigator(s) generally will compile an investigation report that fairly summarizes the relevant evidence. The investigation report may consist of any information, documents, data, or other evidence that will be provided to the Title IX Hearing Panel/adjudicators. At the investigator's discretion, such information may include, as applicable: the formal complaint; the notice of allegations; any other evidence obtained during the investigation; and the investigator's report of the investigation. The investigation report will be forwarded to the Title IX Coordinator. The Title IX Coordinator will review the investigation report and has the discretion to ask the investigator(s) for clarification, additional investigation, and/or to have information added, removed, or redacted from the investigation report.

The University will strive to complete the investigation within (i) fifty (50) calendar days from the date the investigator is appointed or (ii) if, after the date the investigator is appointed, the parties receive an amended notice of allegations that includes new allegations or new parties, fifty (50) calendar days from the date of the amended notice of allegations. This time frame may be extended depending on the circumstances of each case. In cases involving allegations of Title IX Sexual Harassment, the University will strive to complete the initial investigation in this 50-day time frame, but the final investigation report will not be completed until after the review of directly related evidence. See "Access to Information" below for more information.

B. Access to Information

The procedures in the formal process for all cases of Sexual Misconduct are the same through the investigation phase. Prior to providing access to information, the Title IX Coordinator will make a final determination as to the procedures that will apply to the access to information phase and the adjudication phase

1. Cases Involving Allegations of Title IX Sexual Harassment

Review of Directly Related Evidence

For formal complaints involving allegations of Title IX Sexual Harassment, the parties will have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including evidence upon which the University does not intend to rely in reaching a determination regarding responsibility and inculpatory and exculpatory evidence whether obtained from a party or other source. The Title IX Coordinator will send such evidence to each party and each party's advisor in electronic format or hard copy. The parties will have a ten (10) calendar day period to review the evidence and prepare a written response to the evidence (the "Evidence Response Statement"). Each party's Evidence Response Statement may not exceed 2,500 words in length. The Evidence Response Statement must be submitted to the Title IX Coordinator within the ten (10) calendar day period described above. The Evidence Response Statement may be used as an opportunity to clarify information contained in the directly related evidence, to present the party's viewpoint about whether the evidence directly related to the allegations is relevant and therefore whether it should be included in the investigation report, and to identify evidence previously provided to the investigator that was not included in the directly related evidence which the party believes is directly related and relevant. While the parties may be assisted by their advisors in preparation of the Evidence Response Statement, the Evidence Response Statement must be submitted by the party, must be the party's own statement, and may not be used to submit the statements of others on the party's behalf. The parties may not address each other in the Evidence Response Statement.

The parties and parties' advisors may use the evidence reviewed at this step only for purposes of participating in the complaint resolution process and are prohibited from disseminating or otherwise sharing the evidence with any other individual. Prior to being provided the evidence obtained as part of the investigation that is directly related to the allegations, the parties and parties' advisors will be required to sign a non-disclosure agreement agreeing to such terms.

The Title IX Coordinator will review the parties' Evidence Response Statements and may remove or redact any portions of the parties' Evidence Response Statements that exceed the word limit of the statements as set forth above or that otherwise exceed the permitted scope of information that may be considered in the complaint resolution process (such as treatment records without consent or information subject to a legal privilege without a waiver).

The investigator will consider the parties' Evidence Response Statements prior to completion of the investigation report.

All the evidence made available for the parties' review will be available during the hearing.

Review of Investigation Report

For complaints involving allegations of Title IX Sexual Harassment, the Title IX Coordinator will send the investigation report to each party and each party's advisor in electronic format or hard copy at least ten (10) days prior to the live hearing. The parties will have a five (5) calendar day period to review the investigation report and prepare a written response to the report (the "Written Response Statement"). Each party's Written Response Statement may not exceed 2,500 words in length. The Written Response Statement must be submitted to the Title IX Coordinator within the five (5) calendar day period described above. The Written Response Statement may be used as an opportunity to clarify points in the investigation report, identify information previously given to the investigator(s) that is not included in the investigation report which the party believes should have been included, or raise other concerns regarding the evidence. While the parties may be assisted by their advisors in preparation of the Written Response Statement, the Written Response Statement must be submitted by the party, must be the party's own statement, and may not be used to submit the statements of others on the party's behalf. The parties may not address each other in the Written Response Statement.

The parties and parties' advisors may use the investigation report only for purposes of participating in the complaint resolution process and are prohibited from disseminating or otherwise sharing the investigation report with any other individual. Prior to being provided the investigation report, the parties and parties' advisors will be required to sign a non-disclosure agreement agreeing to such terms.

The Title IX Coordinator will review the parties' Written Response Statements. Based on the statements, the Title IX Coordinator has the discretion to ask the investigator(s) for clarification, additional investigation, and/or to have information removed or redacted from the investigation report. In addition, the Title IX Coordinator may remove or redact any portions of the parties' Written Response Statements that exceed the word limits of the statements as set forth above or that otherwise exceed the permitted scope of information that may be considered in the complaint resolution process (such as treatment records without consent, information subject to a legal privilege without a waiver, or evidence relating to the complainant's prior sexual history if an exception does not apply).

2. Cases Involving Allegations of Sexual Assault, Domestic Violence, Dating Violence, and Stalking *Occurring Outside of the Education Program or Activity or Against a Person *Outside of the United States**

For formal complaints involving allegations of Sexual Assault, Dating Violence, Domestic Violence, or Stalking, *occurring outside* of the education program or activity or against a person *outside* of the United States, the investigation report will be made available for review by the complainant and respondent. The Title IX Coordinator will provide a five (5) calendar day period for the complainant and respondent to have access to review the investigation report and prepare a response to the investigation report, as discussed below. The parties' access to the investigation report generally will be provided during normal business hours in a designated on-campus location. The investigation report cannot be removed from that location, nor can duplications be made or pictures taken of the report.

Both parties will have the opportunity to provide a written response to the investigation report (the "Written Response Statement"). To do so, the party must submit a Written Response

Statement, which may not exceed 4,500 words in length, to the Title IX Coordinator. The Written Response Statement must be submitted by the conclusion of the 5-day period described above. The Written Response Statement may be used as an opportunity to clarify points in the investigation report, identify information previously given to the investigator(s) that is not included in the investigation report which the party believes should have been included, identify questions a party believes the other party has not yet answered or evidence the other party has not explained, raise other concerns regarding the evidence, and to challenge the credibility of the other party and witnesses. While the parties may be assisted by their advisors in preparation of the Written Response Statement, the Written Response Statement must be submitted by the party, must be the party's own statement, and may not be used to submit the statements of others on the party's behalf. The parties may not address each other in the Written Response Statement.

The parties will have an opportunity to review the Written Response Statement submitted by the other party and, if desired, may submit a rebuttal statement ("Written Rebuttal Statement") not to exceed 2,500 words. The Title IX Coordinator will provide a two (2) calendar day period for the complainant and respondent to have access to review the other party's Written Response Statement and submit a Written Rebuttal Statement. The parties' access to the Written Response Statement generally will be provided during normal business hours in a designated on-campus location. The Written Response Statement cannot be removed from that location, nor can duplications be made or pictures taken of the contents. The Written Rebuttal Statement may only be used to respond to arguments made in the other party's Written Response Statement and to challenge the credibility of the other party and any witnesses. While the parties may be assisted by their advisors in preparation of the Written Rebuttal Statement, the Written Rebuttal Statement must be submitted by the party, must be the party's own statement, and may not be used to submit the statements of others on the party's behalf. The parties may not address each other in the Written Rebuttal Statement.

The parties will have an opportunity to review the Written Rebuttal Statement submitted by the other party. The Title IX Coordinator will provide a two (2) calendar day period for the complainant and respondent to have access to review the other party's Written Rebuttal Statement. The parties' access to the Written Rebuttal Statement generally will be provided during normal business hours in a designated on-campus location. The Written Rebuttal Statement cannot be removed from that location, nor can duplications be made or pictures taken of the contents. While the parties have the opportunity to review the rebuttal statement of the other party, no further responses are permitted by either party.

The parties and parties' advisors may use the investigation report and written statements of the other party reviewed at this step only for purposes of participating in the complaint resolution process and are prohibited from disseminating or otherwise sharing the report and written statements with any other individual. Prior to being provided the report and written statements, the parties and parties' advisors will be required to sign a non-disclosure agreement agreeing to such terms.

The Title IX Coordinator will review the Written Response Statement and Written Rebuttal Statement. Based on the statements, the Title IX Coordinator has the discretion to ask the investigator(s) for clarification, additional investigation, and/or to have information added, removed, or redacted from the investigation report. In addition, the Title IX Coordinator may remove or redact any portions of the parties' written statements that exceed the word limits of the statements as set forth above or that otherwise exceed the permitted scope of

information that may be considered in the complaint resolution process (such as treatment records without consent, information subject to a legal privilege without a waiver, or evidence relating to the complainant's prior sexual history if an exception does not apply).

C. Adjudication

Upon completion of the investigation, the Title IX Coordinator will compile the adjudication file which will be shared with the Title IX Hearing Panel/adjudicators. In cases involving allegations of (1) Title IX Sexual Harassment or (2) Sexual Assault, Domestic Violence, Dating Violence, or Stalking *occurring outside* of the University's education program or activity or against a person *outside* of the United States, the parties will be given access to any information that is included in the adjudication file to the extent that it includes additional information that the parties did not review as part of the access to information step discussed above in "Access to Information".

1. Cases Involving Allegations of Title IX Sexual Harassment

Upon completion of the investigation in cases involving allegations of Title IX Sexual Harassment, the matter will be submitted to a Title IX Hearing Panel to hold a live hearing and to make a determination regarding responsibility and, if appropriate, sanctions.

The Title IX Hearing Panel will conduct a prompt and equitable live hearing and adjudication.

Appointment of the Title IX Hearing Panel

The Title IX Coordinator will designate a panel of three adjudicators to serve as the Title IX Hearing Panel. Generally, the Title IX Hearing Panel may include director or assistant director level staff members, faculty members, deans, department chairs, and University vice presidents. For cases involving allegations of Title IX Sexual Harassment in which the respondent is a faculty member, the Title IX Hearing Panel will generally include at least one faculty member and at least one dean or vice president. The University reserves the right to appoint any trained individuals who are without conflict or bias to the Title IX Hearing Panel. The Title IX Hearing Panel will not include the Title IX Coordinator or the investigator from the same matter. If any party has a concern that a member of the Title IX Hearing Panel has a conflict of interest or bias, the party should report the concern in writing to the Title IX Coordinator.

Live Hearing

At the live hearing, each party's advisor will be permitted to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such questions will be conducted directly, orally, and in real time by the party's advisor and will never be conducted by a party personally. Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a question at the hearing, the Title IX Hearing Panel must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant in the formal complaint, or if the questions and

evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

All evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint will be made available at the hearing.

The hearing will generally be held by video-conference with the parties, witnesses, and Title IX Hearing Panel located in separate locations and technology enabling the Title IX Hearing Panel and parties to simultaneously see and hear the party or the witness answering questions. The University reserves the right to determine that a hearing will instead be conducted with all participants, including the parties, witnesses, and the Title IX Hearing Panel physically present in the same location. In the event that the live hearing is held with the participants in the same location, at the request of either party, the University will provide for the parties to be located in separate rooms with technology enabling the Title IX Hearing Panel and parties to simultaneously see and hear the party or witness answering questions.

The University will create an audio or audiovisual recording, or transcript, of any live hearing and, upon request, will make it available to the parties for inspection and review.

University Appointed Advisors

If a party does not have an advisor present at the live hearing, the University will provide an advisor to the party, without fee or charge to that party, to conduct cross-examination on behalf of that party. If a party will not have an advisor present at the hearing, the party must inform the Title IX Coordinator at least three (3) calendar days prior to the live hearing so that the University may appoint an advisor for the hearing. The appointed advisor's role will be limited to relaying the party's questions to be asked of other parties and witnesses. The appointed advisor shall not perform any function beyond relaying the party's desired questions. The University reserves the right to appoint any individual as the University deems appropriate to act as an advisor at a live hearing. The University's appointment of an advisor is final and a party who refuses to work with an appointed advisor at the live hearing will forfeit his or her right to conduct cross-examination or other questioning at the hearing.

Live Hearing Procedures

Please contact the Title IX Coordinator for additional information about live hearings.

Decision-Making Process

The presumption is that the respondent is not responsible for a policy violation. The respondent will be deemed responsible for a policy violation only if the Title IX Hearing Panel concludes that there is sufficient evidence, by a "preponderance of evidence," to support a finding that the respondent engaged in Sexual Misconduct. If the Title IX Hearing Panel determines that the respondent is responsible for a policy violation, the Title IX Hearing Panel will then determine what sanctions and remedies are warranted.

The Title IX Hearing Panel will not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

Lie detector test results will not be considered credible by the Title IX Hearing Panel in the decision-making process. Character evidence and allegations of prior bad acts by a party without a finding of responsibility by the University or a court of law will generally be given little weight, if any, by the Title IX Hearing Panel in the decision-making process.

When a respondent is found not responsible for a Policy violation, but nevertheless is found to have engaged in inappropriate conduct—for example, inappropriate remarks that do not rise to the level of a violation of this Policy—the University may, in its discretion, require the respondent to receive appropriate education and/or training. The University may also recommend counseling or other support services for the respondent.

2. Cases Involving Allegations of Other Sexual Misconduct

Upon completion of the investigation in matters involving allegations of Sexual Misconduct that are not Title IX Sexual Harassment, the Title IX Coordinator will designate adjudicators to complete a prompt and equitable adjudication. Typically, a panel of three adjudicators will be appointed to each case involving allegations of Sexual Assault, Domestic Violence, Dating Violence, and Stalking *occurring outside* of the education program or activity or against a person *outside* of the United States, and a single adjudicator appointed for other forms of Sexual Misconduct. Adjudicators may include director or assistant director level staff members, faculty members, deans, department chairs, and University vice presidents, but the University reserves the right to appoint any trained adjudicators who are free from conflict of interest or bias. For investigations involving allegations of Sexual Assault, Domestic Violence, Dating Violence, and Stalking *occurring outside* of the education program or activity or against a person *outside* of the United States in which the respondent is a faculty member, the adjudicators will include at least one faculty member and at least one dean or vice president. If any party has a concern that the adjudicators have a conflict of interest or bias, the party should report the concern in writing to the Title IX Coordinator.

Adjudicators will review the adjudication file. The adjudicators may, in their discretion, request additional information from the investigator(s) or another appropriate individual, or request additional investigation by the investigator(s). In cases involving allegations of Sexual Assault, Domestic Violence, Dating Violence, and Stalking (that *occurred outside* of the education program or activity or against a person *outside* of the United States), if such information is shared with the adjudicators, the parties will be notified and provided access to that information.

The presumption is that the respondent is not responsible for a Policy violation. The respondent will be deemed responsible for a policy violation only if the adjudicators conclude that there is sufficient evidence, by a "preponderance of evidence," to support a finding that the respondent engaged in Sexual Misconduct. If the adjudicators determine that the respondent is responsible for a policy violation, they will then determine what sanctions and remedies are warranted.

As part of that determination of sanctions/remedies, the Title IX Coordinator may, in his or her discretion, provide the adjudicators with information regarding previous violations of this Policy or other University policies by the respondent, if any. In cases involving allegations of Sexual Assault, Domestic Violence, Dating Violence, and Stalking (that *occurred outside* of

the education program or activity or against a person *outside* of the United States), if such information is shared with the adjudicators, the parties will be notified and provided access to that information.

When a respondent is found not responsible for a Policy violation, but nevertheless is found to have engaged in inappropriate conduct — for example, inappropriate remarks that do not rise to the level of a violation of this Policy — the University may, in its discretion, require the respondent to receive appropriate education and/or training. The University may also recommend counseling or other support services for the respondent.

D. Notice of Determination

The complainant and respondent will simultaneously receive a written notice of the determination of the formal complaint.

Prior to being provided the notice of determination, the parties and parties' advisors will be required to sign a non-disclosure agreement. The parties and parties' advisors are prohibited from disseminating or otherwise sharing the notice of determination with any other individual, except as permitted in the non-disclosure agreement.

For complaints involving (1) Title IX Sexual Harassment or (2) Sexual Assault, Dating Violence, Domestic Violence, or Stalking occurring outside of an education program or activity or against a person outside of United States: The written notice will include the allegations potentially constituting Sexual Misconduct, a description of the procedural steps taken from the receipt of the formal complaint through the determination (including any notifications to the parties, interviews with the parties and witnesses, site visits, methods used to gather other evidence, and hearings held), findings of fact supporting the determination, conclusions regarding the application of the University's policy to the facts, the determination regarding responsibility as to each allegation, any imposition of sanctions, whether remedies designed to restore or preserve equal access to the education program or activity will be provided to the complainant, and the rationales for the determination and sanctions (including how the evidence was weighed, how the information supports the result, and the standard of evidence applied). The written notice will also include information about the procedures and permissible bases for appeal, as set forth below, and when the result becomes final. In addition, the written notice will include any other steps the University has taken to eliminate the conduct and prevent its recurrence.

For all other complaints of Sexual Misconduct: The written notice will include the determination of the adjudicator(s).

In cases involving allegations of Title IX Sexual Harassment, the written notice of determination will generally be received within twenty-five (25) calendar days from the date the live hearing concluded. In cases involving allegations of other forms of Sexual Misconduct, the written notice of determination will generally be received within twenty-five (25) calendar days from the date the adjudicators receive the adjudication file. In some cases, more time may be required.

The determination of the Title IX Hearing Panel/adjudicators may be appealed as provided below. In the event that no appeal is filed within the time periods prescribed below, the decision will be final and the sanctions, if any, will be effective.

E. Dismissal of Formal Complaint Prior to Adjudication

If the allegations in a formal complaint are initially included in the notice of allegations as allegations of Title IX Sexual Harassment, but facts are gathered during the course of the complaint resolution process that indicate that the alleged conduct does not meet the definition of Title IX Sexual Harassment under this policy, the University will dismiss the formal complaint as to those allegations. Even if a formal complaint or any allegations of Title IX Sexual Harassment are dismissed, the University reserves the right to move forward with a complaint resolution process using the other Sexual Misconduct definitions and the other procedures in this Policy, as applicable.

In cases involving allegations of any Sexual Misconduct, the University may, at its discretion, dismiss the case prior to adjudication in certain circumstances. Circumstances that may lead to dismissal prior to adjudication include, but are not limited to: the complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein, the respondent is no longer enrolled or employed by the University, or specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

If the University dismisses a formal complaint, the University will promptly send written notice of the dismissal and the reasons for the dismissal simultaneously to the parties. A dismissal of a formal complaint may be appealed as provided below.

Appeals

The right to an appeal is limited to:

- Cases involving allegations of Title IX Sexual Harassment;
- Cases involving allegations of Sexual Assault, Domestic Violence, Dating Violence, or Stalking, *occurring outside* of the education program or activity or against a person *outside* of the United States;
- Cases involving allegations of other forms of Sexual Misconduct where the decision regarding responsibility and sanctions included sanctions against a student respondent resulting in expulsion or a suspension of more than one semester;
- Cases involving allegations of other forms of Sexual Misconduct where the decision regarding responsibility and sanctions included sanctions against an employee respondent resulting in loss of salary, suspension of promotion and salary increases, reassignment or removal from an elected or appointed position, formal censure, revocation of tenure, demotion, or termination of employment.

In such cases, the parties may appeal a decision to dismiss a formal complaint or any allegations therein, as discussed above in “Dismissal of Formal Complaint Prior to Adjudication.” The parties may also appeal the Title IX Hearing Panel’s/adjudicators’ decision regarding responsibility.

Grounds for appeals are as follows:

- Procedural irregularity that affected the outcome of the matter;

- New evidence that was not reasonably available at the time of the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- The Title IX Coordinator, investigator(s), or Title IX Hearing Panel/adjudicator(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 sanction or other response by the University is substantially disproportionate to the findings;
- The determination violated academic freedom.

A. Submitting an Appeal

A party may request an appeal by submitting a written appeal statement, not to exceed 2,000 words, challenging the outcome of the complaint resolution process. The written appeal statement must explain which of the grounds above the party is invoking for the appeal and must be received by the Title IX Coordinator within two (2) calendar days following the date that the notice of determination was sent to the complainant and respondent. While the parties may be assisted by their advisors in preparation of the appeal, the appeal statement must be submitted by the party, must be the party's own statement, and may not be used to submit the statements of others on the party's behalf. Failure to file a timely appeal constitutes a waiver of any right to an appeal.

The Title IX Coordinator will review the appeal statement to determine whether the appeal states a permissible ground for appeal (as set forth above), such that the appeal will be considered. The Title IX Coordinator may remove or redact any portions of the appeal statement that exceed the word limit or that otherwise exceed the scope of information that may be considered in the complaint resolution process (such as treatment records without consent, information subject to a legal privilege without a waiver, or evidence relating to the complainant's prior sexual history if an exception does not apply).

If the Title IX Coordinator determines that the appeal states a permissible ground for appeal, the non-appealing party will be notified of the appeal and provided an opportunity to review the appeal statement and submit a written response in support of the outcome. Any written response from the non-appealing party in support of the outcome must not to exceed 2,000 words and must be submitted to the Title IX Coordinator within two (2) calendar days of receiving notice of the appeal. While the party may be assisted by their advisors in preparation of the responsive appeal statement, the responsive appeal statement must be submitted by the party, must be the party's own statement, and may not be used to submit the statements of others on the party's behalf.

The Title IX Coordinator will review any responsive appeal statement and may remove or redact any portions of the statement that exceed the word limit or that otherwise exceed the scope of information that may be considered in the complaint resolution process (such as treatment records without consent, information subject to a legal privilege without a waiver, or evidence relating to the complainant's prior sexual history if an exception does not apply).

The Title IX Coordinator generally will compile an appeal file, which may consist of any information, documents, or other evidence that is provided to the appeal officers. Such

information may include, the written appeal statement, the responsive appeal statement, the notice of determination, the adjudication file in its entirety or in part, any previously undiscovered evidence (if discovery of new evidence is a ground for the appeal), and any other information determined to be necessary for the appeal officer's decision, at the Title IX Coordinator's discretion.

For complaints involving allegations of (1) Title IX Sexual Harassment or (2) Sexual Assault, Dating Violence, Domestic Violence, or Stalking *occurring outside* of the education program or activity or against a person *outside* of the United States the appeal file will be made available for review by the complainant and respondent. The Title IX Coordinator will provide a two (2) calendar day period for the complainant and respondent to have access to review the appeal file and such access generally will be provided during normal business hours in a designated on-campus location. The appeal file cannot be removed from that location, nor can copies be made or pictures taken of the contents.

In cases where the appeal file is made available for review as discussed above, the parties and parties' advisors may use the appeal file reviewed at this step and any additional information reviewed during the consideration of the appeal (see below), only for purposes of participating in the complaint resolution process and are prohibited from disseminating or otherwise sharing the appeal file or additional information with any other individual. Prior to being provided access to the appeal file or any additional information, the parties and parties' advisors will be required to sign a non-disclosure agreement agreeing to such terms.

Appeals will be considered by a panel of three appeal officers designated by the Title IX Coordinator. Generally, each appeal officer will be a member of the Title IX Team, anyone who could serve as an adjudicator, or a vice president who (1) has not been previously involved in the complaint resolution process, and (2) does not have a conflict of interest or bias in the case. However, the University reserves the right to appoint any trained appeal officer who is free of conflict of interest or bias. The parties will receive written notice of the appeal officers appointed. If any party has a concern that an appeal officer has a conflict of interest, the party should report the concern in writing to the Title IX Coordinator.

B. Consideration of Appeal

The appeal officers will not rehear the case, but will review the appeal file and consider whether it is more likely than not that the above-listed grounds for appeal have been satisfied. The appeal officers may, in their discretion, seek additional information from the Title IX Coordinator, investigator, or another appropriate individual. For cases of (1) Title IX Sexual Harassment or (2) Sexual Assault, Dating Violence, Domestic Violence, or Stalking *occurring outside* of the education program or activity or against a person *outside* of the United States, if the appeal officers receive any additional information, the parties shall have an opportunity to review the additional information.

The appeal officers have the authority to affirm the findings or remand the findings for reconsideration. If the appeal officers determine there is sufficient evidence to conclude that it is more likely than not that one of the above grounds for appeal is satisfied, the matter will generally be remanded for further investigation and/or deliberations by the Title IX Hearing Panel/adjudicators, and/or an additional live hearing, as determined by the appeal officers. If the appeal officers grant an appeal finding the imposed sanction substantially disproportionate to the findings, the appeal officers have the discretion to modify the sanctions determination

or to remand the matter to the Title IX Hearing Panel/adjudicators for a new sanctions determination. If the appeal officers modify the sanctions determination, the appeal officers' sanction decision will be subject to an appeal pursuant to this section.

If remanded, the appeal officers, in consultation with the Title IX Coordinator, will determine whether the matter should be remanded to the original Title IX Hearing Panel/adjudicators or whether new Title IX Hearing Panel/adjudicators should review the matter. The appeal officers may not change the Title IX Hearing Panel's/adjudicators' determination of whether the respondent was responsible or not responsible for a Policy violation. Only the Title IX Hearing Panel/adjudicators reviewing the matter on remand from an appeal may change the determination of the original Title IX Hearing Panel/adjudicators of whether the respondent was responsible or not responsible for a Policy violation. If the reasons for remand relate to the investigation or warrant additional investigation, the appeal officers in consultation with the Title IX Coordinator, will determine whether the matter should be remanded to the previous investigator(s) or whether a new investigator(s) should be appointed.

Upon remand, the investigator(s) and Title IX Hearing Panel/adjudicators shall utilize the same process as required for all complaint processes under this Policy. If the matter is remanded, the determination made on remand will be appealable under the procedures discussed in this Section.

If the appeal officers determine there is insufficient evidence to conclude that it is more likely than not that one or more grounds for appeal have been satisfied, the appeal officers will dismiss the appeal. This dismissal decision is final and is not appealable. If the appeal officer dismisses the appeal, the sanctions will be effective on the date the appeal officer's decision is provided to the parties.

The appeal officers will simultaneously issue a written decision to the parties describing the result of the appeal and the appeal officers' rationale for the result. The University will strive to complete the appeal within twenty (20) calendar days following the appeal officers' receipt of the appeal file from the Title IX Coordinator; however, in some cases, more time may be required.

Rights of the Parties in an Institutional Proceeding:

During the course of the process described in the previous section, both the accuser and the individual accused of the offense are entitled to:

1. A prompt, fair and impartial process from the initial investigation to the final result.
 - o A prompt, fair and impartial process is one that is:
 - Completed within reasonably prompt timeframes designated by the institution's policy, including a process that allows for the extension of timeframes for good cause, with written notice to the accuser and the accused of the delay and the reason for the delay.
 - Conducted in a manner that:
 - Is consistent with the institution's policies and transparent to the accuser and the accused.
 - Includes timely notice of meetings at which the accuser or accused, or both, may be present; and

- Provides timely access to the accuser, the accused and appropriate officials to any information that will be used during the informal and formal disciplinary meetings and hearings.
 - Conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused.
2. Proceedings conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.
- Officials will receive annual training on the definition of Title IX Sexual Harassment; the scope of the University’s education program or activity; how to conduct an investigation and complaint resolution process, including hearings, appeals, and informal resolution processes, as applicable; how to serve impartially, including by avoiding prejudgment of the facts at interest, conflicts of interest, and bias; issues related to sexual harassment, Sexual Assault, Domestic Violence, Dating Violence, Stalking; and how to conduct an investigation and decision-making process that protects the safety of all and promotes accountability. Investigators will receive training on issues of relevance to create an investigation report that fairly summarizes relevant evidence. Title IX Hearing Panel members will receive training on any technology to be used at a live hearing and issues of relevance of questions and evidence, including when questions and evidence about the complainant’s sexual predisposition or prior sexual behavior are not relevant. The training is free of bias such as sex stereotypes or generalizations, promotes impartial investigations and adjudications, and includes the following topics, as applicable: relevant evidence and how it should be used, proper techniques for questioning witnesses, basic rules for conducting proceedings, avoiding actual or perceived conflicts of interest, and the University’s policies and procedures.

The following annual training programs have been, or will soon be, completed by University officials:

Title IX Coordinator

[Title IX/VAWA Annual Training for Advanced Title IX Coordinators and Deputy Coordinators](#) (trainEd Solutions)

[Title IX/VAWA Investigator Training](#) (trainEd Solutions)

[Title IX/VAWA Hearing Panel Training](#) (trainEd Solutions)

[Title IX/VAWA Adjudicator Training](#) (trainEd Solutions)

Title IX Deputy Coordinators

[Title IX/VAWA Annual Training for Advanced Title IX Coordinators and Deputy Coordinators](#) (trainEd Solutions)

[Annual Title IX/VAWA Training for New Deputy Coordinators](#) (trainEd Solutions)

Investigators

[Title IX/VAWA Investigator Training](#) (trainEd Solutions)

Hearing Panel

[Title IX/VAWA Hearing Panel Training](#) (trainEd Solutions)

[Title IX/VAWA Adjudicator Training](#) (trainEd Solutions)

Adjudicators

[Title IX/VAWA Adjudicator Training](#)

3. The same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice. The institution may not limit the choice of advisor, but may establish limits regarding the extent to which that advisor may participate in the proceeding, as long as those limits apply equally to both parties.
4. Have the outcome determined using the preponderance of the evidence standard.
5. Simultaneous, written notification of the results of the proceeding, any procedures for either party to appeal the result, any change to the result, and when the result becomes final. For this purpose, “result” means “any initial, interim and final decision by an official or entity authorized to resolve disciplinary matters” and must include the rationale for reaching the result and any sanctions imposed.

Possible Sanctions or Protective Measures that the University May Impose for Dating Violence, Domestic Violence, Sexual Assault or Stalking Offenses:

Following a final determination in the University’s disciplinary proceeding that dating violence, domestic violence, sexual assault, or stalking has been committed, the University may impose a sanction depending on the mitigating and aggravating circumstances involved. Individuals who are found responsible may face sanctions as appropriate for students, employees, visitors, or others, including the following sanctions. Each of these sanctions and other sanctions may be imposed alone or in combination:

- Required assessment, education, or training;
- Probation;
- Warnings;
- Loss of privileges;
- Fines;
- Restitution;
- Behavioral contracts;
- Community service hours;

- Campus housing suspension, ranging from 2 weeks to 5 years, with reinstatement requirements that could include behavioral contracts, required assessment or education, demonstrated rehabilitation, and conditions upon the individual's presence on campus or at University events;
- Temporary or permanent restricted access to areas of campus, and campus events, activities, organizations, or courses;
- Conditions upon presence on campus or at University events;
- No trespass or no-contact orders;
- Removal or non-renewal of scholarships or honors;
- Suspension from the University, ranging from 2 weeks to 5 years, with reinstatement requirements that could include behavioral contracts, required assessment or education, demonstrated rehabilitation, and conditions upon the individual's presence on campus or at University events;
- Expulsion from the University;
- Withholding of diploma or degree for a defined period of time or until the completion of assigned sanctions;
- Temporary or permanent revocation of degree;
- Revocation of admission to the University;
- Loss of salary or benefit such as sabbatical or research or travel funding;
- Suspension of promotion and salary increases, ranging from 2 weeks to 5 years, with reinstatement requirements that could include behavioral contracts, required assessment or education, demonstrated rehabilitation, and conditions upon the individual's presence on campus or at University events;
- Suspension or withdrawal of faculty privileges, ranging from 2 weeks to 5 years, with reinstatement requirements that could include behavioral contracts, required assessment or education, demonstrated rehabilitation, and conditions upon the individual's presence on campus or at University events;
- Transfer or change of job or responsibilities;
- Reassignment or removal from an elected or appointed position;
- Formal censure;
- Revocation of tenure;
- Demotion; and/or
- Termination of employment.

When an investigation reveals that a campus organization (such as a student club, athletic team, campus academic department, or staff/faculty committee) has committed or promoted behavior involving Sexual Misconduct, the organization may be sanctioned. Sanctions to the organization may include loss of University privileges (including, but not limited to, prohibition on the organization's participation in certain activities and the use of University facilities), educational requirements for organization members, required additional oversight of organization activities, temporary loss of funding and/or loss of recognition by the University, and permanent loss of organization recognition, in addition to individual members of the organization who are determined responsible for a Policy violation being subject to the sanctions listed above. All campus organizations/departments are responsible for the actions of its members when they are operating on behalf of the organization/department.

In addition, the University can make available to the victim a range of protective measures. They include, without limitation:

- A mutual or one-sided no-contact order;
- Prohibiting an individual involved from being on University property;
- Prohibiting an individual involved from participating in University-sponsored events;
- Changing an individual's on-campus residency, dining, or transportation arrangements, or prohibiting an individual from residing in a University residence;
- Special parking arrangements;
- Assistance in finding alternative housing;
- Changing an individual's student or employee status or job responsibilities;
- Changing an individual's work or class schedule;
- Providing academic accommodations or providing assistance with academic issues;
- Providing security escorts;
- Providing a temporary cell phone;
- Access to counseling and medical services;
- Making information about protective orders and criminal no-contact orders available to a complainant; and/or
- Assistance identifying an advocate to help secure additional resources or assistance, including off-campus and community advocacy, support, and services.

Publicly Available Recordkeeping:

The University will complete any publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifiable information about victims of dating violence, domestic violence, sexual assault, and stalking who make reports of such to the University to the extent permitted by law.

Victims to Receive Written Notification of Rights:

When a student or employee reports to the University that he or she has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the University will provide the student or employee a written explanation of his or her rights and options as described in the paragraphs above.

Sex Offender Registration Program:

The Campus Sex Crimes Prevention Act of 2000 requires institutions of higher education to advise members of the campus community where they can obtain information provided by the state concerning registered sex offenders. It also requires sex offenders to notify the state of each institution of higher education in the state at which they are employed or enrolled or carrying on a vocation. The state is then required to notify the University of any such information it receives. Anyone interested in determining whether such persons are on this campus may do so by contacting the Campus Safety Director, Scott Chandler at Phone: 208-467-8911. State registry of sex offender information may be accessed at the following link: http://www.isp.idaho.gov/sor_id/

Timely Warnings and Emergency Response

Timely Warnings

In the event of criminal activity occurring either on campus or off campus that in the judgment of the NNU Executive Administration constitutes a serious or continuing threat to

members of the campus community, a campus-wide “timely warning” will be issued. Examples of such situations may include a sexual assault or a series of motor vehicle thefts in the area that merit a warning because they present a continuing threat to the campus community. Warnings will be communicated to students and employees via one or more of the methods discussed later in this section. Updates to the warnings will be provided as appropriate.

Anyone with information warranting a timely warning should immediately report the circumstances to:

- Campus Safety Department, 208-467-8911
- Director of Human Resources, 208-467-8036
- Interim Vice President for Student Life, 208-467-8663

The University has communicated with local law enforcement asking them to notify the University if it receives reports or information warranting a timely warning.

Emergency Response

The University has an emergency management plan designed to ensure there is a timely and effective response in the event of a significant emergency or dangerous situation occurring on campus involving an immediate threat to the health or safety of members of the campus community. Such situations include, but are not limited to: tornadoes, bomb threats, chemical spills, disease outbreaks, fires, active shooters, etc. The University has communicated with local police requesting their cooperation in informing the University about situations reported to them that may warrant an emergency response.

Students, staff and visitors are encouraged to notify the Campus Safety Department at Campus Safety Department of any emergency or potentially dangerous situation. Once the emergency is confirmed and based on its nature, the NNU Executive Administration will consult with other appropriate University officials to determine the appropriate segment or segments of the University community to be notified.

The Campus Safety Director in collaboration with the Interim Vice President for Student Life and other appropriate personnel, will determine who should be notified, the Office of Marketing and Communications will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.

Depending on the segments of the campus the notification will target, the content of the notification may differ. When appropriate, the content of the notification will be determined in consultation with local authorities. Also, as appropriate, the notification will give guidance as to whether its recipients should shelter in place or evacuate their location.

The Campus Safety Director will direct the issuance of emergency notifications, which will be accomplished using one or more of methods discussed later in this section, depending on the nature of the threat and the segment of the campus community being threatened.

Methods for Issuing Timely Warnings and Emergency Notifications

The method(s) listed below may be utilized when the University issues a timely warning or emergency notification to the campus community.

Method	Sign Up Instructions
Blackboard Connect (Text, Email, a voice messages).	Students: From the NNU Portal (my.nnu.edu) under the Student Tab, go to the menu on the left side of the page, under STUDENT, select “Emergency Contact Update” and provide your contact information. Employees: From the NNU Portal (my.nnu.edu) under the Employee Tab, go to the menu on the right side of the page, under the Communication section, select “Emergency Notification Preferences” and provide your contact information.
University Email	Employees and students are automatically assigned a University email upon employment or enrollment.
Posts on on-campus bullet boards	n/a
Local media resources, including student newspaper/social media news resources	n/a
Banner on University webpage (www.nnu.edu)	n/a

Testing & Documentation

The University tests its emergency response and evacuation procedures at least once a year. The tests may be announced or unannounced. Also, at various times the Emergency Management Team will meet to train and test and evaluate the University’s emergency response plan.

The Campus Safety Director maintains a record of these tests and training exercises, including a description of them, the dates and times they were held and an indication of whether they were announced or unannounced. In connection with at least one such test, the University will distribute to its students and employees information to remind them of the University’s emergency response and evacuation procedures.

Missing Student Policy

If a member of the University community has reason to believe that a student who resides in on-campus housing is missing, that information should be reported immediately to Associate Vice-President of Student Engagement at 208-467-8663 or Campus Safety at 208-467-8911. Any University employee receiving a missing student report should immediately notify Campus Safety so that an investigation can be initiated.

Students residing in on-campus housing have the option to identify confidentially an individual to be contacted by the University only in the event the student is determined to be missing for more than 24 hours. If a student has identified such an individual, the University will notify that individual no later than 24 hours after the student is determined to be missing. The option to identify a contact person in the event the student is determined missing is in addition to identifying a general emergency contact person, but they can be the same individual for both purposes. A student’s confidential contact information will be accessible only by authorized campus officials, and it will only be disclosed to law enforcement personnel in furtherance of a missing student investigation.

A student who wishes to designate a confidential contact may do so through the Student Life Office.

After investigating a missing person report, if it is determined that the student has been missing for 24 hours, the University will notify local police authorities unless it was local law enforcement that made the determination that the student is missing. If the missing student is under the age of 18 and is not emancipated, the University will also notify that student’s custodial parent or legal guardian within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person designated by the student.

Crime Statistics

The statistical summary of crimes for the Nampa campus at 623 S. University Blvd, Nampa, ID, over the past three calendar years follows:

Crime	On Campus			On Campus Housing			Non Campus			Public Property		
	2020	2019	2018	2020	2019	2018	2020	2019	2018	2020	2019	2018
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	4	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Arrest - Liquor Law Violation	0	0	0	0	0	0	0	0	0	0	0	0
Arrest - Drug Abuse Violation	0	1	0	0	0	0	0	0	0	0	0	0
Arrest - Weapon Violation	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Referral - Liquor Law Violation	0	0	0	0	0	0	0	0	0	0	0	0

Crime	On Campus			On Campus Housing			Non Campus			Public Property		
	2020	2019	2018	2020	2019	2018	2020	2019	2018	2020	2019	2018
Disciplinary Referral - Drug Abuse Violation	1	0	0	1	0	0	0	0	0	0	0	0
Disciplinary Referral - Weapon Violation	0	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0

Hate crimes:

2020: No hate crimes reported.

2019: No hate crimes reported.

2018: No hate crimes reported.

Crimes unfounded by the University:

2020: 0 unfounded crimes.

2019: 0 unfounded crimes.

2018: 0 unfounded crimes.

Statistics for unfounded crimes provided by law enforcement agencies:

2020: 0 unfounded crimes.

2019: 0 unfounded crimes.

2018: 0 unfounded crimes.

The statistical summary of crimes for the second campus location, Snake River Landing, 901 Pier View Dr. #105D, Idaho Falls, ID, for the calendar year 2020, is below. The site first met the criteria as a second campus in October of 2020. The site does not have on-campus housing.

Crime	On Campus			On Campus Housing (N/A)			Non Campus			Public Property		
	2020						2020			2020		
Murder/Non-Negligent Manslaughter	0						0			0		
Manslaughter by Negligence	0						0			0		
Rape	0						0			0		
Fondling	0						0			0		
Statutory Rape	0						0			0		
Incest	0						0			0		
Aggravated Assault	0						0			0		
Burglary	0						0			0		
Robbery	0						0			0		

Crime	On Campus			On Campus Housing (N/A)			Non Campus			Public Property		
	2020						2020			2020		
Motor Vehicle Theft	0						0			0		
Arson	0						0			0		
Arrest - Liquor Law Violation	0						0			0		
Arrest - Drug Abuse Violation	0						0			0		
Arrest - Weapon Violation	0						0			0		
Disciplinary Referral - Liquor Law Violation	0						0			0		
Disciplinary Referral - Drug Abuse Violation	0						0			0		
Disciplinary Referral - Weapon Violation	0						0			0		
Domestic Violence	0						0			0		
Dating Violence	0						0			0		
Stalking	0						0			0		

Hate crimes:

2020: No hate crimes reported.

Crimes unfounded by the University:

2020: 0 unfounded crimes.

Statistics for unfounded crimes provided by law enforcement agencies:

2020: 0 unfounded crimes.

Data from law enforcement agencies:

- The data above reflects statistics provided from law enforcement agencies related to crimes that occurred on the University’s Clery Geography.
- The University was provided with some crime data from law enforcement agencies for which it cannot be determined whether any of the statistics apply to or include the University’s Clery Geography.
- Certain law enforcement agencies did not comply with the University’s request for crime statistics.

ANNUAL FIRE SAFETY REPORT

Housing Facilities and Fire Safety Systems

The University maintains on-campus housing for its students. Below is a description of fire safety systems and the number of fire drills conducted during the previous calendar year.

Campus: Northwest Nazarene University, 623 S. University Blvd., Nampa, ID 83686-5897

Facility	Fire Alarm Monitoring Done on Site	Partial Sprinkler System	Full Sprinkler System	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans & Placards	Number of evacuation (fire) drills in previous calendar year
Brick House (SP20), 823 E Amity Ave							0
Corlett Hall, 500 E Colorado Ave	X		X	X	X	X	2
Culver Hall/Dorm, 714 E Bird Ave	X		X	X	X	X	2
Dooley Hall/Dorm, 801 E Amity Ave	X		X	X	X	X	2
Ford Residence Hall, 811 S Holly St	X		X	X	X	X	2
Kirkiede Apartments, 501-509 E Colorado Ave						X	2
Maple 5-plex , 520-526 S Maple & 306 E Dewey Ave							0
Olsen Apartments (A-F), 908 S Locust St						X	2
Student Housing - Sheridan House (FA20 Only), 604 E Sheridan Ave							0
Student Housing- Holly, 511 S Holly St							0
Sutherland Hall/Dorm, 820 E Dewey St	X		X	X	X	X	2

Policies on Portable Appliances, Smoking and Open Flames

The use of open flames, such as candles, and the burning of such things as incense, and smoking are prohibited in campus housing. Only surge-protected extension cords are

permitted. Only the following portable cooking appliances are permitted to be used in campus housing: Small appliances (i.e., coffee pots, popcorn poppers) are allowed when used with extreme caution. Microwave ovens, small refrigerators, and micro-fridge combinations are allowed. However, please keep in mind the residential hall wiring systems are not intended for items that place a heavy load on the electrical system. Also, tampering with fire safety systems is prohibited and any such tampering may lead to appropriate disciplinary action.

The University reserves the right to make periodic inspections of campus housing to ensure fire safety systems are operational and that the policy on prohibited items is being complied with. Prohibited items, if found, will be confiscated and donated or discarded without reimbursement.

Fire Evacuation Procedures

In the event of a fire, the University expects that all campus community members will evacuate by the nearest exit, closing doors and activating the fire alarm system (if one is nearby) as they leave. If circumstances permit at the time of the alarm, additional instructions will be given regarding where students and/or staff are to relocate.

Fire Education and Training Programs

Fire safety education programs for all residents of on-campus student housing and all employees with responsibilities related to that housing are held at the beginning of each semester. Their purpose is to: familiarize everyone with the fire safety system in each facility, train them on procedures to follow if there is a fire and inform them of the University's fire safety policies. Information distributed includes maps of each facility's evacuation route and any fire alarms and fire suppression equipment available in the facility. Attendees are advised that participation in fire drills is mandatory and any student with a disability is given the option of having a "buddy" assigned to assist him or her.

Reporting Fires

The University is required to disclose each year statistical data on all fires that occurred in on-campus student housing. When a fire alarm is pulled and/or the fire department responds to a fire, these incidents are captured. If you encounter a fire that presents an emergency situation, ensure your own safety and then please call 911.

There may also be instances when a fire is extinguished quickly and an alarm is not pulled or a response by the fire department was not necessary. It is important that these incidents be recorded as well. Therefore, if you are aware of such a fire, see evidence of one or hear about one, you should contact the Campus Safety Department at Campus Safety Department. When providing notification of a fire, give as much information as possible about the location, date, time and cause of the fire.

Plans for Future Improvements

As a result of the University's most recent review of its fire safety protections and procedures, we have determined that the following improvements will be made, subject to the availability of funding: 1) Continue to update signage communicating building evacuation and assembly points in all university residential facilities, in particular focusing on additional signage per

apartment unit in those facilities. 2) Continue education for fire evacuations per new buildings. 3) Continue to monitor and review the locations of fire extinguishers ensuring they are in the best locations.

Fire Statistics

Northwest Nazarene University

2020

No fires were reported in 2020.

2019

No fires were reported in 2019.

2018

No fires were reported in 2018.