

# A RESOURCE GUIDE FOR NPC STUDENTS ON SEXUAL HARASSMENT: CAMPUS POLICIES, PROCEDURES AND VICTIM SERVICES



**Northland Pioneer College**

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# IF YOU HAVE EXPERIENCED SEXUAL HARASSMENT

- 1. Go to a safe location as soon as you are able.
- 2. Seek immediate medical attention if you are injured as soon as it is safe to do so.
- 3. Contact any of the following for immediate assistance:
  - a. NPC Title IX Coordinator: [928-532-6141], regular business hours, M–F
  - b. National Sexual Assault Hotline: [800-856-HOPE (4673)]\*
  - c. Rape, Abuse, and Incest National Network: [800-656-HOPE]\*
  - d. ChangePoint Integrated Health (24/7 behavioral health crisis): [888-757-8111]
  - e. Arizona Coalition To End Sexual & Domestic Violence: [800-782-6400]
  - f. National 24-hour Domestic Violence Hotline: [800-799-SAFE (7233)]\*

Note that campus officials may contact on-call staff from other departments when their offices are closed or they are otherwise unavailable to assist immediately.

If you are off-campus and experiencing an emergency situation, you can call local police by dialing **911**. You may also call your local police department’s **non-emergency line**: Holbrook PD (928) 524-3991 | Hopi Law Enforcement Services (928) 734-7340/7341 | Kayenta PD (928) 697-5600 | Show Low PD (928) 537-5091 | Snowflake PD (928) 536-7500 | Springerville PD (928) 333-4240 | St. Johns PD (928) 337-2440 | Winslow PD (928) 289-2431 | White Mountain Apache PD (928) 338-4942.

4. It is important to preserve physical evidence that may include tissue and fluid samples, evidence of violence, sheets, towels, clothing, etc. To preserve important evidence, you should avoid washing, bathing, urinating, etc., until after being examined at the hospital, if possible. 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.

5. Choose how to proceed. You have options, and are encouraged to contact the Title IX Coordinator, at (928) 532-6141 to discuss your options: 1) Do nothing until you are ready; 2) Pursue resolution by NPC; and/or 3) Initiate criminal proceedings; and/or 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 NPC, students should contact **Josh Rogers**, Director of Student Services at (928) 536-6227. Employees should contact **Bob Ficken**, Chief Human Resources Officer at (928) 532-7470. College procedures will be explained. Those who wish incidents to be handled criminally should contact local police where the assault occurred. A campus official is available to accompany students in making such reports, if desired. Contact the Title IX Coordinator for more information.

*\*Denotes that this resource is confidential.*

# ABOUT CONFIDENTIALITY

*To make informed choices,  
all parties should be aware of confidentiality and privacy issues,  
as well as institutional mandatory reporting requirements.*

## CONFIDENTIAL REPORTING

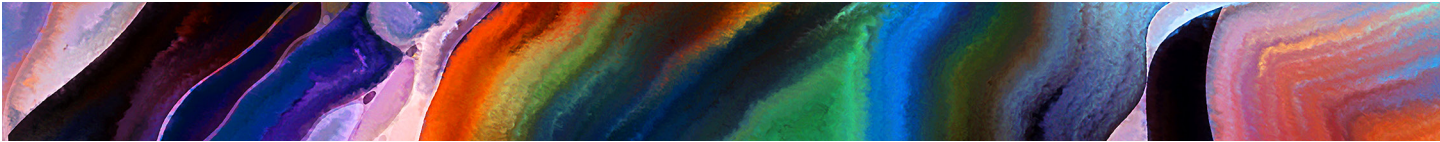
NPC does **not** have any confidential employees. If reporting students wish that details of an incident be kept confidential, they should speak with mental health counselors and/or health service providers. Members of the clergy, chaplains, and rape crisis center staff can maintain confidentiality. Local resources such as crisis centers are also confidential and have no duty to report your information to the College.

## MANDATED REPORTING

All NPC employees are mandated reporters for all the details of which they are aware about an incident. They share this information with the Title IX Coordinator. Incidents of sexual harassment will be taken seriously when official notice is given to the institution, i.e. a formal, signed complaint by either the Complainant or Title IX Coordinator. Such incidents of sexual harassment will be investigated and resolved in a prompt and equitable manner under the College’s resolution procedures, which are discussed in a later section of this booklet [pg. 10].

You may request confidentiality and/or that the Title IX coordinator provide you with remedies and resources without initiating a formal resolution process. The coordinator will weigh requests for confidentiality against the institutional need to address and remedy discrimination under Title IX. Generally, the College will be able to respect your wishes, unless it believes there is a threat to the community based on the use of weapons, violence, pattern, predation, or threatening conduct by the person being accused.

In cases where your request for confidentiality is granted, NPC will offer you available resources, supports, and remedies. You are not obligated to pursue formal resolution in order to access the resources that are available. If NPC decides that it is obligated to pursue a formal resolution based on the notice you have given, you are not obligated to participate in the resolution process. However, the ability of NPC to enforce its policies or provide some remedies may be limited as a result of your decision not to participate.



## INCIDENTS INVOLVING MINORS

Please be aware that institutional duties with respect to minors (**those under the age of 18**) may require reporting sexual harassment incidents to state agencies and/or local law enforcement. As a result, confidentiality cannot be guaranteed in sexual harassment incidents involving minors.

# NPC POLICY 1102



Sexual harassment, including sexual violence, sexual exploitation, intimate partner violence, and stalking are violations of NPC’s Student Code of Conduct and its **Policy 1102, *Equal Opportunity, Harassment and Nondiscrimination***. A number of federal laws and regulations, including Title IX, the Violence Against Women Act, and the Clery Act mandate how institutions respond to such allegations. Many types of sexual harassment also constitute violations of Arizona state law.

Members of the NPC campus community, guests, and visitors have a right to be free from sexual harassment. All members of the community must conduct themselves in a way that does not infringe upon the rights of others. The College’s Policy 1102, *Equal Opportunity, Harassment and Nondiscrimination* is intended to define expectations for appropriate conduct and outline resolution processes to address conduct that does not meet these expectations. When individuals accused of sexual harassment are found to be in violation of the policy, NPC will impose serious sanctions.

All members of the campus community, guests, and visitors are protected by this policy regardless of their sexual orientation or gender identity. NPC has jurisdiction over all acts of sexual harassment involving members of the campus community, no matter where they occur, including conduct that takes place on the campus or on property owned or controlled by the College and at NPC-sponsored events. It may also apply to off-campus and to online conduct. For more details on Policy 1102, please visit [www.npc.edu/college-operations-policies](http://www.npc.edu/college-operations-policies).

Additional information about campus crime, state laws, and disclosures related to sexual harassment can be found online in the campus Annual Security Report. Access it at: [www.npc.edu/crime-statistics](http://www.npc.edu/crime-statistics).



# DEFINITIONS OF PROHIBITED CONDUCT

As defined by NPC’s Equal Opportunity, Harassment and Discrimination Policy 1102

## SEXUAL HARASSMENT

Sexual harassment is the umbrella category including the offenses of sexual harassment, sexual assault, stalking, dating violence, and domestic violence.

## QUID PRO QUO

Quid pro quo is when an employee of NPC, conditions the provision of an aid, benefit, or service of NPC, on an individual’s participation in unwelcome sexual conduct; and/or sexual harassment.

## HOSTILE ENVIRONMENT

A hostile environment is one that unreasonably interferes with, limits, or effectively denies an individual’s educational or employment access, benefits, or opportunities. This discriminatory effect results from harassing verbal, written, graphic, and/or physical conduct that is severe or pervasive and objectively offensive.

## SEXUAL ASSAULT DEFINITION

Any sexual act directed against another person, without the consent of the Complainant, including instances in which the Complainant is incapable of giving consent.

- Incest: Non-forcible sexual intercourse, between persons who are related to each other, within the degrees wherein marriage is prohibited by Arizona Law.
- Statutory Rape: Non-forcible sexual intercourse, with a person who is under the statutory age of consent of eighteen (18).

## DATING VIOLENCE

Dating Violence, defined as violence, on the basis of sex, committed by a person, who is in or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on the Complainant’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the pur-

poses of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

## DOMESTIC VIOLENCE

Domestic Violence, defined as violence, on the basis of sex, committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, or by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Arizona, or by any other person against an adult or youth Complainant who is protected from that person’s acts under the domestic or family violence laws of Arizona. To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

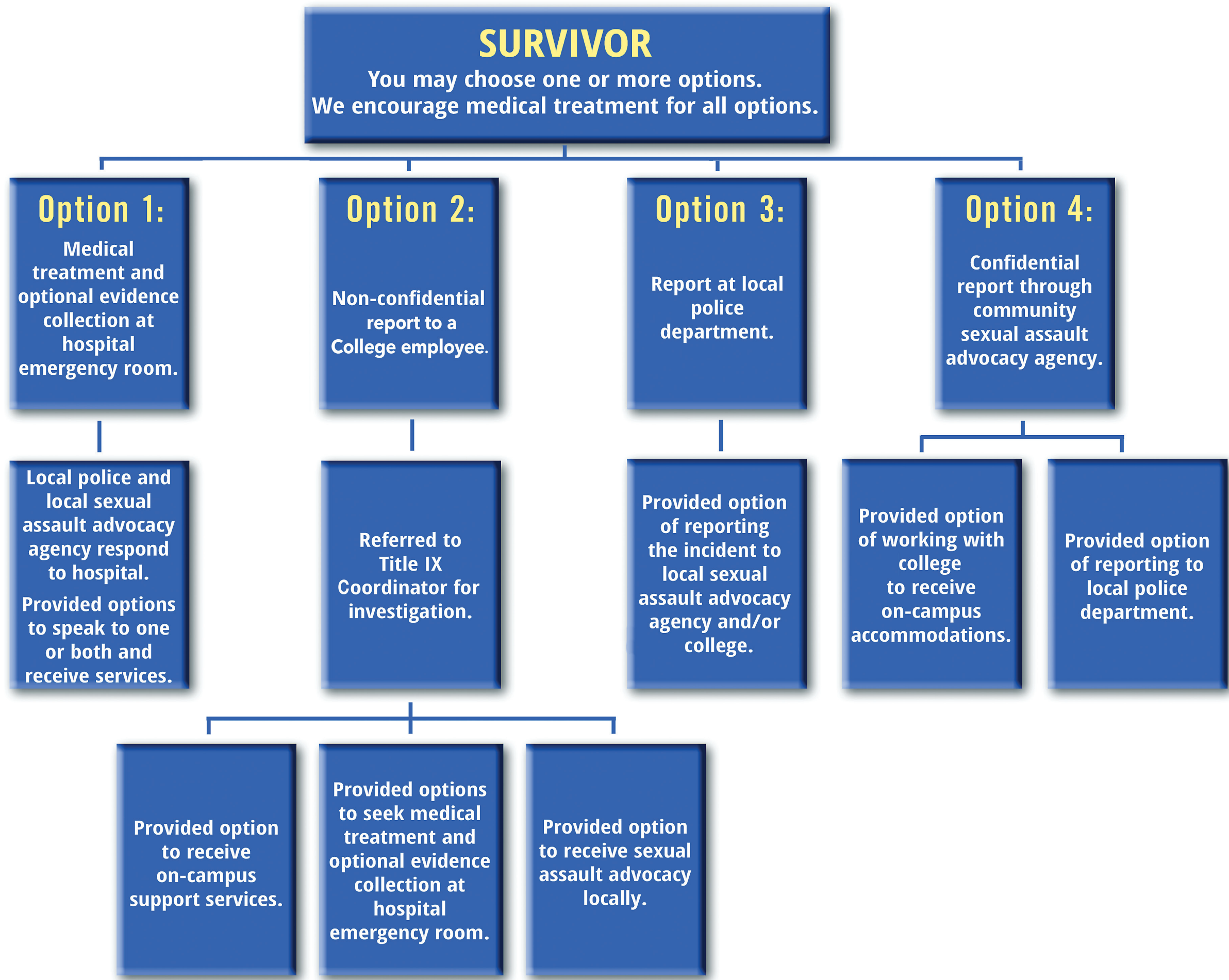
## STALKING

Stalking is defined as engaging in a course of conduct, on the basis of sex, directed at a specific person, that would cause a reasonable person to fear for the person’s safety, or the safety of others; or suffer substantial emotional distress. See policy for more information.

## RETALIATION

It is prohibited for NPC or any member of NPC’s community to take materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy and procedure.





# CONSENT

*Knowing, voluntary, and clear permission, through word or action, to engage in mutually agreed upon sexual activity or contact.*

Since different people may experience the same interactions differently, each party is responsible for making sure that partners have provided ongoing, clear consent to engaging in any sexual activity or contact.

A person may withdraw consent at any time during sexual activity or contact through words or actions. If that happens, the other party must immediately cease the activity or contact. Pressuring another person into sexual activity can constitute coercion, which is also considered to be sexual harassment.

Silence or the absence of resistance alone does not constitute consent. A victim is not required to resist or say “no” for an offense to be proven.

Consent to some forms of sexual activity (e.g., kissing, fondling, etc.) should not be construed as consent for other kinds of sexual activities (e.g., intercourse).

Being or having been in a dating relationship with the other party does not mean that consent for sexual activity exists.

Previous consent to sexual activity does not imply consent to sexual activity in the future.

To legally give consent in Arizona, individuals must be at least 18 years old.

## FORCE

Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent.

## INCAPACITATION

Incapacitation is defined as a state in which individuals are unable to make rational, reasonable decisions because they lack the capacity to understand the “who, what, when, where, why, or how” of a situation or interaction. Individuals cannot give sexual consent if they can’t understand what is happening, or if they are disoriented, helpless, asleep, or unconscious for any reason. That applies even if it is because they voluntarily consumed alcohol or drugs. Unless consent is “knowing,” it is not valid. Those engaging in sexual activity who know or should have known that the other party is incapacitated are engaging in sexual harassment. The possession, use, distribution, and/or administration of any incapacitating substances is prohibited.

The fact that a responding party was intoxicated, and thus did not realize the complainant was incapacitated, does not excuse sexual harassment.

# RIGHTS

*Northland Pioneer College strives to provide members of the campus community with fair and equitable resolution processes that include both formal and informal options.*

## REPORTING

- Complainants have the right to notify law enforcement of incidents and to receive assistance from campus personnel in doing so.
- Complainants may decline to report to law enforcement if they so wish.
- Complainants have the right to have their allegations investigated and resolved internally by the College.

## FAIRNESS

- All members of the campus community have the right to have reported incidents addressed according to published NPC procedures.
- All parties have equal opportunities to have an advisor of their choosing or offered by the institution present throughout all resolution proceedings (including intake, interviews, hearings, etc.). This person can be an advocate, attorney, family member, friend, faculty member, etc.
- All parties have the right to written notice of the outcome of sexual harassment resolution proceedings.
- Reporting parties and witnesses will receive amnesty for minor infractions (e.g., alcohol and drug violations) that are secondary to incidents of sexual harassment.
- Reporting parties, their supporters, and witnesses have a right to be free from retaliation.

## SUPPORT

- Students and employees have a right to be notified of on and off-campus supportive resources.
- All parties involved in sexual harassment allegations will receive the information and assistance needed to effectively participate in all proceedings.
- Complainants have the right to seek orders of protection, no-contact orders, restraining orders, or similar lawful orders issued by criminal, civil, or tribal courts, and may seek the help of local law enforcement in requesting and/or enforcing.

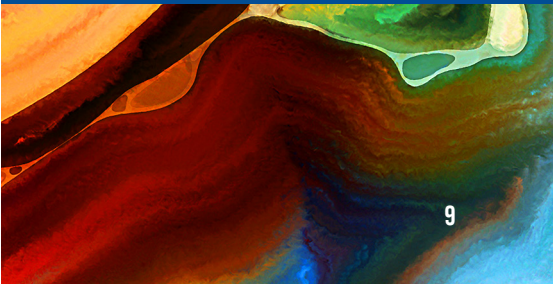
# REMEDIES

NPC may take whatever steps are deemed necessary to appropriately respond to allegations of sexual harassment, protect students’ rights, and keep members of the campus community safe from further harm.

Measures include, but are not limited to:

- Issuing interim suspensions pending an investigation.
- Reporting incidents to local police and/or prosecutors.
- Referring to counseling and health services.
- Referring to the Employee Assistance Program.
- Providing education to the community.
- Altering the housing situation of the complainant and respondent party.
- Altering work arrangements for employees.
- Providing campus escorts.
- Providing transportation assistance.
- Implementing contact limitations between the parties.
- Offering adjustments to academic deadlines, course schedules, etc.

These measures are available regardless of whether the complainant seeks formal resolution or makes a crime report.





# PROCEDURE 2110 OVERVIEW

*This procedure is detailed fully at: [www.npc.edu/procedure-2110](http://www.npc.edu/procedure-2110)*

## ■ INTAKE

An NPC official will assist the complainant party with making choices and accessing resources. Assuming the complainant chooses to move forward with a campus resolution, the next step is a preliminary inquiry. Supportive measures will be offered.

All grievance processes will be conducted by campus officials who receive annual training on issues related to domestic violence, dating violence, sexual assault, and stalking, and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

The institution will protect the confidentiality of victims, consistent with federal law. Title IX-related resolutions are not subject to publicly available record-keeping provisions. Any release of information about a resolution will be accomplished without the inclusion of identifying information about the victim, to the extent permissible by law.

## ■ PRELIMINARY INQUIRY

An initial determination is made about the allegations and whether to move them forward to a formal investigation. This decision is made by the Title IX Coordinator, taking into account the nature of the allegations and the complainant's wishes. If the decision is made to move forward, the coordinator refers the allegations to investigators.

## ■ INVESTIGATIONS

An investigative model is used to resolve allegations. Trained investigators will provide an investigation that is prompt, thorough, reliable, equitable, fair, and impartial. They will interview the complainant and respondent parties and witnesses, and prepare reports with their findings and sanctioning recommendations. Information about all the steps in the investigative process is available at [www.npc.edu/title-ix/investigative-process](http://www.npc.edu/title-ix/investigative-process).

## ■ HEARINGS

The hearing panel will have the opportunity to question the investigators during hearings. The panel may accept or reject investigators' recommendations. If the panel rejects the recommendations or decides to issue alternate sanctions, it must do so within the framework of the policy, citing clear evidence to support its decisions. The panel may additionally return the report to investigators for modification.

Once the Investigator(s) present their report and are questioned, the parties and witnesses may provide relevant information in turn, beginning with the complainant, and then in the order determined by the chair. The parties/witnesses will submit to questioning by the Decision-maker(s) and then by the parties through their Advisors ("cross-examination"). The Decision-maker(s) will deliberate in closed session to determine whether the respondent is responsible or not responsible for the policy violation(s) in question. If a panel is used, a simple majority vote is required to determine the finding.

## ■ STANDARD OF EVIDENCE

NPC uses a preponderance of evidence standard. Decision-makers consider whether, given the available credible evidence, it is more likely than not that a violation occurred.

## ■ PAST HISTORY

The past sexual history or character of an individual is not considered unless it is determined to be highly relevant. All such information sought to be entered for consideration by a party or the College will be presumed irrelevant until evidence of its relevance is offered. The existence of a pattern of behavior by a responding party may be relevant to the finding and sanction imposed. Both parties will be notified in advance if such information has been deemed relevant and will be considered during the process.

## ■ FINAL DETERMINATION

The parties will be informed in writing of the outcome of the resolution, without significant delay between the notifications to each party. This notice will include the procedures for appealing the decision, any change to the results that occurs prior to the time that such results become final, and when results are considered to be final.

## ■ APPEALS

All [student, faculty, staff] parties involved in sexual harassment proceedings may appeal decisions within [5] five days on the basis of the [3] grounds permitted by the College's policy. All parties are included in any appeal reconsideration and have equal rights of participation. There is only one level of appeal. **That decision is final.** See procedure 2110 for further details.

# RISK REDUCTION

## FOR INTIMATE PARTNER VIOLENCE, STALKING, SEXUAL HARASSMENT, AND SEXUAL VIOLENCE

While victim-blaming is never appropriate and NPC fully recognizes that only those who commit sexual harassment are responsible for their actions, NPC provides the suggestions that follow to help individuals reduce their risk of being victimized and their risk of committing acts of sexual harassment.

### REDUCING THE RISK OF VICTIMIZATION

- ✓ Make any limits/boundaries you may have known 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 who is physically nearby or by calling someone. People around you may be waiting for a signal that you need help.
- ✓ Take affirmative responsibility for your alcohol and/or drug consumption. Alcohol and drugs can increase your vulnerability to sexual victimization.
- ✓ Look out for your friends, and ask them to look out for you. Respect them, and ask them to respect you, but be willing to challenge each other about high-risk choices.

### REDUCING THE RISK OF BEING ACCUSED OF SEXUAL HARASSMENT

- ✓ Show your potential partner respect if you are in a position of initiating sexual behavior.
- ✓ If a potential partner says "no," accept it and don't push.
- ✓ Only proceed if you receive a clear and unequivocal yes or permission.
- ✓ Clearly communicate your intentions to your potential sexual partners, and give them a chance to share their intentions and/or boundaries with you.
- ✓ Respect personal boundaries. If you are unsure what's OK in any interaction, ask.
- ✓ Avoid ambiguity. Don't make assumptions about consent, about 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. Others' loss of control does not put you in control.
- ✓ Be on the lookout for mixed messages. That should be a clear indication to stop and talk about what your potential partner wants or doesn't want to happen. That person may be undecided about how far to go with you, or you may have misread a previous signal.
- ✓ Respect the timeline for sexual behaviors with which others are comfortable, and understand that they are entitled to change their minds.
- ✓ Recognize that even if you don't think you are intimidating in any way, your potential partner may be intimidated by or fearful of you, perhaps because of your sex, physical size, or a position of power or authority you may hold.
- ✓ 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 behavior 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.



## PROGRAMS

### SAFE COLLEGES: TITLE IX/VAWA/CLERY TRAINING

Incoming students are provided with education and training on awareness and risk reduction of sexual violence, dating violence, domestic violence, stalking, and consent in compliance with the Violence Against Women Act and the Clery Act.

NPC offers training through SafeColleges to educate students regarding bystander intervention. This training is an effort to ensure that each member of the cam-

pus community is invested in creating a safe campus environment for themselves and others. Program participants are instructed on safe options for preventing harm and intervening when a risk of sexual harassment exists.

### ONGOING CAMPAIGNS:

Ongoing awareness and prevention campaigns are provided throughout the school year to students, faculty, and staff.

## KEY CONTACTS

### ► Title IX Coordinator

Vice President for Learning & Student Services  
(928) 532-6141

Office of Vice President for  
Learning & Student Services  
1001 W. Deuce of Clubs,  
Goldwater Building, Room 117  
Show Low, AZ 85901

### OTHER RESOURCES

NPC provides a full list of both national and local help resources on our website at:

[www.npc.edu/title-ix/help-resources](http://www.npc.edu/title-ix/help-resources).

### ► Title IX Deputy Coordinators

#### Josh Rogers - Student Coordinator

Director of Student Service  
(928) 536-6227 | [joshua.rogers@npc.edu](mailto:joshua.rogers@npc.edu)

Office of Student Services  
1611 S. Main St., Student Center, Room 109  
Snowflake, AZ 85937

#### Bob Ficken - Employee Coordinator

Chief Human Resource Officer  
(928) 524-7473 | [bob.ficken@npc.edu](mailto:bob.ficken@npc.edu)

Human Resources Office  
2251 E. Navajo Blvd., Tiponi Center, Room 300  
Holbrook, AZ 86025



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[www.npc.edu/title-ix](http://www.npc.edu/title-ix)

**PUBLIC NOTICE OF NON-DISCRIMINATION:** Northland Pioneer College does not discriminate on the basis of race, color, national origin, veteran status, religion, marital status, gender, age or disability in admission or access to, or treatment or employment in its educational programs or activities. District grievance procedures will be followed for compliance with Title IX and Section 504 requirements. The Affirmative Action Compliance Officer is the Chief Human Resources Officer, 2251 E. Navajo Blvd., Holbrook, Arizona 86025, (928) 524-7471. The Section 504 Compliance Officer is the Coordinator of the Office of Accessibility and Inclusion, 1611 S. Main Snowflake, AZ 85937, (928) 536-6246. The lack of English language skills will not be a barrier to admission and participation in vocational education programs.

MPR 2/2021