

Risk Reduction

Reducing the Risk of Victimization

- Tell personal limits/boundaries as early as possible.
- Clearly and firmly articulate consent or lack of consent.
- Remove yourself, if possible, from an aggressor's physical presence.
- Reach out for help, either from someone near you or by calling someone
- Look out for your friends, and ask them to look out for you.

Reducing the Risk of Being Accused of Sexual Misconduct

- Respect personal boundaries.
- Avoid ambiguity. Don't make assumptions about consent and whether someone is attracted to you, how far you can go with that person, or if the individual is physically and mentally able to consent. If you have questions or are unclear, you don't have consent.
- Don't take advantage of the fact that someone may be under the influence of drugs or alcohol, even if that person chose to become that way. Other's loss of control does not put you in control.
- Be on the lookout for mixed messages. This is a clear indication to stop and talk about what you potentially want or don't want to happen.
- Do not assume that someone's silence or passivity is an indication of consent. Pay attention to verbal and non-verbal signals to avoid misreading intentions.
- Understand that consent to one type of sexual behavioral does not automatically grant consent to other types of sexual behaviors. If you are unsure, stop, and ask.
- Understand that exerting power and control over another through sex is unacceptable conduct.

For more information regarding Title IX see Nelson University's Title IX resource page. It is located at www.sage.edu/titleix.



Sexual Misconduct

What do you do?

If you have experienced sexual misconduct and/or sexual harassment:

1. Go to a safe location as soon as you are able.
2. Seek immediate medical attention at a nearby health care facility.
(e.g. Baylor Scott & White 2400 N Interstate 35 East Service Rd, Waxahachie, TX 75165)
3. Contact one of the following for immediate assistance:

Title IX Coordinator: Dr. Lance Meche

1200 Sycamore St, Residential Life Office Teeter Hall 1st Floor, Waxahachie, TX 75165
972-825-4747
lmeche@nelson.edu

Human Resources: Ruth Roberts

1200 Sycamore St, Davis Bldg., 3rd Wing
Waxahachie, TX 75165
972-825-4656
rroberts@nelson.edu

Campus Security

1200 Sycamore St, Security Bldg.
Waxahachie, TX 75165
972-923-5400
bfulfer@nelson.edu

Counseling Services

1200 Sycamore, Bridges Dorm, 1st Floor
Waxahachie, TX 75165
972-825-4721
counselingcenter@nelson.edu

You also have the following options:

1. Do nothing until you are ready
2. Pursue resolution by the University
3. Initiate criminal proceedings
4. Initiate a civil process against the perpetrator

You may pursue whatever combination of options is best for you. If you wish to have an incident investigated and resolved by the University, students should contact the Residential Life Office. Employees should contact the Human Resources Office. University procedures will be explained. Those who wish incidents to be handled criminally should contact the Campus Safety & Security Office or local police where the assault occurred. A campus official is available to accompany students in making such reports, if desired. Students should contact the Office of Student Development for more information and employees should contact the Human Resources Office for more information.

Sexual Harassment

Some specific examples of conduct that may constitute Sexual Harassment if unwelcome include, but are not limited to:

- Unreasonable pressure for a dating, romantic, or intimate relationship or sexual contact;
- Unwelcome kissing, hugging, or massaging;
- Sexual innuendos, jokes, or humor;
- Displaying sexual graffiti, pictures, videos, or posters;
- Using sexually explicit profanity;
- Asking about, or telling about, sexual fantasies, sexual preferences, or sexual activities;
- E-mail and Internet use that violates this policy;
- Leering or staring at someone in a sexual way, such as staring at a person's breasts or groin;
- Sending sexually explicit emails, text messages, or social media posts;
- Commenting on a person's dress in a sexual manner;
- Giving unwelcome personal gifts such as lingerie that suggest the desire for a romantic relationship;
- Insulting, demeaning, or degrading another person based on gender or gender stereotypes;
- Indecent exposure or sexual exhibitionism;
- Sex-based cyber-harassment;
- Prostitution or the solicitation of a prostitute;
- Peeping or other voyeurism, or
- Going beyond the boundaries of consent (e.g. recording, sharing or disseminating recordings, or threatening to share or disseminate recordings, of sexual activity or nudity without the consent of all parties involved).

For definitions of sexual harassment please see the Department of Education website:

<https://www2.ed.gov/about/offices/list/ocr/frontpage/pro-students/issues/sex-issue01.html#:~:text=It%20includes%20unwelcome%20sexual%20advances,conduct%20of%20a%20sexual%20nature.&text=Title%20IX%20protects%20all%20students,members%20of%20the%20same%20sex.>

Consent

Consent is free and active agreement, given equally by both parties, to engage in a specific activity. Giving in is not the same as giving consent. Consensual sexual activity involves the presence of the word “yes” without incapacitation of alcohol or other drugs, coercion, force, threat, or intimidation.

Consent is not effective when any participant in the sexual activity is unsure if a knowing, intentional, voluntary agreement to engage in each act of sexual activity has been demonstrated. Consent is not effective if one person knew or reasonably should have known that another person involved was incapacitated. Consent to one act does not imply consent to another; past consent does not imply future consent. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another. Any expression of an unwillingness to engage in any instance of sexual activity establishes a presumptive lack of consent.

A current or previous dating or sexual relationship or manner of dress does not, by itself, constitute consent. Even in the context of a relationship, there must be a voluntary, mutually understandable agreement that clearly demonstrates a willingness to engage in each instance of sexual activity.

An individual is unable to provide Consent to engage in sexual activity when the individual:

- Is under age 17 and (1) is not a spouse of the Respondent or (2) is more than three years younger than the Respondent at the time of the offense;
- Has a mental disorder or developmental or physical disability that renders her or him incapable of giving knowing Consent;
- Is unconscious or physically unable to resist; or
- Is Incapacitated from alcohol or other drugs, and this condition was known, or reasonably should have been known, by the Respondent.

Incapacitation

Incapacitation is a state where an individual cannot make an informed and rational decision to Consent to

engage in sexual contact because the individual lacks conscious knowledge of the nature of the act (*e.g.*, to understand the “who, what, where, when, why or how” of the sexual interaction), is physically or mentally helpless, or is otherwise unaware that the sexual act is occurring.

Coercion

Coercion is the use of pressure and/or other oppressive behavior, including expressed or implied threats of physical harm, or severe and/or pervasive emotional intimidation which places an individual in fear of immediate or future harm or physical injury or causes a person to engage in unwelcome sexual activity. A person’s words or conduct amounts to coercion if they wrongfully limit the other’s ability to freely choose whether or not to engage in sexual activity. Coercion also includes administering a drug, intoxicant, or other substance that impairs the person’s ability to give consent.

Evidence

Because evidence of a sexual assault can deteriorate quickly, you may choose to seek a medical exam as soon as possible. Evidence collection should be completed within 120 hours of an assault, but fluids, hair samples, and DNA can be collected for a long time thereafter. Even if you have washed, evidence can often still be obtained. After 120 hours, it may still be helpful to have medical attention, even if you are not trying to obtain evidence of an assault. Sexual assault nurse examiners (SANE) are trained in the collection of forensic evidence, and can check for injuries and exposure to sexually transmitted diseases. If you are still wearing any clothes worn during the assault, wear them to the hospital, but bring a change of clothes, as the hospital will keep the clothes you are wearing as evidence. If you have changed clothes, bring the ones you were wearing during the assault to the hospital in a clean paper (not plastic) bag or a wrapped in a clean sheet. Leave sheets/towels at the scene of the assault. Police will collect them. Typically, police will be called to the hospital to take custody of the rape kit, but it is up to you whether you wish to speak with them or file a criminal complaint.

Rights & Resources

Both the complainant and respondent have the following rights when a sexual violence or harassment complaint has been made:

- To be treated with respect and dignity.
- To assistance from the University in reporting the incident to law enforcement, if desired.

- To information about the process used in the investigation and appeal.
- To information about counseling support available.
- To privacy to the extent possible consistent with applicable law and University policy.
- To an advisor to be present throughout the investigation.
- If both parties are enrolled in the same class, the options to drop class without academic penalties.
- To protection from retaliation and harassment while the disciplinary process is pending.
- To have reasonable and equitable access to all evidence in the institution’s possession which is relevant to the alleged violation.
- To choose whether or not to participate in the investigation process.
- To a prompt and thorough investigation of the allegations.
- To reasonable time to provide information to the investigator.
- To raise any question regarding a possible conflict of interest on the part of any person involved in the investigation or verdict.
- To appeal the decision and any sanctions made by the investigators.
- To written notification of the verdict and the outcome of any appeal.

Possible Sanctions

A student who is found to have violated the Nelson University Sexual Assault and Violence Policy may be subject to one or more of the following sanctions.

- Disciplinary Probation
- Mandatory Counseling, Discipleship, and/or Education/Treatment Programs
- Restrictions from Extracurricular Activities
- Community Service
- Parental Notification
- Dismissal from the Residence Halls/Apartments
- Move to Online Classes
- Termination of Student Employment or Training Assignment
- Removal or Reduction of Institutional Scholarship
- Suspension
- Expulsion
- Transcript Notation

Protective Remedies

- The complainant will be informed of the option to obtain protective orders, no contact orders, restraining orders, or similar orders issued by criminal or civil court.
- The university may temporarily remove the complainant and/or respondent from campus.

- The university may move the complainant and/or respondent to a new residence.
- The university may relocate or change the complainant’s and/or respondent’s class and/or work schedule.
- The university may provide a clear description of Nelson University’s disciplinary process.
- The university will provide contact information about existing counseling, health, mental health, victim advocacy, legal assistance, and other services available both on-campus and in the community.

Confidential Reporting

Information concerning sexual misconduct and/or sexual harassment which is reported to the Campus Pastor or campus counseling center counselors or mental health counselors will be kept confidential and will not trigger a mandatory report of the incident details.

Minors

Incidents involving minors may require reporting to law enforcement. Strict confidentiality cannot be guaranteed in those cases involving someone under the age of 18.

Mandatory Reporting

Under Texas law, all University employees, with the exception of Confidential Employees, who:

1. In the course and scope of their employment
2. Witnesses or receives information regarding an incident that the employee reasonably believes constitutes Sexual Harassment, Sexual Assault, Dating Violence, or Stalking which
3. Is alleged to have been committed by or against a person who was a student enrolled at or an employee of the University at the time of the incident

Must promptly report the incident to the University’s Title IX Coordinator or a Deputy Title IX Coordinator.