

# AMERICAN BAPTIST COLLEGE

Policy #6:008	Approval Date: 10/13/2014
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Policy Type: Campus Safety	Approval: President's signature on file

## **Policy on Reporting of Incidents involving Campus Safety, Security and Instances of Sexual Misconduct (including, but not limited to, reports alleging sexual assault)**

In accordance with The Tennessee College and College Security Information Act of 1989 and the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act, American Baptist College prepares an annual security and fire safety report containing campus security policies and procedures, data on campus crimes and other related information.

The report for the college is available on the Campus Security and Safety web page at <http://www.abcnash.edu/campus-security---safety.html>. Additionally, a printed copy of this report may be obtained by any student, employee, or applicant for admission or employment from the Office of the Director of Campus Operations, J. H. Flakes Administration Building, 1800 Baptist World Center Drive.

### **I. Introduction of Policy**

American Baptist College is committed to creating and preserving a working, living and learning environment free from all forms of Sex Discrimination, including Sexual Misconduct and Intimate Partner Violence. Sexual Misconduct and Intimate Partner Violence will not be tolerated and will be grounds for disciplinary action up to and including, permanent dismissal from the College and termination of employment.

This policy includes prohibited conduct, options for reporting Sexual misconduct and Intimate Partner Violence, and the procedures the College will follow for prompt, thorough and equitable investigation to resolve reports of Sexual Misconduct and Intimate Partner Violence in order to eliminate Sexual Misconduct and Intimate Partner Violence and prevent their recurrence. In addition, it describes the College's Prevention and awareness programs relating to Sexual Misconduct and Intimate Partner Violence.

#### **A. Pertinent Parties of this Policy**

This Policy applies to:

- Students at American Baptist College
- Employees of America Baptist College

- College volunteers, Contractors and third parties participating in a College program or activity

## **B. Definitions**

Key terms used in this policy (i.e., Sex Discrimination, Sexual Misconduct and Intimate Partner Violence) are defined in **Appendix A**

## **C. Description of Educational Programs**

American Baptist College is committed to providing meaningful, informative and educational programming to its campus community. Seminars, workshops, movies and Group panels are planned throughout the Academic year to promote acute awareness of all forms of rape, and other sex offenses as well as the Sexual Assault and Intimate Partner Violence Policy. In accordance with Title IIV, IX and the Jeanne Clery Act ABC we require that our students, faculty and staff be completely responsive and exercise due diligence in compliance with our policy.

## **D. Title IX Coordinator and Campus Operation Manager**

Reports or complaints of Sex Discrimination, Sexual Misconduct or Intimate Partner Violence, or questions about the College's policies, procedures resources, or programing concerns may be directed to either the Title IX Coordinator or the Campus Operation Manager. These individuals are normally available Monday through Friday during regular business days between the hours of 8:00a.m. to 5:00p.m. and may be reached at all other times at the phone numbers listed below.

The College Title IX Coordinator is Dr. Jewell Brazelton and the Campus Operation Manager is Professor Martin Espinosa. Both are located in the J.H. Flakes Administration building on the second floor.

Dr. Jewell Brazelton  
615-972-4256  
[jbrazelton@abcnash.edu](mailto:jbrazelton@abcnash.edu)

Professor Martin Espinosa  
615-972-4338  
[mepinosa@abcnash.edu](mailto:mepinosa@abcnash.edu)

*Complaints or inquiries concerning Title IX can also be referred to the United States Department of Education regional office at:*

***U.S. Department of Education  
Office for Civil Rights  
61 Forsyth Street, S.W., Suite 19T10  
Atlanta, GA 30303  
Tel #: 404-974-9459  
Fax #: 404-974-9459***

## **II. Prohibited Conduct**

The College prohibits Sexual Misconduct, Intimate Partner Violence and/or retaliation. The College code of Conduct prohibits students from violating this policy.

Sexual Misconduct, Intimate Partner Violence and/or Retaliation constitutes prohibited conduct as it relates to employee violations of standards of conduct established in the Employee Handbook. This policy supplements existing College standards of conduct in order to be more specific concerning the College's prohibition of Sexual Misconduct, Intimate Partner Violence and Retaliation. Employees who violate this policy will be subject to disciplinary action, up to and including, termination of employment, in accordance with College policies.

## **III. How to Report Sexual Misconduct or Intimate Partner Violence**

American Baptist College encourages members of the college community to immediately report the incident to the local law police as well as the Title IX Coordinator and/or the College Operation Manager. The College also desires all members of the community to report Sexual Misconduct or Intimate Partner Violence to the appropriate authorities at the College.

## **IV. Procedures to Follow if a Sex Offense Occurs**

### **WHAT TO DO IF YOU HAVE BEEN THE VICTIM OF SEXUAL MISCONDUCT**

- 1.** Go to a safe place.
- 2.** Talk to someone you trust. As soon as you are in a safe place, tell someone you can trust about the incident—a roommate, friend, resident advisor or hall director, minister, or counselor—someone who can provide emotional support and objectively help you make a plan.

**3. Preserve all physical evidence.** If you have been the victim of sexual assault, do not change your clothing, bathe, shower, douche, use the bathroom, brush your teeth, drink liquids, wash your hands or face, or comb your hair. If you change clothes, you should place all of your clothing that was worn at the time of the incident in a paper (not plastic) bag. Preservation of evidence does not mean that you have to pursue criminal charges, but it preserves that option for you.

**4. Seek medical care.** You may seek medical care at any time following an assault, but we strongly recommend that you do so within seventy-two hours (three days). A medical professional will examine you, provide appropriate medical treatment, and, if applicable, talk with you about the prevention of venereal disease and pregnancy.

You may seek medical care by contacting one of the following, twenty-four hours a day, seven days a week:

- Emergency - 911
- Sexual Assault Center of Middle Tennessee  
615-259-9055
- Metropolitan Nashville Police Department  
615-862-8600

Calling 911, contacting the Sexual Assault Center of Middle Tennessee, or contacting the MNPD does not mean that you must make a formal report to the college or to law enforcement. A medical examination simply preserves evidence in the event that you wish to pursue a criminal prosecution. If unwanted sexual activity occurred and if you think you might want to prosecute, you are strongly encouraged to have a medical examination for the collection and preservation of evidence within seventy-two hours.

Please note that the collection of evidence for use in a criminal prosecution relating to unwanted sexual activity can only be performed by trained personnel at a hospital emergency room or at the Sexual Assault Center of Middle Tennessee. Physical examinations by other health care providers are likely to impede potential future legal remedies.

**5. Seek counseling.** If you wish to speak confidentially with someone, you can contact one of the following on campus:

- Title IX Coordinator  
615-972-4256

- Director of Campus Operations  
615-972-4338

**6.** Report the incident. Reporting sexual misconduct is a deeply personal choice that only you can make. If you report, there is no requirement that you pursue criminal prosecution or college discipline against the accused student. Reporting the incident and having a medical examination performed within seventy-two hours are critical in preserving evidence and allowing law enforcement and/or the college to respond effectively; nevertheless, you may report an incident at any time. The college strongly encourages you to report an incident of sexual misconduct to appropriate officials because it is the only way that action can be taken against an alleged violator of law and/or college policy.

You may report an incident of sexual misconduct to any of the following:

- Director of Campus Operations  
615-972-4256
- Title IX Coordinator  
615-972-4338
- Metropolitan Nashville Police Department  
615-215-7000/ 911

You may report an incident to law enforcement before, during, or after an investigation and/or a resolution of the incident by the Title IX Coordinator or the Director of Campus Operations. You have the right to decline to report the incident to law enforcement. Even if you do not report the incident to law enforcement, you may still access medical care, counseling, and other support from American Baptist College, the Director of Campus Operations, or the Title IX coordinator.

## **V. Procedures for Campus Disciplinary Action**

The Community Conduct Counsel will hear all charges brought before the committee and make the appropriate rulings based on the evidence presented with all parties being notified of their decision, in accordance with the proper guidelines provided in the Clery Act.

## **Appendix A**

*Arson – Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.*

*Criminal Homicide – Manslaughter by Negligence - The killing of another person through gross negligence.*

*Criminal Homicide –Murder and Non-negligent Manslaughter - The willful (non-negligent) killing of one human being by another.*

*Robbery – The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.*

*Aggravated Assault – An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)*

*Burglary – The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.*

*Motor Vehicle Theft –The theft or attempted theft of a motor vehicle (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned), and including joyriding).*

*Weapon Law Violations – The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned.*

*Drug Abuse Violations – Violations of State and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (demerol, methadone); and dangerous nonnarcotic drugs (barbiturates, benzedrine).*

*Liquor Law Violations – The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)*

*Sex Offenses-Forcible – The sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent.*

*Forcible Rape – The carnal knowledge of a person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).*

*Forcible Sodomy – Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly against the persons will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.*

*Sexual Assault With An Object – The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.*

*Forcible Fondling – The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.*

*Sex Offenses – Non-forcible Unlawful, non-forcible sexual intercourse.*

*Incest – Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.*

*Statutory Rape – Non-forcible sexual intercourse with a person who is under the statutory age of consent.*

*Hate Crimes – Crimes involving bodily injury to any person in which the victim is intentionally selected because of the actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability of the victim.*