



# 2024 ANNUAL SECURITY REPORT

## NORTHWEST CAREER COLLEGE

Effective 10/01/2024

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# **Introduction and Purpose**

## **Purpose of the Annual Security Report**

The “Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act” was enacted by Congress and signed into law in November 1990, and amended in 1992, 1998, 2000, and 2008. This law requires postsecondary institutions to provide statistics regarding the incidence of crime on our campus and information on our policies and procedures for maintaining a safe and secure environment for students, employees, and visitors while they are on campus.

The Violence Against Women Reauthorization Act of 2013 (VAWA), among other provisions, amended the Clery Act to require postsecondary institutions to compile statistics for incidents of domestic violence, dating violence, sexual assault, and stalking and to include certain policies, procedures, and programs pertaining to these incidents in their Annual Security Report (ASR).

Part 106 of Title 34 of the Code of Federal Regulations (Nondiscrimination On The Basis Of Sex In Education Programs Or Activities Receiving Federal Financial Assistance) was amended in 2024 by the Secretary of Education to expand and clarify the existing requirements. It was further clarified that postsecondary institutions obligation to comply with Title IX and Part 106 is not obviated or alleviated by any State or local law or other requirement that conflicts with Title IX or Part 106 or by FERPA.

## **Annual Security Report Preparation Protocol**

NCC reviews its campus security policies and procedures on an annual basis to ensure that they continue to reflect current institutional practices and are compliant with Federal requirements.

Upon completion of this review, NCC updates the ASR and publishes the current version on NCC’s website. NCC then notifies all current students and employees via email about the update, along with the web address for accessing the report.

## **Campus Safety Policy**

Northwest Career College, “NCC,” is committed to providing a safe learning and working environment for its students, faculty, staff and visitors. Safety is a community wide effort which requires awareness and diligence. On the campus of NCC, we take care to minimize potentially unsafe situations through our policies and procedures as well as encouraging everyone to take responsibility for their own security.

## **Nondiscrimination Policy**

§ 106.8 (b)(1) NCC does not discriminate and prohibits discrimination of any kind (including sex-based harassment or discrimination based on age, color, disability, gender, gender identity, marital status, national origin, race, religion, sex, sex characteristics, sex stereotypes, sexual orientation, pregnancy or related conditions, veteran status, or any other legally protected status § 106.10) by students or employees in any education programs that it operates, including in admission or employment.

Specific applications of this policy include:

- § 106.21 Nondiscrimination in Admissions Procedures
  - o § 106.21 (a) NCC will not deny admission to or discriminate in admission of any applicant for admission on the basis of sex.

- § 106.21 (c) In determining whether a person satisfies any policy or criterion for admission, or in making any offer of admission, NCC:
  - § 106.21 (c)(1) Will treat pregnancy or related conditions in the same manner and under the same policies as any other temporary medical conditions; and
  - § 106.21 (c)(2) Will not:
    - § 106.21 (c)(2) (i) Adopt or implement any policy, practice, or procedure concerning the current, potential, or past parental, family, or marital status of a student or applicant that treats persons differently on the basis of sex;
    - § 106.21 (c)(2)(ii) Discriminate against any person on the basis of current, potential, or past pregnancy or related conditions, or adopt or implement any policy, practice, or procedure that so discriminates; and
    - § 106.21 (c)(2)(iii) Make a pre-admission inquiry as to the marital status of an applicant for admission, including whether such applicant is “Miss or Mrs.”
    - § 106.21 (c)(2)(iii) NCC asks all applicants to self-identify their sex for federal reporting purposes, but the response is not used as a basis for discrimination prohibited by this part.
- § 106.40 Nondiscrimination related to parental, family, or marital status, or pregnancy or related conditions.
  - § 106.40 (a) NCC will not adopt or implement any policy, practice, or procedure concerning a student’s current, potential, or past parental, family, or marital status that treats students differently on the basis of sex.
  - § 106.40 (b)(1) NCC will not discriminate in its education programs against any student based on the student’s current, potential, or past pregnancy or related conditions.
  - § 106.40 (b)(2) NCC will provide Title IX Coordinator contact and other information to students who inform the institution of pregnancy or related conditions.
  - § 106.40 (b)(3) NCC will take specific actions to prevent discrimination and ensure equal access once a student notifies the Title IX Coordinator of pregnancy or related conditions, including:
    - § 106.40 (b)(3)(i) Information about NCC’s obligations.
    - § 106.40 (b)(3)(ii) Reasonable modifications to the education programs.
    - § 106.40 (b)(3)(iii) Voluntary access to separate and comparable portion of program.
    - § 106.40 (b)(3)(iv) Voluntary leaves of absence.
    - § 106.40 (b)(3)(v) Lactation space.
    - § 106.40 (b)(3)(vi) Limitation on supporting documentation.
  - § 106.40 (b)(4) NCC will treat pregnancy or related conditions comparably to other temporary medical conditions.
  - § 106.40 (b)(5) NCC will not require a student who is pregnant or has related conditions to provide certification from a healthcare provider that the student is physically able to participate in NCC’s class, program, or extracurricular activity except under the circumstances allowable by § 106.40 (b)(5)(i-iii).

- § 106.60 Nondiscrimination in Pre-employment Procedures
  - o § 106.60 (a) NCC will not make a pre-employment inquiry as to the marital status of an applicant for employment, including whether such applicant is “Miss or Mrs.”
  - o § 106.60 (b) NCC asks all applicants for employment to self-identify their sex, but the response is not used as a basis for discrimination prohibited by Title IX or this part.

Individuals who believe they have witnessed or been subjected to discrimination of any kind should immediately report suspected or confirmed instances of discrimination to the Office of the CEO. The Office of the CEO will investigate all such reports in accordance with NCC’s Grievance Policy.

§ 106.8 (c) and § 106.8 (c)(2)(i-iii) NCC provides notice of nondiscrimination to the following populations in the manner identified below:

- Applicants for admission/students: by distributing a link to the notice of nondiscrimination (posted on its website) to applicants via the application for admission and by notifying students via email whenever NCC updates the notice of nondiscrimination.
- Applicants for employment/employees: by including a nondiscrimination statement in all job postings, by distributing a link to the notice of nondiscrimination (posted on its website) to applicants via the application for employment, and by notifying employees via email whenever NCC updates the notice of nondiscrimination.

§ 106.8 (c)(1)(i) The notice of nondiscrimination includes the following information:

- § 106.8 (c)(1)(i)(A) How to locate NCC’s nondiscrimination policy and grievance procedures related to Title IX and Part 106 regulations.
- § 106.8 (c)(1)(i)(B) How to report information about conduct that may constitute sex discrimination under Title IX or Part 106 regulations.
- § 106.8 (c)(1)(i)(C) How to make a complaint of sex discrimination under Title IX or Part 106 regulations.
- § 106.8 (c)(1)(i)(D) How inquiries about the application of Title IX or Part 106 regulations to NCC’s operations may be referred to the Title IX Coordinator or the Office of Civil Rights.
- § 106.8 (c)(1)(i)(E) The name, title, office address, email address, and telephone number of the Title IX Coordinator.

## **Definitions of Important Terminology**

NCC uses the following definitions throughout the Annual Security Report in reference to the terms listed below:

- Advisor means any individual who provides the complainant or the accused support, guidance, or advice regarding the alleged incidents or the complaint process.
- Awareness programs mean community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration.
- Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm,

understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

- Complainant means (1) A student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or Part 106; or (2) A person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or this part and who was participating or attempting to participate in the recipient's education programs at the time of the alleged sex discrimination.
- Complaint means an oral or written request to the recipient that objectively can be understood as a request for the recipient to investigate and make a determination about alleged discrimination under Title IX or this part.
- Confidential Employee means (1) An employee of a recipient whose communications are privileged or confidential under Federal or State law. The employee's confidential status, for purposes of this part, is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies; or (2) An employee of a recipient whom the recipient has designated as confidential under this part for the purpose of providing services to persons related to sex discrimination. If the employee also has a duty not associated with providing those services, the employee's confidential status is only with respect to information received about sex discrimination in connection with providing those services.
- Consent means an understandable exchange of affirmative words or actions that indicate a willingness to participate in mutually agreed upon sexually explicit touching or sexual penetration. Consent must be informed, and freely and actively given. It is incumbent upon each individual involved in the activity to either obtain or give consent prior to any sexual activity, and again, prior to sexual penetration. If at any time during the sexual interaction any confusion or ambiguity should arise on the issue of consent, it is incumbent upon each individual involved in the activity to stop and clarify, verbally, the other's willingness to continue. (Georgetown University Health Education Services: What is Consent?, 2010.)

Nevada does not have an independent definition of "consent" in the Nevada Revised Statutes (NRS).

- Dating Violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party'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. 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. (34 C.F.R. § 668.46(a))

Nevada does not have an independent definition of "dating violence" in the Nevada Revised Statutes (NRS).

- Disciplinary sanctions means consequences imposed on a respondent following a determination under Title IX that the respondent violated the recipient's prohibition on sex discrimination.
- Domestic Violence means a felony or misdemeanor crime of violence committed by: a current or former spouse or intimate partner of the victim; a person with whom the victim shares a child in common; a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or, any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred. (34 C.F.R. § 668.46(a))

As defined in Nevada (NRS 33.018), “Domestic violence occurs when a person commits one of the following acts against or upon the person’s spouse or former spouse, any other person to whom the person is related by blood or marriage, any other person with whom the person is or was actually residing, any other person with whom the person has had or is having a dating relationship, any other person with whom the person has a child in common, the minor child of any of those persons, the person’s minor child or any other person who has been appointed the custodian or legal guardian for the person’s minor child:

- (a) A battery.
- (b) An assault.
- (c) Compelling the other person by force or threat of force to perform an act from which the other person has the right to refrain or to refrain from an act which the other person has the right to perform.
- (d) A sexual assault.
- (e) A knowing, purposeful or reckless course of conduct intended to harass the other person. Such conduct may include, but is not limited to: (1) Stalking; (2) Arson; (3) Trespassing; (4) Larceny; (5) Destruction of private property; (6) Carrying a concealed weapon without a permit; and (7) Injuring or killing an animal.
- (f) A false imprisonment.
- (g) Unlawful entry of the other person’s residence, or forcible entry against the other person’s will if there is a reasonably foreseeable risk of harm to the other person from the entry.

As used in this section, “dating relationship” means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.”

- Hate Crime means a crime reported to local police agencies or to a CSA that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. For the purposes of this section, the categories of bias include the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability. (34 C.F.R. § 668.46(a))

Nevada does not have an independent definition of “hate crime” in the Nevada Revised Statutes (NRS).

- Ongoing prevention and awareness campaigns means programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout NCC and including the information described in the paragraphs above.
- Peer retaliation means retaliation by a student against another student.
- Pregnancy or related conditions means (1) Pregnancy, childbirth, termination of pregnancy, or lactation; (2) Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or (3) Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.
- Primary prevention programs means programming, initiatives, and strategies informed by research and assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in a healthy and safe direction.
- Proceeding means all activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, fact-finding investigations, formal or informal meetings, and hearings. Proceedings do not include communications and meetings between officials and victims concerning accommodations or protective measures to be provided to a victim.

- Relevant means related to the allegations of sex discrimination under investigation as part of the grievance procedures under § 106.45, and if applicable § 106.46. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred.
- Remedies means measures provided, as appropriate, to a complainant or any other person the recipient identifies as having had their equal access to the recipient’s education programs limited or denied by sex discrimination. These measures are provided to restore or preserve that person’s access to the recipient’s education programs after a recipient determines that sex discrimination occurred.
- Respondent means a person who is alleged to have violated NCC’s prohibition on sex discrimination.
- Result means any initial, interim, and final decision by an official or entity authorized to resolve disciplinary matters within NCC. The result must include a description of any sanctions imposed by NCC, as well as the rationale for the result and the sanctions.
- Retaliation means intimidation, threats, coercion, or discrimination against any person by the recipient, a student, or an employee or other person authorized by the recipient to provide aid, benefit, or service under the recipient’s education programs, for the purpose of interfering with any right or privilege secured by Title IX or this part, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this part, including in an informal resolution process under § 106.44(k), in grievance procedures under § 106.45, and if applicable § 106.46, and in any other actions taken by a recipient under § 106.44(f)(1). Nothing in this definition or this part precludes a recipient from requiring an employee or other person authorized by a recipient to provide aid, benefit, or service under the recipient’s education programs to participate as a witness in, or otherwise assist with, an investigation, proceeding, or hearing under this part.
- Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.
- Sexual Assault means any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. This includes but is not limited to any offense that meets the following definitions of rape, fondling, incest, or statutory rape.

As defined in Nevada (NRS 200.366), a person is guilty of sexual assault if he or she “(a) Subjects another person to sexual penetration, or forces another person to make a sexual penetration on himself or herself or another, or on a beast, against the will of the victim or under conditions in which the perpetrator knows or should know that the victim is mentally or physically incapable of resisting or understanding the nature of his or her conduct; or (b) Commits a sexual penetration upon a child under the age of 14 years or causes a child under the age of 14 years to make a sexual penetration on himself or herself or another, or on a beast.”

- o Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity. (34 C.F.R. § 668 Subpart D Appendix A)

Nevada does not have an independent definition of “fondling” in the Nevada Revised Statutes (NRS).

- Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law. (34 C.F.R. § 668 Subpart D Appendix A)

Nevada does not have an independent definition of “incest” in the Nevada Revised Statutes (NRS).

- Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females. (34 C.F.R. § 668 Subpart D Appendix A)

Nevada does not have an independent definition of “rape” in the Nevada Revised Statutes (NRS).

- Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent. (34 C.F.R. § 668 Subpart D Appendix A)

As defined in Nevada (NRS 200.364), statutory sexual seduction means “ordinary sexual intercourse, anal intercourse or sexual penetration committed by a person 18 years of age or older with a person who is 14 or 15 years of age and who is at least 4 years younger than the perpetrator.”

- Sex-based harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on the bases described in § 106.10, that is:

- Quid pro quo harassment. An employee, agent, or other person authorized by the recipient to provide an aid, benefit, or service under the recipient’s education programs explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person’s participation in unwelcome sexual conduct;

- Hostile environment harassment. Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person’s ability to participate in or benefit from the recipient’s education programs (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

- The degree to which the conduct affected the complainant’s ability to access the recipient’s education programs;
- The type, frequency, and duration of the conduct;
- The parties’ ages, roles within the recipient’s education programs, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
- The location of the conduct and the context in which the conduct occurred; and
- Other sex-based harassment in the recipient’s education programs;

- Specific offenses.

- Sexual assault meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
- Dating violence meaning violence committed by a person:
  - Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
  - Where the existence of such a relationship shall be determined based on a consideration of the following factors:
    - The length of the relationship;
    - The type of relationship; and
    - The frequency of interaction between the persons involved in the relationship;
  - Domestic violence meaning felony or misdemeanor crimes committed by a person who:
    - Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the recipient, or a person similarly situated to a spouse of the victim;

- Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
- Shares a child in common with the victim; or
- Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction; or
- Stalking meaning engaging in a course of conduct 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.

Sexual Harassment as defined in Nevada (NRS 284.065), means unwelcome sexual advances, requests for sexual favors, or other speech or physical conduct of a sexual nature when: 1. Submission to such speech or conduct is made either explicitly or implicitly a term or condition of a person’s employment; 2. Submission to or the rejection of such speech or conduct by a person is used as the basis for employment decisions affecting that person; or 3. Such speech or conduct has the purpose or effect of unreasonably interfering with a person’s work performance or creating an intimidating, hostile or offensive working environment.

Stalking as defined in Nevada (NRS 200.575), means a person without lawful authority, willfully or maliciously engages in a course of conduct that would cause a reasonable person to feel terrorized, frightened, intimidated, harassed or fearful for the immediate safety of a family or household member, and that actually causes the victim to feel terrorized, frightened, intimidated, harassed or fearful for the immediate safety of a family or household member, commits the crime of stalking.

For the purposes of the stalking definition identified under sex-based harassment, the following terms are used:

- *Course of Conduct*: Two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. (34 C.F.R. § 668 Subpart D Appendix A)
  - *Reasonable Person*: A reasonable person under similar circumstances and with similar identities to the victim. (34 C.F.R. § 668 Subpart D Appendix A)
  - *Substantial Emotional Distress*: significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. (34 C.F.R. § 668 Subpart D Appendix A)
- Supportive Measures means individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to: (1) Restore or preserve that party’s access to the recipient’s education programs, including measures that are designed to protect the safety of the parties or the recipient’s educational environment; or (2) Provide support during the recipient’s grievance procedures under § 106.45, and if applicable § 106.46, or during the informal resolution process under § 106.44(k).

# **Institutional Security Policies**

## **Campus Security Policy**

NCC issues this report and the policies and procedures wherein as a statement of policy to inform the community of our comprehensive plan addressing sexual misconduct, educational programs, and procedures that address dating violence, domestic violence, sexual assault and stalking, whether the incident occurs on or off campus and when it is reported to a college official.

NCC prohibits the offenses of dating violence, domestic violence, sexual assault and stalking and reaffirms its commitment to maintain a campus environment emphasizing the dignity and worth of all members of the college community. This policy applies equally to all students and employees regardless of the sex, gender, sexual orientation, gender identity, or gender expression of any of the individuals involved.

NCC reserves the right to administratively withdraw any student from the school who violates these policies. Employees who violate these policies will be subject to disciplinary action, up to and including termination.

## **Campus Security Features**

### **Personnel-Based Features**

NCC maintains staff at the front desk of each facility listed in the School Catalog during their respective hours of operation to coordinate responses to emergencies or criminal activities that occur during business operation hours.

NCC maintains a policy that no students may remain within campus facilities outside of the business hours listed above. The facility is locked before the final staff member leaves the campus.

### **Facility-Based Features**

All campus facilities are equipped with a security system. The security system for each facility is armed whenever no staff members are present. Security system maintenance is provided on a consistent basis to ensure the system remains functional.

NCC maintains video cameras throughout campus facilities to facilitate verification of reports regarding misconduct or criminal behavior. Notice of recording is given in writing at the entrance to campus facilities.

NCC maintains land-line phones throughout the campus should one be needed in case of an emergency.

NCC maintains a well-lit parking lot in addition to safety lights throughout the campus.

## **Campus Security Personnel**

### **Designated Security Personnel**

Students and employees should report the criminal offenses described in 34 CFR § 668.46(c) and the Crime Statistics section of the ASR to the first available front desk staff member or member of the Operations Department, for the purposes of making timely warning reports and the annual statistical disclosure:

## Supplemental Security Personnel

If a student or employee cannot immediately locate a front desk staff member, they are encouraged to locate a lead instructor or Program Chair for assistance so they may report the criminal offense in a timely manner.

## Campus Security Authorities

NCC has further designated the following individuals as Campus Security Authorities (as defined in the Clery Act):

- Front desk staff members;
- Program Chairs and Lead Instructors;
- Advisors and Directors within the Academic Affairs, Student Development, and Career Services Departments;
- Employees of the Operations Department; and,
- Any employee that supervises another employee identified as a Campus Security Authority.

## Pastoral or Professional Counselors

NCC does not employ on-campus pastoral or professional counselors. Pastoral counselors and professional counselors who contact NCC regarding a reported crime are directed to speak with designated security personnel. They are encouraged, if and when they deem it appropriate, to inform the persons they are counseling of the procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics contained within this report.

## Law Enforcement Authority and Jurisdiction of Campus Security Personnel

There are no designated campus security personnel with law enforcement authority or jurisdiction. Designated campus security personnel do not have the authority to make arrests. All complaints regarding criminal activities requiring law enforcement are directed to LVMPD, including the enforcement of state under-age drinking laws and federal and state drug laws.

## Written Agreements with Law Enforcement

There is no written memorandum of understanding between NCC and the Las Vegas Metropolitan Police Department for the investigation of alleged criminal offenses.

## Reporting Crimes to Law Enforcement

Designated security personnel are required to promptly and accurately report all crimes to the appropriate police agencies when the victim of a crime elects to, or is unable to, make such a report. NCC requires that designated security personnel respect the wishes of the victim if they decline to make a report or involve law enforcement authorities.

## **Educational Programs**

### Educational Programs Overview

NCC conducts educational programs to promote the awareness of dating violence, domestic violence, sexual assault, and stalking.

NCC conducts an initial crime prevention and awareness educational program for all new incoming students and employees. The initial educational program is presented to all new students during their conditional acceptance period and to all new employees prior to the end of their new employee onboarding experience. The initial

educational program addresses security procedures and practices and encourages the campus community to look out for themselves and one another and is conducted regularly for new students and employees.

NCC conducts an ongoing crime prevention and awareness educational program for the campus on an annual basis. The ongoing educational program covers similar topic material and is conducted annually for returning students and employees.

### Educational Program Details

The Educational Program for Students includes the following information:

- Details about NCC’s obligation to address sex discrimination in its educational programs;
- NCC’s policy statement prohibits sex discrimination and the crimes of dating violence, domestic violence, sexual assault and stalking;
- Definitions of the terms dating violence, domestic violence, sexual assault, stalking, and consent (in reference to sexual activity), and sex discrimination as used in Title IX and Part 106 (including the definition of sex-based harassment);
- Crime Prevention Information;
- Risk Reduction Information;
- Bystander Intervention Information;
- Information on NCC’s policies and programs to prevent dating violence, domestic violence, sexual assault, stalking, and sex discrimination;
- Information on institutional procedures for disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, stalking, and sex discrimination; and,
- Written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services available for victims, within NCC and in the community.

§ 106.8 (d)(1) The Educational Program for Employees includes all information from the Educational Program for Students, as well as the following additional information:

- All Definitions of Important Terminology as published in the Annual Security Report.
- § 106.40 (b)(2) Details about NCC’s obligation to ensure that when a student, or a person who has a legal right to act on behalf of the student, informs any employee of the student’s pregnancy or related conditions, unless the employee reasonably believes that the Title IX Coordinator has been notified, the employee promptly provides that person with the Title IX Coordinator’s contact information and informs that person that the Title IX Coordinator can coordinate specific actions to prevent sex discrimination and ensure the student’s equal access to the recipient’s education programs.
- § 106.44 Details about NCC’s obligations to appropriately respond to sex discrimination, including that:
  - o § 106.44 (a)(1) and § 106.44 (a)(2) NCC must respond promptly and effectively if it has knowledge of conduct that reasonably may constitute sex discrimination in its education programs.
  - o § 106.44 (b)(1) The Title IX Coordinator must monitor NCC’s education programs for barriers to reporting information about conduct that reasonably may constitute sex discrimination under Title IX or Part 106 and § 106.44 (b)(2) take steps reasonably calculated to address such barriers.

- § 106.44 (c)(2)(i) Any employee who is not a confidential employee must notify the Title IX Coordinator if they have information about conduct that reasonably may constitute sex discrimination under Title IX or Part 106. These requirements apply to all employees, regardless of whether they are also enrolled at NCC as a student. However, these requirements do not apply to the employee if they have *personally* been subject to conduct that reasonably may constitute sex discrimination under Title IX or Part 106, as they may choose to report or not report such conduct.
- § 106.44 (d)(2) Any “confidential employees” (as defined by Title IX or Part 106) designated by NCC are obligated to explain to any person who informs them of conduct that reasonably may constitute sex discrimination under Title IX or Part 106:
  - § 106.44 (d)(2)(i) That they are a confidential employee for purposes of Part 106 and therefore there are circumstances under which they are not required to notify the Title IX Coordinator about conduct that reasonably may constitute sex discrimination;
  - § 106.44 (d)(2)(ii) How to contact the recipient’s Title IX Coordinator and how to make a complaint of sex discrimination; and
  - § 106.44 (d)(2)(iii) That the Title IX Coordinator may be able to offer and coordinate supportive measures, as well as initiate an informal resolution process or an investigation under the grievance procedures.
- § 106.44 (h) NCC may remove a respondent from their education program on an emergency basis if, after performing an individualized safety and risk analysis, it determines that an imminent and serious threat to the health or safety of a complainant or any students, employees, or other persons arising from the allegations of sex discrimination justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal.
- § 106.44 (i) NCC may place an employee respondent on administrative leave from employment responsibilities during grievance procedures at its discretion.
- § 106.44 (j) NCC must not disclose personally identifiable information obtained in the course of complying with Title IX or Part 106 investigations or grievance procedures.
- § 106.11 Conduct that occurs under NCC’s education programs includes but is not limited to conduct that occurs in a building owned or controlled by NCC and conduct that is subject to NCC’s disciplinary authority. Further, NCC has an obligation to address a sex-based hostile environment under its education programs, even when some conduct alleged to be contributing to the hostile environment occurred outside NCC’s education programs or outside the United States.

§ 106.8 (d)(2) The Educational Program for Title IX Investigators, Decisionmakers, Appeals Coordinators, and Key Administrators (i.e., persons who are responsible for implementing grievance procedures or have the authority to modify or terminate supportive measures) includes all information from the Educational Programs for Students and Employees, as well as the following additional information:

- § 106.44 NCC’s general obligations in response to reports of sex discrimination.
- § 106.44 (j) NCC must not disclose personally identifiable information obtained in the course of complying with Title IX or Part 106 investigations or grievance procedures, except:
  - § 106.44 (j)(1) When the recipient has obtained prior written consent from a person with the legal right to consent to the disclosure;

- § 106.44 (j)(2) When the information is disclosed to a parent, guardian, or other authorized legal representative with the legal right to receive disclosures on behalf of the person whose personally identifiable information is at issue;
  - § 106.44 (j)(3) To carry out the purposes of this part, including action taken to address conduct that reasonably may constitute sex discrimination under Title IX in NCC’s education programs;
  - § 106.44 (j)(4) As required by Federal law, Federal regulations, or the terms and conditions of a Federal award, including a grant award or other funding agreement; or
  - § 106.44 (j)(4) To the extent such disclosures are not otherwise in conflict with Title IX or this part, when required by State or local law or when permitted under FERPA, 20 U.S.C. 1232g, or its implementing regulations, 34 CFR part 99.
- § 106.45 and § 106.46 The rules and practices associated with NCC’s grievance procedures and how to properly manage the grievance procedures.
  - § 106.45 and § 106.46 How to serve impartially, including how to conduct an impartial investigation and how to avoid prejudice of the facts at issue, conflicts of interest, and bias; and
  - § 106.45 and § 106.46 The meaning and application of the term “relevant” in relation to questions and evidence, and the types of evidence that are impermissible regardless of relevance under § 106.45 and § 106.46, including how to apply the rape shield protections provided for Complainants.
  - How to use any technology needed to conduct a live hearing.

§ 106.8 (d)(3) The Educational Program for Title IX Facilitators (i.e., persons who are responsible for facilitating the informal resolution process) includes all information from the Educational Program for Students and Employees, as well as the following additional information:

- § 106.8 (d)(3) The rules and practices associated with NCC’s informal resolution process and how to properly manage the informal resolution process.
- § 106.8 (d)(3) Guidance on how to serve impartially, including by avoiding conflicts of interest and bias.
- § 106.44 (k)(1) NCC may offer to a complainant and respondent an informal resolution process at any time prior to determining whether sex discrimination occurred, unless such a process would conflict with Federal, State or local law.
- § 106.44 (k)(1) Whenever NCC offers the parties an informal resolution process, Title IX Coordinator will still take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within NCC’s education programs
  - § 106.44 (k)(1)(i) NCC has discretion to determine whether it is appropriate to offer an informal resolution process when it receives information about conduct that reasonably may constitute sex discrimination under Title IX or Part 106 or when a complaint of sex discrimination is made and may decline to offer informal resolution despite one or more of the parties’ wishes.
  - § 106.44 (k)(1)(ii) NCC may decline to allow informal resolution when it determines that the alleged conduct would present a future risk of harm to others.
- § 106.44 (k)(2) NCC will not require or pressure the parties to participate in an informal resolution process. Rather, it must obtain the parties’ voluntary consent to the informal resolution process and must not require waiver of the right to an investigation and determination of a complaint as a condition of enrollment or continuing enrollment, or employment or continuing employment, or exercise of any other right.

- § 106.44 (k)(3) Before initiation of an informal resolution process, NCC will provide to the parties notice that explains:
  - o § 106.44 (k)(3)(i) The allegations;
  - o § 106.44 (k)(3)(ii) The requirements of the informal resolution process;
  - o § 106.44 (k)(3)(iii) That, prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and to initiate or resume the recipient’s grievance procedures;
  - o § 106.44 (k)(3)(iv) That the parties’ agreement to a resolution at the conclusion of the informal resolution process would preclude the parties from initiating or resuming grievance procedures arising from the same allegations;
  - o § 106.44 (k)(3)(v) The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and
  - o § 106.44 (k)(3)(vi) What information NCC will maintain and whether and how NCC could disclose such information for use in grievance procedures if grievance procedures are initiated or resumed.
- § 106.44 (k)(4) The facilitator for the informal resolution process will not be the same person as the investigator or the decisionmaker in the recipient’s grievance procedures. The facilitator will not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. The facilitator will receive training prior to overseeing the informal resolution process.
- § 106.44 (k)(5) Potential terms that may be included in an informal resolution agreement include but are not limited to:
  - o § 106.44 (k)(5)(i) Restrictions on contact; and
  - o § 106.44 (k)(5)(ii) Restrictions on the respondent’s participation in one or more of NCC’s programs or attendance at specific events, including restrictions the recipient could have imposed as remedies or disciplinary sanctions had the recipient determined at the conclusion of the recipient’s grievance procedures that sex discrimination occurred.

§ 106.8 (d)(4) The Educational Program for Title IX Coordinators and Designees includes all information from the Educational Program for Students; Employees; Title IX Investigators, Decisionmakers, and Key Administrators; and Title IX Facilitators, as well as the following additional information:

- § 106.8 (a)(1) The Title IX Coordinator has ultimate oversight over NCC’s responsibilities to coordinate efforts to comply with its responsibilities under Title IX and Part 106 and must ensure NCC’s consistent compliance with its responsibilities under Title IX and Part 106.
- § 106.8 (a)(2) The Title IX Coordinator may designate other staff members to assist them in the execution of all responsibilities assigned to them but retains ultimate responsibility for continuous compliance.
- § 106.40 (b)(1) NCC may not discriminate in its education programs against any student based on the student’s current, potential, or past pregnancy or related conditions.
- § 106.40 (b)(2) NCC must ensure that when a student, or a person who has a legal right to act on behalf of the student, informs any employee of the student’s pregnancy or related conditions, unless the employee reasonably believes that the Title IX Coordinator has been notified, the employee promptly provides that person with the Title IX Coordinator’s contact information and informs that person that the Title IX

Coordinator can coordinate specific actions to prevent sex discrimination and ensure the student's equal access to NCC's education programs.

- § 106.40 (b)(3) The Title IX Coordinator must coordinate specific actions to promptly and effectively prevent sex discrimination and ensure equal access to NCC's education programs once a student, or a person who has a legal right to act on behalf of a student, notifies the Title IX Coordinator of a student's pregnancy or related conditions. Those actions include:
  - § 106.40 (b)(3)(i) Inform the student, and if applicable, the person who notified the Title IX Coordinator of the student's pregnancy or related conditions and has a legal right to act on behalf of the student, of NCC's obligations to do the following:
    - § 106.40 (b)(1) NCC may not discriminate in its education programs against any student based on the student's current, potential, or past pregnancy or related conditions.
      - NCC is not engaging in prohibited discrimination when it allows a student, based on pregnancy or related conditions, to voluntarily participate in a separate portion of its education programs provided that NCC ensures that the separate portion is comparable to that offered to students who are not pregnant and do not have related conditions.
    - § 106.40 (b)(2) NCC must ensure that when a student, or a person who has a legal right to act on behalf of the student, informs any employee of the student's pregnancy or related conditions, unless the employee reasonably believes that the Title IX Coordinator has been notified, the employee promptly provides that person with the Title IX Coordinator's contact information and informs that person that the Title IX Coordinator can coordinate specific actions to prevent sex discrimination and ensure the student's equal access to NCC's education programs.
    - § 106.40 (b)(3) NCC must coordinate specific actions to promptly and effectively prevent sex discrimination and ensure equal access to NCC's education programs once a student, or a person who has a legal right to act on behalf of a student, notifies the Title IX Coordinator of a student's pregnancy or related conditions.
    - § 106.40 (b)(3)(ii)(A) NCC will make reasonable modifications to its policies, practices, or procedures as necessary to prevent sex discrimination and ensure equal access to its education programs. Each reasonable modification must be based on the student's individualized needs. In determining what modifications are required under this paragraph, NCC will consult with the student.
      - A modification requested by a student that NCC can demonstrate would fundamentally alter the nature of its education programs is not a reasonable modification.
    - § 106.40 (b)(3)(ii)(B) The student has discretion to accept or decline each reasonable modification offered by NCC. If a student accepts NCC's offered reasonable modification, NCC must implement it.
    - § 106.40 (b)(3)(ii)(C) Reasonable modifications may include, but are not limited to, breaks during class to express breast milk, breastfeed, or attend to health needs associated with pregnancy or related conditions, including eating, drinking, or using the restroom; intermittent absences to attend medical appointments; access to online or homebound education; changes in schedule or course sequence; extensions of time for coursework and rescheduling of tests and examinations; allowing a student to sit or stand, or carry or keep water nearby; counseling; changes in physical space or supplies (for example, access to a

larger desk or a footrest); elevator access; or other changes to policies, practices, or procedures.

- § 106.40 (b)(3)(iii) NCC will allow the student to voluntarily access any separate and comparable portion of NCC's education programs under paragraph (b)(1) of this section.
- § 106.40 (b)(3)(iv) NCC will allow the student to voluntarily take a leave of absence from their education program to cover, at minimum, the period of time deemed medically necessary by the student's licensed healthcare provider. To the extent that a student qualifies for leave under NCC's leave policy that allows a greater period of time than the medically necessary period, NCC will permit the student to take voluntary leave under that policy instead, if the student so chooses. When the student returns to their education programs, the student must be reinstated to the academic status that the student held when the voluntary leave began.
- § 106.40 (b)(3)(v) NCC will ensure that the student can access a lactation space, which must be a space other than a bathroom, that is clean, shielded from view, free from intrusion from others, and may be used by a student for expressing breast milk or breastfeeding as needed.
- § 106.40 (b)(3)(vi) NCC will not require supporting documentation under paragraphs (b)(3)(ii) through (v) unless the documentation is necessary and reasonable to determine the reasonable modifications to make or whether to take additional specific actions under paragraphs (b)(3)(ii) through (v).
  - Examples of situations when requiring supporting documentation is not necessary and reasonable include, but are not limited to, when the student's need for a specific action under paragraphs (b)(3)(ii) through (v) is obvious, such as when a student who is pregnant needs a bigger uniform; when the student has previously provided the recipient with sufficient supporting documentation; when the reasonable modification because of pregnancy or related conditions at issue is allowing a student to carry or keep water nearby and drink, use a bigger desk, sit or stand, or take breaks to eat, drink, or use the restroom; when the student has lactation needs; or when the specific action under paragraphs (b)(3)(ii) through (v) is available to students for reasons other than pregnancy or related conditions without submitting supporting documentation.
- § 106.40 (b)(4) To the extent consistent with § 106.40 (b)(3), NCC must treat pregnancy or related conditions in the same manner and under the same policies as any other temporary medical conditions with respect to any service or policy that NCC administers or offers with respect to students admitted to its education programs.
- § 106.40 (b)(5) NCC may not require a student who is pregnant or has related conditions to provide certification from a healthcare provider or any other person that the student is physically able to participate in the class, program, or extracurricular activity unless:
  - The certified level of physical ability or health is necessary for participation in the class, program, or extracurricular activity;
  - NCC requires such certification of all students participating in the class, program, or extracurricular activity; and
  - The information obtained is not used as a basis for discrimination.

- § 106.44 (j) NCC will not disclose personally identifiable information obtained in the course of complying with Part 106 procedures, except:
  - When NCC has obtained prior written consent from a person with the legal right to consent to the disclosure;
  - When the information is disclosed to a parent, guardian, or other authorized legal representative with the legal right to receive disclosures on behalf of the person whose personally identifiable information is at issue;
  - To carry out the purposes of Part 106, including action taken to address conduct that reasonably may constitute sex discrimination under Title IX in NCC's education programs;
  - As required by Federal law, Federal regulations, or the terms and conditions of a Federal award, including a grant award or other funding agreement; or
  - To the extent such disclosures are not otherwise in conflict with Title IX or this part, when required by State or local law or when permitted under FERPA, 20 U.S.C. 1232g, or its implementing regulations, 34 CFR part 99.
- § 106.8(c)(1) NCC will provide the student with a copy of its notice of nondiscrimination, which includes the following information:
  - How to locate NCC's nondiscrimination policy and grievance procedures related to Title IX and Part 106 regulations.
  - How to report information about conduct that may constitute sex discrimination under Title IX or Part 106 regulations.
  - How to make a complaint of sex discrimination under Title IX or Part 106 regulations.
  - How inquiries about the application of Title IX or Part 106 regulations to NCC's operations may be referred to the Title IX Coordinator or the Office of Civil Rights.
  - The name, title, office address, email address, and telephone number of the Title IX Coordinator.
- § 106.44 (e) If the Title IX Coordinator is notified of information about conduct that reasonably may constitute sex-based harassment under Title IX or Part 106 during a public event (held on campus or online) designed to raise awareness about sex-based harassment, NCC is not obligated to act in response to the information, unless it indicates an imminent and serious threat to the health or safety of a complainant, any students, employees, or other persons.
- § 106.44 (e) NCC must use any information relayed during a public event designed to raise awareness about sex-based harassment to inform its efforts to prevent sex-based harassment, including by providing tailored training to address alleged sex-based harassment when information indicates there may be multiple incidents of sex-based harassment. However, nothing in Title IX or Part 106 obligates NCC to require its Title IX Coordinator or any other employee to attend such public awareness events.
- § 106.44 (f) The Title IX Coordinator is responsible for coordinating NCC's compliance with its obligations under Title IX and Part 106.
  - § 106.44 (f)(1) When notified of conduct that reasonably may constitute sex discrimination under Title IX or Part 106, they must take the following actions to promptly and effectively end any sex discrimination in NCC's education programs, prevent its recurrence, and remedy its effects:

- § 106.44 (f)(1)(i) Treat the complainant and respondent equitably;
- § 106.44 (f)(1)(ii) Offer and coordinate supportive measures, as appropriate, for the complainant.
- § 106.44 (f)(1)(ii) If NCC has initiated grievance procedures or offered an informal resolution process to the respondent, they must offer and coordinate supportive measures, as appropriate, for the respondent;
- § 106.44 (f)(1)(iii)(A) Notify the complainant or, if the complainant is unknown, the individual who reported the conduct, of the grievance procedures and the informal resolution process, if available and appropriate;
- § 106.44 (f)(1)(iii)(B) If a complaint is made, notify the respondent of the grievance procedures and the informal resolution process, if available and appropriate;
- § 106.44 (f)(1)(iv) In response to a complaint, initiate the grievance procedures or the informal resolution process, if available and appropriate and requested by all parties;
- § 106.44 (f)(1)(v) In the absence of a complaint or the withdrawal of any or all of the allegations in a complaint, and in the absence or termination of an informal resolution process, determine whether to initiate a complaint of sex discrimination that complies with the grievance procedures.
  - § 106.44 (f)(1)(v)(A) To make this fact-specific determination, the Title IX Coordinator must consider, at a minimum, the following factors:
    - § 106.44 (f)(1)(v)(A)(1) The complainant’s request not to proceed with initiation of a complaint;
    - § 106.44 (f)(1)(v)(A)(2) The complainant’s reasonable safety concerns regarding initiation of a complaint;
    - § 106.44 (f)(1)(v)(A)(3) The risk that additional acts of sex discrimination would occur if a complaint is not initiated;
    - § 106.44 (f)(1)(v)(A)(4) The severity of the alleged sex discrimination, including whether the discrimination, if established, would require the removal of a respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
    - § 106.44 (f)(1)(v)(A)(5) The age and relationship of the parties, including whether the respondent is an employee;
    - § 106.44 (f)(1)(v)(A)(6) The scope of the alleged sex discrimination, including information suggesting a pattern, ongoing sex discrimination, or sex discrimination alleged to have impacted multiple individuals;
    - § 106.44 (f)(1)(v)(A)(7) The availability of evidence to assist a decisionmaker in determining whether sex discrimination occurred; and
    - § 106.44 (f)(1)(v)(A)(8) Whether NCC could end the alleged sex discrimination and prevent its recurrence without initiating its grievance procedures.
  - § 106.44 (f)(1)(v)(B) If, after considering these and other relevant factors, the Title IX Coordinator determines that the conduct as alleged presents an imminent and

serious threat to the health or safety of the complainant or other person, or that the conduct as alleged prevents NCC from ensuring equal access on the basis of sex to its education programs, the Title IX Coordinator may initiate a complaint.

- § 106.44 (f)(1)(vi) If initiating a complaint under these circumstances, the Title IX Coordinator will notify the complainant prior to doing so and appropriately address reasonable concerns about the complainant's safety or the safety of others, including by providing supportive measures; and
- § 106.44 (f)(1)(vii) Regardless of whether a complaint is initiated, the Title IX Coordinator must take other appropriate prompt and effective steps, in addition to steps necessary to effectuate the remedies provided to an individual complainant, if any, to ensure that sex discrimination does not continue or recur within the recipient's education programs.
- § 106.44 (f)(2) A Title IX Coordinator is not required to comply with the requirements above if they reasonably determine that the conduct as alleged could not constitute sex discrimination under Title IX or Part 106.
- § 106.44 (g) The Title IX Coordinator offers and coordinates supportive measures, as appropriate, in alignment with the following requirements:
  - § 106.44 (g) For allegations of sex discrimination other than sex-based harassment or retaliation, NCC's provision of supportive measures does not require NCC, its employee, or any other person authorized to provide aid, benefit, or service on NCC's behalf to alter the alleged discriminatory conduct for the purpose of providing a supportive measure.
  - § 106.44 (g)(1) Supportive measures may vary depending on what the recipient deems to be reasonably available. These measures may include but are not limited to:
    - Counseling;
    - Extensions of deadlines and other course-related adjustments;
    - Campus escort services;
    - Increased security and monitoring of certain areas of the campus;
    - Restrictions on contact applied to one or more parties;
    - Leaves of absence;
    - Changes in class, work, housing, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; and
    - Training and education programs related to sex-based harassment.
  - § 106.44 (g)(2) Supportive measures must not unreasonably burden either party and must be designed to protect the safety of the parties or the educational environment, or to provide support during grievance procedures or during the informal resolution process.
  - § 106.44 (g)(2) Supportive measures must not be imposed for punitive or disciplinary reasons.
  - § 106.44 (g)(3) Supportive measures may be modified or terminated at the conclusion of the grievance procedures or the informal resolution process or continued beyond that point.
  - § 106.44 (g)(4) Complainants or respondents will be provided with a timely opportunity to seek, from an appropriate and impartial employee, modification or reversal of the decision to provide, deny, modify, or terminate supportive measures applicable to them. The impartial employee must

be someone other than the employee who made the challenged decision and must have authority to modify or reverse the decision, if the impartial employee determines that the decision to provide, deny, modify, or terminate the supportive measure was inconsistent with the definition of supportive measures in § 106.2.

- § 106.44 (g)(4) Complainants or respondents will be provided with the opportunity to seek additional modification or termination of a supportive measure applicable to them if circumstances change materially.
- § 106.44 (g)(5) NCC must not disclose information about any supportive measures to persons other than the person to whom they apply, including informing one party of supportive measures provided to another party, unless necessary to provide the supportive measure or restore or preserve a party's access to the education program, or when an exception in § 106.44(j)(1) through (5) applies.
- § 106.44 (g)(6)(ii) If the complainant or respondent is a postsecondary student with a disability, the Title IX Coordinator may consult, as appropriate, with the individual or office that the recipient has designated to provide support to students with disabilities to determine how to comply with Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, in the implementation of supportive measures.
- § 106.8 (f) The Title IX Coordinator will receive training on proper record keeping protocols associated with maintenance of records required under Title IX and Part 106.
- § 106.8 (f) NCC will maintain for a period of at least seven years:
  - § 106.8 (f)(1) For each complaint of sex discrimination, records documenting the informal resolution process or the grievance procedures and the resulting outcome.
  - § 106.8 (f)(2) For each notification the Title IX Coordinator receives of information about conduct that reasonably may constitute sex discrimination under Title IX or this part, including notifications under § 106.44(c)(1) or (2), records documenting the actions the recipient took to meet its obligations under § 106.44.
  - § 106.8 (f)(3) All materials used to provide training under paragraph (d) of this section. A recipient must make these training materials available upon request for inspection by members of the public.
- § 106.8 (d)(4) The Title IX Coordinator will receive additional training on an as needed basis to coordinate NCC's compliance with Title IX and Part 106.

The materials used to train Title IX personnel are posted on the NCC website and are available for members of the public to inspect at <https://www.northwestcareercollege.edu/title-ix-reporting-information.html>.

### Ongoing Prevention and Awareness Campaigns

NCC conducts annual prevention and awareness campaigns by distributing prevention and awareness program materials via email to students and general employees with a high-level summary of relevant information in association with publishing its updated ASR in order to continue educating members of the campus community about the importance of these issues.

Staff and students are encouraged to review the personal security recommendations, ways to reduce risk for potential attacks, sexual assault prevention, and guidelines for effective bystander intervention as described in the primary prevention and awareness program described below.

NCC requires Title IX Investigators, Decisionmakers, Appeals Coordinators, Key Administrators, Facilitators, Coordinators, and Designees to review and complete a quiz on all training materials annually to ensure preparedness for their responsibilities within the Grievance procedures.

### Crime Prevention Information

NCC expects students and employees to take appropriate precautions to prevent crimes and ensure their own safety and the safety of others. Students and employees are responsible for their own personal possessions. Staff or faculty members have been trained to report all known or suspected criminal activities to designated security personnel.

NCC recommends that students and employees take the following precautions to protect themselves and their property:

- Immediately report suspicious people or activity you observe to designated security personnel, supplemental security personnel, or the nearest available employee if the first two options are unavailable.
- Tell an instructor or staff member if a stranger confronts you on campus or the adjacent property
- When parking, lock your vehicle and remove valuables from plain view
- Avoid carrying large amounts of cash or valuables
- Don't leave purses, backpacks, computers, phones, or other personal items unattended
- Write your name in several places on your textbooks
- Lock up bicycles with high-quality locks
- Walk in groups of at least two people at night
- Lock your office when you leave
- Always report all criminal incidents and losses of property

NCC reserves the right to refuse access to anyone acting in a disorderly or disruptive fashion and to request that such persons leave the premises.

### Risk Reduction Information

NCC firmly believes that no victim is ever to blame for being assaulted or abused. Unfortunately, a person who is the victim of sexual or dating violence is more likely to be re-victimized. If you are being abused or suspect that someone you know is being abused, speak up or intervene. Below are some tips to help reduce your risk, and how to avoid potential attacks.

- Get help by contacting the Student Services Department for support services.
- Learn how to look for “red flags” in relationships so you can learn to avoid some of those characteristics in future partners.
- Consider getting a protective order or stay away order.
- Learn more about what behaviors constitute dating and domestic violence, understand it is not your fault, and talk with friends and family members about ways you can be supported.
- Trust your instincts—if something doesn't feel right in a relationship, speak up or end it.

In order to help prevent sexual assault, students and employees are encouraged to use the practices below to help maintain your own safety and the safety of others:

- Try to come and leave with a group of people you trust.
- Avoid giving out your personal information (phone number, where you live, etc.). If someone asks for your number, take his/her number instead of giving out yours.
- Make sure your cell phone is easily accessible and fully charged.
- Be aware of open buildings where you can use a phone.
- Take major, public paths rather than less populated shortcuts.
- Avoid dimly lit places and talk to campus services if lights need to be installed in an area.

Additionally, although drug and alcohol consumption is prohibited on campus, it is strongly recommended that you observe moderation in consumption of any controlled substances to reduce your risk of being victimized while being under the influence of those substances.

### Bystander Intervention Information

NCC encourages students and employees to be an intervener and stop these incidents before they occur, and to talk to their friends about it so that they will intervene as well. The steps for being an effective bystander explained below are reviewed during the primary prevention and awareness presentation:

- Notice the incident – Bystanders first must notice the incident taking place. Obviously, if they don't take note of the situation there is no reason to help.
- Interpret the incident as a potential emergency – Bystanders also need to evaluate the situation and determine whether it is an emergency—or at least one in which someone needs assistance. Again, if people do not interpret a situation as one in which someone needs assistance, then there is no need to provide help.
- Assume responsibility – Another decision bystanders make is whether they should assume responsibility for giving help. One repeated finding in research studies on helping is that a bystander is less likely to help if there are other bystanders present. When other bystanders are present, responsibility for helping is diffused. If a lone bystander is present, he or she is more likely to assume responsibility.
- Attempt to help – Whether this is to help the people leave the situation, confront a behavior, diffuse a situation, or call for other support/security, you should attempt to help. The best way bystanders can assist in creating an empowering climate free of interpersonal violence is to diffuse the problem behaviors before they escalate.
- Educate yourself and others – Educate yourself about interpersonal violence and share this info with friends. Confront friends who make excuses for other people's abusive behavior. Speak up against racist, sexist, and homophobic jokes or remarks.

Students and employees are given the following tips regarding how to successfully intervene in a situation potentially involving sexual assault, relationship violence, or stalking:

- Approach everyone as a friend;
- Do not be antagonistic;
- Avoid using violence;
- Be honest and direct whenever possible;

- Recruit help if necessary;
- Keep yourself safe; and,
- If things get out of hand or become too serious, contact the police.

## **Drug and Alcohol Abuse Prevention Policy**

### Policy Statement

NCC has a zero-tolerance policy regarding the possession, use, and sale of alcoholic beverages and illegal drugs. NCC reserves the right to dismiss any student from school who violates this policy. Employees who violate this policy will be subject to disciplinary action, up to and including termination.

NCC strives to remain in compliance with the requirements of the Drug-Free Schools and Communities Act. NCC has implemented programs to prevent the abuse of alcohol and use or distribution of illicit drugs both by students and employees both on its premises and as a part of any of the college’s activities. NCC has a written policy on alcohol and other drugs and distributes information to students upon enrollment via the official School Catalog.

In recognition of the problems associated with drug and alcohol abuse in society today, NCC also provides the following information to new employees during orientation and new students prior to matriculation.

### Drug and Alcohol Disclosure

- 1) The unlawful possession, use, sale, or distribution of illicit drugs or alcohol on school property or in connection with any school activity is strictly prohibited. This prohibition applies to all students and employees.
- 2) Local/State – Sanctions for possession or distribution of illegal substance in the State of Nevada is a felony, punishable by imprisonment in the State Penitentiary for a minimum of one (1) year. Possession of alcohol, or distribution to any person under the age of twenty-one (21), is punishable by imprisonment for a minimum of six (6) months in a local jail.
- 3) Federal – Penalties for unlawful manufacturing, distribution, and dispensing of controlled substances are provided under the Federal Controlled Substances Act. The nature of the drug or other substance, the amount the drugs or other substance involved and the number of offense determine the penalties.

### Examples of Federal Drug-Trafficking Penalties (Accessed from DEA Website on 9/18/19)

	<b>First Offense</b>	<b>Second Offense</b>
<b>Marijuana ( )</b>	No less than 5 yrs.	No less than 10 yrs.
<b>Heroin (1-999g)</b>	No less than 5 yrs.	No less than 10 yrs.
<b>Cocaine (500-4999g)</b>	No less than 5 yrs.	No less than 10 yrs.

4) There are various health risks associated with the use of illicit drugs and the abuse of alcohol. Some of the more common problems are cited below:

Marijuana: Use can lead to an increase in heart rate of up to 50%, a sense of euphoria, acute anxiety, and tremendous mood swings. There is potential for long term physical and psychological damage.

Cocaine: Use can affect the brain in seconds and result in heart or respiratory failure.

Crack: Use can lead to an intense high within seconds, deep depression, and intense dependency in a short time.

Amphetamines: Use increases heart and breathing rates, raises blood pressure while often causing blurred vision, dizziness, lack of sleep, or anxiety. Body chemistry is upset which can lead to long term physical problems.

Alcohol: Use can lead to feeling of confidence and control. Liver, brain, heart, and stomach destruction goes on even without apparent symptoms. Use for a long period of time often causes dependency and may be fatal.

5) There is help for our students and employees. NCC does not offer its own assistance program. However, the Student Services Department can provide additional information for a Confidential Referral Program.

6) Any student or employee who is a drug or alcohol offender will have disciplinary action imposed by the school. These sanctions may include one or more of the following:

- Mandated referral for the problem with our Confidential Referral Program.
- Mandated attendance at a local treatment center.
- Mandated completion of drug rehabilitation program.
- Mandated probation period not to exceed one month.
- Possible administrative withdrawal from school if a student.
- Possible termination from employment if an employee.
- Possible referral for a local, state, or federal prosecution.

## **Sexual Discrimination and Sexual Assault Prevention Policy**

### Policy Statement and Awareness Promotion

NCC strictly prohibits the students and employees from participating in sex discrimination (including sexual harassment) or the crimes of dating violence, domestic violence, sexual assault, and stalking as those terms are defined for the purpose of the Clery Act. The definitions of these terms and the term, “consent,” in reference of sexual activity can be found in the Introduction and Purpose section of this report.

NCC utilizes the Educational Programs described above to promote awareness about these offenses and provide information on risk reduction to create a safe campus environment.

Any of the following types of misconduct will be classified as “sexual harassment,” will be considered to jeopardize the equal access to education that Title IX is designed to protect and will be strictly prohibited.

- Any instance of quid pro quo harassment by a school's employee.
  - o Quid pro quo harassment and Clery Act/VAWA offenses are not evaluated for severity, pervasiveness, offensiveness, or denial of equal educational access, because such misconduct is sufficiently serious to deprive a person of equal access.
- Any unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access.
  - o Where unwelcome sex-based conduct consists of speech or expressive conduct, NCC will balance Title IX enforcement with respect for free speech and academic freedom.
- Any instance of sexual assault (as defined in the Clery Act), dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (VAWA).

These prohibitions apply to all NCC programs or activities, including any locations, events, or circumstances over which NCC exercised substantial control over both the respondent and the context in which the sexual harassment occurred.

### Mandatory Reporting Disclosure

NCC requires mandatory reporting by members of the Front Desk or Operations Departments and any employees designated as Campus Security Authorities to the Title IX Coordinator if an incident report is filed that indicates an alleged incident of sexual harassment has occurred.

NCC does not require mandatory reporting for other employees but are required to provide information to complainants about how to contact the Title IX Coordinator if they want to initiate a Complaint and to assist them with reporting any incident(s) to the Title IX Coordinator upon request.

NCC has further designated members of the Student Services Department to serve as confidential resources for students to discuss sexual harassment without automatically triggering a report to the Title IX Coordinator. However, these employees are still required to provide information to complainants about how to contact the Title IX Coordinator if they want to initiate a Complaint and assist them with reporting any incident(s) to the Title IX Coordinator upon request.

### Procedures Victims Should Follow if a Crime of Dating Violence, Domestic Violence, Sexual Assault, or Stalking Has Occurred

The first priority of a victim of sexual assault or domestic violence is to get to a place of safety, then to obtain necessary medical attention as soon as possible. Go to the nearest hospital, who will have a certified ER hospital staff member that is authorized to perform medical/legal examinations. An assault should be reported directly to the local police department.

Although NCC strongly advocates that a victim of dating violence, domestic violence, sexual assault or stalking report the incident to the Las Vegas Metropolitan Police Department in a timely manner, it is the victim’s choice to make such a report and the victim has a right to decline involvement with the police. The designated security personnel or supplemental support personnel will assist any student who wishes to notify law enforcement authorities regarding any alleged crime, regardless of whether that crime occurred on or off campus. Students requiring such assistance should contact the designated security personnel or supplemental support personnel for guidance.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining orders of protection related to the incident more difficult. The designated security personnel or supplemental support personnel will provide written information to victims about the importance of preserving evidence that may assist in proving that the alleged criminal offense occurred or that may be helpful in obtaining a protection order. If a victim chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with the Las Vegas Metropolitan Police Department or other law enforcement agency to preserve evidence in the event that the victim changes his or her mind at a later date.

Physical evidence is crucial in helping to prosecute assailants in cases of rape or sexual assault. Physical evidence must be collected in a timely manner by a certified medical facility. Prior to a medical/legal exam, victims of rape or assault should not bathe, change clothes, douche, use the toilet (if possible), smoke, or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours so that the evidence may be preserved. If victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted diseases.

Victims of stalking should save evidence such as any letters, notes, e-mails, phone calls, videos, photos, texts, social media postings (i.e. Facebook, Twitter, etc.), computer screenshots, voicemails, or any other form of evidence that would be helpful.

#### Procedures for Reporting a Crime of Dating Violence, Domestic Violence, Sexual Assault, or Stalking

A complainant or any third party may report a crime of Dating Violence, Domestic Violence, Sexual Assault, or Stalking by filing a Complaint with the Title IX Coordinator. All procedures described above under “Procedures for Reporting Sexual Harassment” will be followed under these circumstances.

In addition to the reporting procedures described for sexual harassment, the following steps should be taken to report the crime if an alleged instance of dating violence, domestic violence, sexual assault, or stalking occurs within NCC’s Clery geography:

1. The victim should locate one of the designated security personnel to file an incident report regarding the alleged crime. The victim should seek assistance from supplemental security personnel if they are unable to locate one of the designated security personnel in a timely manner.
2. The designated security personnel will have the victim fill out a report detailing all pertinent information regarding the offense and will provide written information to victims about the importance of preserving evidence that may assist in proving that the alleged criminal offense occurred or that may be helpful in obtaining a protection order.
3. The designated security personnel will then encourage the victim to report the alleged crime to the Las Vegas Metropolitan Police Department in a timely manner and will provide them with the contact information for victim advocates at LVMPD listed above. They will then provide the student or employee a written explanation of the student’s or employee’s rights and options at this time to:
  - Be assisted by campus authorities in notifying law enforcement authorities if the victim chooses
  - Decline to notify such authorities.
  - Obtain a protective order issued by the following courts:
    - o Protective Orders for Stalking and Harassment, Sexual Assault, and Harassment in the Workplace may be obtained from the Las Vegas Justice Court, located at 200 Lewis Avenue, 2nd floor, Las Vegas, NV 89155. The required forms and directions for completing them can be accessed at <http://www.civillawselfhelpcenter.org/self-help/harassment-protection/protection-from-stalking-aggravated-stalking-or-harassment>. The Court may be contacted at 702-671-3116 for additional information.

- Protective Orders from Domestic Violence may be obtained from the Family Violence Intervention Office, located at 601 North Pecos Road, Las Vegas, Nevada 89101. The required forms and directions for completing them can be accessed at <http://www.clarkcountynv.gov/sheriff-civil/Pages/tpo.aspx>. The Intervention Office may be contacted at 702-455-3400 for additional information.
4. The designated security personnel will then make a copy of the document for the student and place the original report in the Campus Crime Report file. This report will be retained permanently in this file.
  5. The designated security personnel will report the incident to the Chief Executive Officer.
  6. The Chief Executive Officer will review the report and initiate disciplinary proceedings as detailed in the section below.

The victim is responsible for obtaining orders of protection, “no-contact” orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court. No such orders will be issued by NCC. However, NCC will assist in the enforcement of such orders while the victim is on campus, should those orders be issued by the proper authorities. The designated security personnel at NCC will assist any student who wishes to notify law enforcement authorities regarding any alleged crime, regardless of whether that crime occurred on or off campus. Students requiring assistance should contact the designated security personnel or supplemental security personnel for guidance.

NCC will provide written notification to victims about victim services available off-campus through LVMPD related to counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services. Victim advocates at LVMPD can be reached at (702) 828-2955 and can direct victims to the listed services. Additional information regarding victim services can be found online at <https://www.lvmpd.com/en-us/Pages/VictimServices.aspx>.

NCC will provide written notification to victims about options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures. NCC is obligated to comply with a student’s reasonable request for a living and/or academic situation change following an alleged sex offense. NCC will make reasonable accommodations and take protective measures whenever possible to assist in the continuation and completion of the victim’s educational program if the victim requests them and they are reasonably available, regardless of whether the victim chooses to report the crime to law enforcement. Determinations regarding accommodations are made by the Chief Executive Officer and School Director.

NCC will complete publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifying information about the victim, as defined in section 40002(a)(20) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)(20)), while maintaining privately the personal information needed for documentation of follow-up and resolution to the offense. NCC will also attempt to maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of NCC to provide the accommodations or protective measures.

## **Grievance Procedures for the Resolution of Complaints of Sex Discrimination**

### Overview

§ 106.45 (a)(1) NCC’s grievance procedures outlines below are designed to provide for the prompt and equitable resolution of complaints of sex discrimination, including sexual harassment. The requirements related to a respondent apply only to sex discrimination complaints alleging that a person violated NCC’s prohibition on sex discrimination. When a sex discrimination complaint alleges that NCC’s policies or practices discriminate on the basis of sex, NCC is not considered a respondent.

## Complainant Eligibility

§ 106.45 (a)(2) The following persons have a right to make a complaint of sex-based harassment, requesting that NCC investigate and make a determination about alleged discrimination under Title IX or Part 106:

- § 106.45 (a)(2)(i) A complainant;
- § 106.45 (a)(2)(ii) A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant;
- § 106.45 (a)(2)(iii) The Title IX Coordinator, after making the determination specified in § 106.44(f)(1)(v);

§ 106.45 (a)(2)(iv) In addition to the persons listed above, the following persons have the right to make a complaint of sex discrimination other than sex-based harassment:

- § 106.45 (a)(2)(iv)(A) Any student or employee; or
- § 106.45 (a)(2)(iv)(B) Any person other than a student or employee who was participating or attempting to participate in NCC's education programs at the time of the alleged sex discrimination.

## Procedural Requirements

§ 106.45 (b) NCC's grievance procedures were designed to incorporate the following requirements:

- § 106.45 (b)(1) NCC treats complainants and respondents equitably and strives to provide prompt, fair, and impartial proceedings.
- § 106.45 (b)(2) NCC requires that any person designated as a Title IX Coordinator, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.
- § 106.8 (d) NCC requires that any person designated as a Title IX Coordinator, investigator, or decisionmaker complete annual training on the issues related to grievance procedures.
- § 106.45 (b)(3) Include a presumption that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of the grievance procedures for complaints of sex discrimination;
- § 106.45 (b)(4) NCC maintains reasonably prompt timeframes for the major stages of the grievance procedures, including a process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay.
- NCC provides timely notice of meetings at which the complainant, respondent, or both, may be present; and provides timely and equal access to the complainant, respondent, and appropriate officials to information that will be used during informal and formal disciplinary meetings and hearings (as permitted by state and federal laws).
- § 106.45 (b)(5) NCC strives to protect the privacy of the parties and witnesses as it executes its grievance procedures, provided that the steps do not restrict the ability of the parties to: obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures.

- § 106.45 (b)(6) NCC requires an objective evaluation of all evidence that is relevant, as defined in § 106.2, and not otherwise impermissible under paragraph (b)(7) of this section—including both inculpatory and exculpatory evidence—and assures that credibility determinations will not be based on a person’s status as a complainant, respondent, or witness.
- § 106.45 (b)(7) NCC excludes the following types of evidence, and questions seeking that evidence, as impermissible (i.e., must not be accessed or considered, except to determine whether an exception in paragraphs (i) through (iii) applies; must not be disclosed; and must not otherwise be used), regardless of whether they are relevant:
  - o Evidence that is protected under a privilege as recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality.
  - o A party’s or witness’s records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless NCC obtains that party’s or witness’s voluntary, written consent for use in the recipient’s grievance procedures; and
  - o Evidence that relates to the complainant’s sexual interests or prior sexual conduct, unless evidence about the complainant’s prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant’s prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant’s consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

### Grievance Procedures

For the purposes of these grievance procedures, anywhere the “Title IX Coordinator” is referenced, it signifies the “Title IX Coordinator or their designee(s).”

The grievance procedure starts when conduct that reasonably may constitute sex discrimination under Title IX or Part 106 is initially reported to an employee of NCC.

- Complainants are encouraged to file complaints of sex discrimination directly with the Title IX Coordinator in person, by mail, by e- mail, or by electronic form submission. The contact information for the Title IX Coordinator is listed on the Campus Security page of the NCC website.
- A document filed by a complainant in paper or via electronic submission that contains the complainant’s physical or digital signature, or otherwise indicates that the complainant is the person filing the complaint, will also be treated as a complaint.
- Any employee who is not a confidential employee who receives a report about conduct that reasonably may constitute sex discrimination under Title IX or Part 106 must immediately notify the Title IX Coordinator. This requirement applies to all employees, regardless of whether they are also enrolled at NCC as a student.
  - o These requirements do not apply to the employee if they have personally been subject to conduct that reasonably may constitute sex discrimination under Title IX or Part 106, as they may choose to report or not report such conduct.

- If the Title IX Coordinator submits a complaint on behalf of a complainant, the Title IX Coordinator is not a complainant or a party during a grievance process and will comply with requirements for Title IX personnel to be free from conflicts and bias.

The Title IX Coordinator will preliminarily evaluate the Complaint upon receipt of a report about conduct that reasonably may constitute sex discrimination under Title IX or Part 106 to determine the appropriateness of initiating the Grievance procedure.

- NCC may dismiss a Complaint of sex discrimination made through its Grievance procedures under Part 106, for any of the following reasons:
  - o If NCC is unable to identify the respondent after taking reasonable steps to do so;
  - o If the respondent is not participating NCC's education programs and is not employed by NCC;
  - o The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint under § 106.44(f)(1)(v), and NCC determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX or Part 106 even if proven; or
  - o NCC determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX or Part 106.
- However, prior to dismissing a complaint, NCC will make reasonable efforts to clarify the allegations with the Complainant.

The Title IX Coordinator will promptly contact the Complainant upon receipt of a report about conduct that reasonably may constitute sex discrimination under Title IX or Part 106.

- The Title IX Coordinator will attempt to contact the Complainant within one (1) business day of receiving a report about conduct that reasonably may constitute sex discrimination under Title IX or Part 106 via phone and email.
  - o If the Title IX Coordinator is unable to reach the Complainant during the initial attempt, they will circulate written documentation confirming all information mentioned below and their intention to make additional attempts to contact the Complainant over the next several days.
  - o If the Title IX Coordinator is unable to reach the Complainant during the initial attempt, they will again attempt to contact the Complainant via phone and email on the following schedule:
    - 2<sup>nd</sup> Attempt: Two to three business days after receipt of the report.
    - 3<sup>rd</sup> Attempt: Four to five business days after receipt of the report.
    - 4<sup>th</sup> Attempt: Seven to ten business days after receipt of the report.
    - 5<sup>th</sup> (and Final) Attempt: Twelve to fifteen business days after receipt of the report.
  - o If the Title IX Coordinator is unable to reach the Complainant after five attempts, they will consider the Complaint to be withdrawn by the Complainant and evaluate whether to initiate a complaint of sex discrimination independent of the Complainant in accordance with the requirements of § 106.44 (f)(1)(v).

- Title IX Coordinator will notify the Complainant that they consider the Complaint to be withdrawn of the outcome of this evaluation via email.
- The Title IX Coordinator will provide the Complainant with a written explanation of their rights and options in accordance with the requirements of 34 CFR § 668.46(b).
- The Title IX Coordinator will explain the grievance process, including:
  - The major stages of the grievance process: evaluation (i.e., the decision whether to dismiss or investigate a complaint); investigation; determination; and appeal.
  - That they and any other person designated as a Title IX Coordinator, investigator, or decisionmaker will conduct themselves in a manner that avoids a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent;
  - That NCC operates with a presumption that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of the grievance procedures for complaints of sex discrimination.
- The Title IX Coordinator will explain that NCC treats Complainants and Respondents equitably throughout the grievance process.
  - NCC will apply all provisions, rules, or practices that are part of its grievance process for handling complaints under Title IX or Part 106 to both parties equally.
  - NCC will not impose disciplinary sanctions without following the procedures for institutional investigations, hearings, and disciplinary action described herein.
  - NCC will not restrict the rights of Complainants or Respondents protected under the U.S. Constitution, including both parties' First Amendment, Fifth Amendment, and Fourteenth Amendment rights, when complying with Title IX.
  - NCC will not use, rely on, or seek disclosure of information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.
- The Title IX Coordinator will explain their obligation to maintain confidentiality to the maximum extent possible throughout the grievance process.
  - NCC will keep confidential the identity of Complainants, Respondents, and witnesses, except as may be permitted by FERPA, as required by law, or as necessary to carry out a Title IX proceeding.
  - NCC will attempt to protect the confidentiality of victims of sex discrimination (including sexual harassment) or the crimes of dating violence, domestic violence, sexual assault and stalking to the fullest extent of the law.
  - Personally identifiable information about the victim will be treated as confidential and only shared with persons with a specific need to know who are investigating/adjudicating the Complaint or delivering resources or support services to the Complainant.
  - NCC will also attempt to maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality will not impair the ability of NCC to provide the accommodations or protective matters.
  - NCC does not publish the name of a crime victim when completing publicly available recordkeeping, including Clery Act reporting disclosures.

- The Title IX Coordinator will explain NCC’s obligations surrounding supportive measures and resolution of the complaint.
  - o NCC makes supportive measures available to all Complainants. Supportive measures are designed to restore or preserve a Complainant’s equal educational access (without treating a respondent as responsible until after a fair grievance process has occurred), irrespective of whether the Complainant files a Complaint. Examples of possible supportive measures include but are not limited to:
    - Assisting the Complainant with switching course sections or shifts of their program,
    - Providing the Complainant with an escort to and from classes on campus,
    - Enforcement of restraining orders and other legal orders of protection issued on behalf of the Complainant.
  - o NCC will consider the Complainant’s wishes with respect to the implementation of supportive measures.
  - o NCC will work with the Complainant to ensure their health, physical safety, work and academic status are protected, pending the outcome of a Complaint.
  - o NCC will provide remedies any time a Respondent is found responsible. Those remedies will be designed to maintain the Complainant’s equal access to education and may include the same individualized services described elsewhere as supportive measures. However, unlike supportive measures, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent.
- The Title IX Coordinator will explain to the Complainant the evaluation process related to Complaints.
  - o NCC may dismiss a Complaint of sex discrimination made through its grievance procedures under Part 106, for any of the following reasons:
    - If NCC is unable to identify the respondent after taking reasonable steps to do so;
    - If the Respondent is not participating NCC’s education programs and is not employed by NCC;
    - The Complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint under § 106.44(f)(1)(v), and NCC determines that, without the complainant’s withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX or Part 106 even if proven; or
    - NCC determines the conduct alleged in the Complaint, even if proven, would not constitute sex discrimination under Title IX or Part 106.
  - o NCC will make reasonable efforts to clarify the allegations with the Complainant prior to dismissing a Complaint.
- The Title IX Coordinator will attempt to clarify the allegations from the Complaint if any details were deemed unclear or if additional information was deemed necessary after the preliminary evaluation to make a proper determination about whether to proceed with an investigation or dismissal of the Complaint.

- The Title IX Coordinator will explain to the Complainant that NCC may discretionarily choose to offer and facilitate informal resolution options prior to the initiation of institutional hearings and disciplinary action.
  - o NCC may offer an informal resolution process prior to or after a Complaint has been filed.
  - o NCC must obtain consent from both the Complainant and Respondent to proceed with an informal resolution process. Either party may withdraw their consent at any time prior to conclusion of the informal resolution process.
  - o NCC will not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.
- The Title IX Coordinator will explain to the Complainant that NCC will respect their wishes about whether to proceed with a formal investigation into the incident unless the Title IX Coordinator decides to initiate an investigation over the wishes of the Complainant because they have determined that such action is needed for the safety and security of the campus community at large.
- The Title IX Coordinator will ask the Complainant how they would like to proceed after sharing all the information described above.
  - o The Title IX Coordinator verifies if the Complainant wants to request supportive measures.
  - o The Title IX Coordinator verifies if the Complainant wants to initiate the Grievance Process.
  - o If the Complainant indicates they want to initiate the Grievance process, the Title IX Coordinator verifies if the Complainant wants to pursue an informal resolution process or the formal investigation and hearing process.
- The Title IX Coordinator will circulate written documentation after the discussion is complete confirming all information mentioned above, including their understanding of the Complainant's preferences about how they would like to proceed.

§ 106.45 (d) and § 106.46 (d) The Title IX Coordinator will formally evaluate the Complaint to determine the appropriateness of initiating the Grievance procedure.

- The Title IX Coordinator will formally evaluate the Complaint after communicating with the Complainant and clarifying the allegations of the Complaint.
- If the Title IX Coordinator is unable to reach the Complainant after five contact attempts per the protocol listed above, they will formally evaluate the Complaint within five (5) business days of their 5<sup>th</sup> attempt to contact the Complainant based on the information available in the Complaint.
- § 106.45 (d)(1) NCC will dismiss the Complaint under the following circumstances:
  - o § 106.45 (d)(1)(i) If NCC is unable to identify the Respondent after taking reasonable steps to do so;
  - o § 106.45 (d)(1)(ii) If the Respondent is not participating NCC's education programs and is not employed by NCC;
  - o § 106.45 (d)(1)(iii) The Complainant voluntarily withdraws any or all of the allegations in the Complaint, the Title IX Coordinator declines to initiate a Complaint under § 106.44(f)(1)(v), and NCC determines that, without the withdrawn allegations, the conduct that remains alleged in the Complaint, if any, would not constitute sex discrimination under Title IX or Part 106 even if proven; or

- § 106.46 (d)(2) If the Complainant is a student, the Title IX Coordinator will obtain the complainant's withdrawal in writing prior to dismissing the Complaint.
  - § 106.45 (d)(1)(iv) NCC determines the conduct alleged in the Complaint, even if proven, would not constitute sex discrimination under Title IX or Part 106.
- § 106.45 (d)(2) If the Title IX Coordinator determines that they must dismiss a Complaint, they will issue written notification of the dismissal.
  - If the Complaint is dismissed before the Respondent has been notified of the allegations (i.e. § 106.45 (d)(1)(i) or (ii)), NCC will notify the Complainant of the basis for the dismissal.
  - If the Complaint is dismissed after the Respondent has been notified of the allegations (i.e. § 106.45 (d)(1)(iii) or (iv)), NCC will notify the Respondent of the dismissal and the basis for the dismissal simultaneously in writing via email.
- § 106.45 (d)(4) If the Title IX Coordinator dismisses a Complaint, they will include information about the availability of supportive measures within the written notification of the dismissal.
  - § 106.45 (d)(4)(i) If the Complaint is dismissed before the Respondent has been notified of the allegations (i.e. § 106.45 (d)(1)(i) or (ii)), NCC will offer supportive measures to the Complainant as appropriate. Examples of possible supportive measures include but are not limited to:
    - Assisting the Complainant with switching course sections or shifts of their program,
    - Providing the Complainant with an escort to and from classes on campus,
    - Enforcement of restraining orders and other legal orders of protection issued on behalf of the Complainant.
  - § 106.45 (d)(4)(ii) If the Complaint is dismissed after the Respondent has been notified of the allegations (i.e. § 106.45 (d)(1)(iii) or (iv)), NCC will offer supportive measures to the Respondent as appropriate. Examples of possible supportive measures include but are not limited to:
    - Assisting the Respondent with switching course sections or shifts of their program,
- § 106.45 (d)(3) If the Title IX Coordinator dismisses a Complaint, they will include information about the appeals process related to the dismissal of a complaint within the written notification of the dismissal.
  - § 106.45 (h)(2), § 106.45 (i), § 106.46 (h)(1)(v) NCC will include the following information about the appeals process related to the dismissal of a complaint within the written notification of the dismissal provided to the Complainant:
    - § 106.46(i)(1) The bases for appeal set out in, including:
      - § 106.46(i)(1)(i) Documentation of a procedural irregularity in the Title IX Coordinator's evaluation of the Complaint;
      - § 106.46(i)(1)(ii) New information or evidence that would change the outcome of the evaluation of the Complaint and that was not reasonably available when the dismissal of the Complaint occurred; and
      - § 106.46(i)(1)(iii) Documentation that the Title IX Coordinator had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

- The method by which the Complainant should submit an appeal.
  - The date on which an appeal would no longer be considered timely.
- If the dismissal occurs after the Respondent has been notified of the allegations, then NCC will also notify the Respondent about the appeals process related to the dismissal of a complaint within the written notification of the dismissal, as described above.
- The determination regarding the dismissal of a Complaint becomes final either on the date that NCC provides the parties with the written determination of the result of any appeal, or, if no party appeals, the date on which an appeal would no longer be considered timely.
- § 106.45 (d)(3) and § 106.46 (i) If the dismissal is appealed, the Title IX Coordinator will promptly direct the Title IX Appeals Coordinator to begin the appeal review process. The Title IX Appeals Coordinator will:
  - § 106.45 (d)(3)(i) Notify the parties of any appeal, including notice of the allegations consistent with § 106.45 (c) if notice was not previously provided to the Respondent;
  - § 106.45 (d)(3)(ii) Implement appeal procedures equally for the parties;
  - § 106.45 (d)(3)(iii) Affirm that they did not take part in an investigation of the allegations or dismissal of the Complaint;
  - § 106.45 (d)(3)(iv) Affirm that they have been trained as set out in § 106.8(d)(2);
  - § 106.45 (d)(3)(v) Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and,
  - § 106.45 (d)(3)(vi) Notify the parties of the result of the appeal and the rationale for the result.
- § 106.45 (d)(4)(iii) Whenever a Complaint is dismissed, the Title IX Coordinator is responsible for evaluating the information available to them and taking prompt and effective steps to ensure that sex discrimination does not continue or recur within NCC’s education program, if appropriate.
- If the Title IX Coordinator determines it is appropriate to initiate the Grievance procedure based upon a review of the Complaint and any clarifying conversations with the Complainant, then they will proceed by providing notice of allegations to the parties whose identities are known within five (5) business days of making that determination.
- The Title IX Coordinator is responsible for monitoring and continually re-evaluating the Complaint throughout the investigation process to ensure that it remains appropriate to continue the investigation. If at any time the Title IX Coordinator determines that the circumstances have changed such it is no longer appropriate to continue the investigation, then NCC will dismiss the Complaint.
- NCC will observe the following timelines when evaluating a Complaint:
  - The Title IX Coordinator will formally evaluate the Complaint within five (5) business days of communicating with the Complainant and clarifying the allegations of the Complaint..
  - If the Title IX Coordinator is unable to reach the Complainant after five contact attempts per the protocol listed above, they will formally evaluate the Complaint within five (5) business days of their 5<sup>th</sup> attempt to contact the Complainant based on the information available in the Complaint.
  - If the Title IX Coordinator determines that they must dismiss a Complaint, they will issue written notification of the dismissal within five (5) business days of making the determination.

- The Title IX Coordinator will inform parties that they must submit an appeal within ten (10) business days of the written notice of dismissal being issued.
  - Either party may request approval for a good cause extension of no more than five (5) business days to submit their appeal of the dismissal.
- If an appeal is received, the Title IX Appeals Coordinator will evaluate relevant and not otherwise impermissible evidence and any additional information submitted in the appeal and issue written notice of their determination within ten (10) business days of receipt.
  - NCC may request approval from both parties for a good cause extension of no more than five (5) business days to issue the written determination of the appeal if warranted by the complexity of the appeal.

§ 106.45 (e) The Title IX Coordinator will evaluate any Complaint received to determine the appropriateness of consolidating the Complaint with other Complaints.

- NCC may consolidate Complaints of sex discrimination:
  - By one Complainant against more than one Respondent,
  - By more than one Complainant against one or more Respondent,
  - By one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances.
- When more than one Complainant or more than one Respondent is involved, references in this Grievance procedure to a party, Complainant, or Respondent include the plural, as applicable.
- Whenever possible, this evaluation will be done prior to providing notice of allegations to the parties involved so that the notice provided can be comprehensive.

§ 106.45 (c) and § 106.46 (c) The Title IX Coordinator will provide notice of allegations to the parties whose identities are known about conduct that reasonably may constitute sex discrimination under Title IX or Part 106 once they have determined it is appropriate to formally initiate the Grievance process.

- The notice of allegations will be provided to the Complainant and Respondent simultaneously.
- § 106.45 (c)(1) The notice of allegations will include the following information:
  - § 106.45 (c)(1)(i) A description of NCC’s grievance procedures and any informal resolution process.
  - § 106.45 (c)(1)(ii) Sufficient information as available at the time to allow the parties to respond to the allegations. Sufficient information includes:
    - The identities of the parties involved in the incident(s),
    - The conduct alleged to constitute sex discrimination under Title IX or Part 106, and,
    - The date(s) and location(s) of the alleged incident(s), to the extent that information is available to NCC
  - § 106.45 (c)(1)(iii) A statement that retaliation is prohibited; and

- § 106.45 (c)(1)(iv) A statement that the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence as set out in § 106.45 (f)(4); and if NCC provides a description of the evidence, the parties are entitled to an equal opportunity to access to the relevant and not otherwise impermissible evidence upon the request of any party.
- NCC will include information about the availability of supportive measures within the notice of allegations. NCC will offer supportive measures to the Complainant, the Respondent, or both, as appropriate.
- § 106.45 (l) For complaints alleging sex-based harassment, the notice of allegations must:
  - § 106.45 (l)(1) Describe the range of supportive measures available to complainants and respondents; and
  - § 106.45 (l)(2) List, or describe the range of, the possible disciplinary sanctions that NCC may impose and remedies that NCC may provide following a determination that sex-based harassment occurred. Possible sanctions and remedies include but are not limited to:
    - Restrictions on contact between the parties;
    - Restrictions on the respondent's participation in one NCC's programs or attendance at specific events;
    - Verbal warnings;
    - Written warnings;
    - Conduct probations;
    - Administrative withdrawal of a student; or
    - Termination of an employee.
- § 106.46 (c) If the complaint of sex-based harassment involves a student complainant or student respondent (including student employees), the notice of allegations must include the following additional provisions:
  - § 106.46 (c)(1)(i) A statement that the respondent is presumed not responsible for the alleged sex-based harassment until a determination is made at the conclusion of the grievance procedures and that prior to the determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial decisionmaker;
  - § 106.46 (c)(1)(ii) A statement that the parties may have an advisor of their choice to serve in the role set out in § 106.46 (e)(2), and that the advisor may be, but is not required to be, an attorney;
  - § 106.46 (c)(1)(iii) A statement that the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an investigative report that accurately summarizes this evidence as set out in paragraph (e)(6) of this section; and if NCC provides access to an investigative report, the parties are entitled to an equal opportunity to access to the relevant and not otherwise impermissible evidence upon the request of any party; and
  - § 106.46 (c)(1)(iv) A statement that NCC's code of conduct prohibits knowingly making false statements or knowingly submitting false information during the grievance procedure.

- § 106.45 (c)(2) and § 106.46 (c)(2) If, in the course of an investigation, NCC decides to investigate additional allegations of sex discrimination by the respondent toward the complainant that are not included in the original notice provided or that are included in a complaint that is consolidated with the complaint covered by the original notice, NCC will provide written notice of the additional allegations to the parties whose identities are known.
- § 106.46 (c)(3) If NCC has reasonable concerns for the safety of any person as a result of providing this notice, NCC may reasonably delay providing written notice of the allegations in order to address the safety concern appropriately.
  - o If NCC delays providing written notice of the allegations, it will document the reasonable concerns used to justify this delay. Such concerns will be based on individualized safety and risk analysis and not on mere speculation or stereotypes.

§ 106.44 (k) The Title IX Coordinator will provide notice of the availability of the informal resolution process to the parties at the time notice of allegations is provided to the parties.

- § 106.44 (k)(1) NCC will invite both the complainant and the respondent to participate in an informal resolution process unless such a process would conflict with Federal, State or local law.
  - o § 106.44 (k)(1) The informal resolution process will be available at any time prior to determining whether sex discrimination occurred, but if such a determination has been conclusively made, then an informal resolution process will not be allowed.
  - o § 106.44 (k)(1) The Title IX Coordinator will take other prompt and effective steps, if appropriate, to ensure that sex discrimination does not continue or recur within NCC's programs even if an informal resolution process is utilized.
  - o § 106.44 (k)(1)(i) NCC may discretionarily determine that an informal resolution process is inappropriate under certain circumstances and decline to offer informal despite one or more of the parties' wishes.
  - o § 106.44 (k)(1)(ii) NCC may also decline to allow informal resolution if it determines that the alleged conduct would present a future risk of harm to others.
- § 106.44 (k)(2) NCC will not require or pressure the complainant or the respondent to participate in an informal resolution process.
  - o § 106.44 (k)(2) All parties must provide voluntary consent to the informal resolution process
  - o § 106.44 (k)(2) NCC will not require waiver of the right to an investigation and determination of a complaint as a condition of enrollment or continuing enrollment, or employment or continuing employment, or exercise of any other right.
- § 106.44 (k)(3) Before initiation of an informal resolution process, NCC will provide notice to the parties that explains:
  - o § 106.44 (k)(3)(i) The allegations;
  - o § 106.44 (k)(3)(ii) The requirements of the informal resolution process;
  - o § 106.44 (k)(3)(iii) That, prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and to initiate or resume the grievance procedures;

- § 106.44 (k)(3)(iv) That the parties' agreement to a resolution at the conclusion of the informal resolution process would preclude the parties from initiating or resuming grievance procedures arising from the same allegations;
- § 106.44 (k)(3)(v) The potential terms that may be requested or offered in an informal resolution agreement, including but not limited to:
  - § 106.44 (k)(5)(i) Restrictions on contact between the parties; and
  - § 106.44 (k)(5) (ii) Restrictions on the respondent's participation in one NCC's programs or attendance at specific events, including restrictions NCC could have imposed as remedies or disciplinary sanctions had NCC determined at the conclusion of the recipient's grievance procedures that sex discrimination occurred.
  - Verbal warnings;
  - Written warnings;
  - Conduct probations;
  - Administrative withdrawal of a student; or
  - Termination of an employee.
- § 106.44 (k)(3)(v) That an informal resolution agreement is binding only on the parties; and
- § 106.44 (k)(3)(vi) What information NCC will maintain throughout the informal resolution process and whether and how NCC could disclose such information for use in grievance procedures if grievance procedures are initiated or resumed.
- § 106.44 (k)(4) The Title IX Facilitator for the informal resolution process will not be the same person as the Title IX Investigator or the Title IX Decisionmaker in NCC's Grievance procedures.
  - § 106.44 (k)(4) Any person designated to facilitate an informal resolution process will not have a conflict of interest or bias for or against complainants or respondents generally.
  - § 106.44 (k)(4) Any person designated to facilitate an informal resolution process will verify they do not have a conflict of interest or bias for or against an individual complainant or respondent. If a potential conflict of interest exists, a new person will be designated to facilitate.
  - § 106.44 (k)(4) Any person facilitating informal resolution will receive appropriate training.
- NCC will observe the following timelines when conducting an informal resolution process:
  - The parties will have five (5) business days to respond to the notice offering them the opportunity to participate in the informal resolution process.
  - The Title IX Facilitator will initiate the informal resolution process within ten (10) business days of securing both parties' written consent.
    - NCC may request approval from both parties for a good cause extension of no more than ten (10) business days if unable to secure a Title IX Facilitator within the original timeframe.
  - The Title IX Facilitator will conduct the informal resolution process (consisting of one or more resolution meeting(s)) over a ten (10) business day period.
    - The Title IX Facilitator may request approval from both parties for a good cause extension of no more than ten (10) business days to conduct the resolution meetings.

- The Title IX Facilitator will then issue a written summary of the informal resolution process and a proposed resolution agreement within ten (10) business days.
  - The Title IX Facilitator may request approval from both parties for a good cause extension of no more than ten (10) business days to issue the resolution report.
- The parties will have five (5) business days to consent to the proposed resolution agreement or indicate in writing they would like to withdraw from the informal resolution process and proceed with a formal investigation.

§ 106.45 (f) The Title IX Coordinator will promptly direct the Title IX Investigator to begin the investigation process when appropriate.

- The Title IX Investigator will proceed with the investigation process under the following circumstances:
  - Once the Title IX Coordinator has evaluated the Complaint and determined it is appropriate to initiate the Grievance procedures; and
  - Once the Title IX Coordinator has verified that one or both parties have declined to participate in the informal resolution process, have formally withdrawn from the informal resolution process, or have declined to accept the proposed resolution agreement upon conclusion of the informal resolution process; or
  - Once the Title IX Coordinator has determined that the informal resolution process is inappropriate under the circumstances.
- § 106.45 (f) The Title IX Investigator will provide for adequate, reliable, and impartial investigation of complaints. To do so, the Title IX investigator will:
  - § 106.45 (f)(1) Assume full responsibility for the investigation and will ensure that the burden is on NCC—not on the parties—to gather sufficient evidence to determine whether sex discrimination occurred.
  - § 106.45 (f)(2) Provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible;
  - § 106.45 (f)(3) Review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance, consistent with § 106.2 and with § 106.45 (b)(7); and
  - § 106.45 (f)(4) Provide each party with an equal opportunity to access the evidence that is relevant to the allegations of sex discrimination and not otherwise impermissible, consistent with § 106.2 and with paragraph § 106.45 (b)(7), in the following manner:
    - § 106.45 (f)(4)(i) NCC will provide an equal opportunity to access either the relevant and not otherwise impermissible evidence, or an accurate description of this evidence. If NCC provides a description of the evidence, it must further provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party;
    - § 106.45 (f)(4)(ii) NCC will provide a reasonable opportunity to respond to the evidence or to the accurate description of the evidence described in paragraph § 106.45 (f)(4)(i); and

- § 106.45 (f)(4)(iii) NCC will take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures. For purposes of this paragraph, disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the complaint of sex discrimination are authorized.
  - Ensure that NCC does not restrict the ability of the parties to discuss the allegations or gather evidence throughout the course of the investigation.
- NCC will observe the following timelines when conducting an investigation:
  - The Title IX Investigator will initiate the informal resolution process within five (5) business days of receiving a referral from the Title IX Coordinator.
    - NCC may request approval from both parties for a good cause extension of no more than ten (10) business days if unable to secure a Title IX Investigator within the original timeframe.
  - The Title IX Investigator will conduct the investigation (including but not limited to reviewing written and verbal statements from the parties; collecting and reviewing written and verbal statements from potential witnesses; or collecting and reviewing evidence to verify the written or verbal statements made by the parties or witnesses) over a ten (10) business day period.
    - The Title IX Investigator may request approval from both parties for a good cause extension of no more than ten (10) business days to conduct additional investigation if warranted by the complexity of the Complaint or circumstances.
  - The Title IX Investigator will then issue an impartial written summary of their findings and a detailed description of any evidence collected within ten (10) business days.
    - The Title IX Investigator may request approval from both parties for a good cause extension of no more than ten (10) business days to issue the written summary and description of evidence.

§ 106.45 (g) and § 106.46 (e) The Title IX Investigator will promptly direct the Title IX Decisionmaker to begin the determination process when appropriate.

- The Title IX Decisionmaker will begin the determination process by reviewing the written summary of the Title IX Investigator's findings, any written statements or summaries of verbal statements, and any evidence collected by the Title IX Investigator.
- § 106.46 (e) When conducting the determination process related to a Complaint alleging sex-based harassment involving a student complainant or a student respondent, the Title IX Decisionmaker:
  - § 106.46 (e)(1) Will provide, to any party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient advance notice so that the party can prepare to participate;
  - § 106.46 (e)(2) Will provide the parties with the same opportunities to be accompanied to any meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of the advisor for the complainant or respondent in any meeting or proceeding.

- § 106.46 (e)(2) The Title IX Decisionmaker may restrict the extent to which the advisor may participate in the grievance procedures. All restrictions will apply equally to the parties' advisors.
- § 106.46 (e)(3) Will notify the parties of NCC's decision to disallow the attendance of having persons other than the advisor of the parties' choice present during any Title IX meetings or proceedings.
  - § 106.46 (e)(3) If the Title IX Decisionmaker elects to waive this prohibition and provides either party with the opportunity to have such persons present for a specific proceeding, all parties will be notified and will have the same opportunities.
- § 106.46 (e)(4) Will notify the parties of NCC's decision to disallow expert witnesses during Title IX meetings or proceedings.
  - § 106.46 (e)(4) If the Title IX Decisionmaker elects to waive this prohibition and provides either party with the opportunity to have such persons present for a specific proceeding, all parties will be notified and will have the same opportunities.
- § 106.46 (e)(5) Will allow for the reasonable extension of timeframes on a case-by-case basis for good cause with written notice to the parties that includes the reason for the delay; and
- § 106.46 (e)(6) Will provide each party and the party's advisor, if any, with an equal opportunity to access the evidence compiled by the Title IX Investigator that is relevant to the allegations of sex-based harassment and not otherwise impermissible prior to the live hearing:
  - § 106.46 (e)(6)(i) NCC will provide equal opportunity to access either the relevant and not otherwise impermissible evidence, or the same written investigative report that accurately summarizes this evidence. If NCC provides access to an investigative report, it must further provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party;
  - § 106.46 (e)(6)(ii) NCC will provide the parties with a reasonable opportunity to review and respond to the evidence or the investigative report described in § 106.46 (e)(6)(i) prior to the determination whether sex-based harassment occurred.
  - § 106.46 (e)(6)(iii) NCC will take reasonable steps to prevent and address the parties' and their advisors' unauthorized disclosure of information and evidence obtained solely through the sex-based harassment grievance procedures. For purposes of this paragraph, disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the complaint of sex-based harassment are authorized.
- § 106.45 (g), § 106.46 (f), and § 106.46 (g) When conducting the determination process related to a Complaint alleging sex-based harassment, the Title IX Decisionmaker will conduct a live hearing to question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination.
  - § 106.46 (g) The Title IX Decisionmaker will conduct the live hearing with the parties physically present in separate locations, using video conferencing technology so that the Title IX Decisionmaker and parties simultaneously see and hear the party or the witness while that person is speaking.
  - § 106.46 (g) NCC will create an audiovisual recording and will make it available to the parties for inspection and review.

- At the beginning of the live hearing, the Title IX Decisionmaker will explain NCC’s policies and procedures related to investigations, hearings, and disciplinary action in cases related to sex discrimination (including all processes and timelines detailed below).
- All parties involved will be given the opportunity to share details regarding the alleged incident, present witnesses, and present other inculpatory and exculpatory evidence.
- The Title IX Decisionmaker will observe guidance provided by Department of Education’s Office for Civil Rights (OCR) regarding what evidence is appropriate and how it will be handled during the determination process:
  - Evidence may include statements made by the parties and witnesses during the investigation, including emails or text exchanges between the parties leading up to alleged sexual harassment.
  - Evidence submitted will be thoroughly reviewed by the Title IX Investigator and the Title IX Decisionmaker to confirm its authenticity and affirm it has not been doctored or manipulated before the hearing.
  - § 106.45 (b)(6) The Title IX Decisionmaker will objectively evaluate all evidence that is relevant, as defined in § 106.2, and not otherwise impermissible—including both inculpatory and exculpatory evidence—and will not base their credibility determinations on a person’s status as a complainant, respondent, or witness.
  - § 106.45 (b)(7) The Title IX Decisionmaker will exclude the following types of evidence, and questions seeking that evidence, as impermissible (i.e., must not be accessed or considered, except to determine whether an exception in paragraphs (i) through (iii) applies; must not be disclosed; and must not otherwise be used), regardless of whether they are relevant:
    - Evidence that is protected under a privilege as recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality.
    - A party’s or witness’s records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless NCC obtains that party’s or witness’s voluntary, written consent for use in the recipient’s grievance procedures; and
    - Evidence that relates to the complainant’s sexual interests or prior sexual conduct, unless evidence about the complainant’s prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant’s prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant’s consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.
- § 106.46 (f)(1) The Title IX Decisionmaker will observe the following processes related to questioning of parties or witnesses during the live hearing:



and whether remedies other than the imposition of disciplinary sanctions will be provided by the NCC to the complainant, and, to the extent appropriate, other students identified by NCC to be experiencing the effects of the sex-based harassment; and

- § 106.45 (h)(2), § 106.45 (i), § 106.46 (h)(1)(v) NCC’s procedures for the complainant and respondent to appeal, including:
  - § 106.46(i)(1)The bases for appeal set out in, including:
    - § 106.46(i)(1)(i) Documentation of a procedural irregularity that would change the outcome;
    - § 106.46(i)(1)(ii) New evidence that would change the outcome and that was not reasonably available when the determination whether sex-based harassment occurred or dismissal was made; and
    - § 106.46(i)(1)(iii) Documentation that the Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.
    - § 106.46(i)(1)(2) The Title IX Decisionmaker may discretionarily offer an appeal to the parties on additional bases not described herein, so long as the procedures and additional bases for appeal are equally available to all parties.
  - The method by which the parties should submit an appeal.
  - The date on which an appeal would no longer be considered timely.
- § 106.45 (h)(3) If there is a determination that sex discrimination occurred, as appropriate, the Title IX Decisionmaker will direct the Title IX Coordinator to:
  - Coordinate the provision and implementation of remedies or supportive measures to a Complainant and other persons that NCC identifies as having had equal access to NCC’s education programs limited or denied by sex discrimination,
  - Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions, and
  - Take other prompt and effective steps to ensure that sex discrimination does not continue or recur within NCC’s education programs, if appropriate.
- § 106.45 (h)(3) Ensure that NCC does not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the recipient’s grievance procedures that the respondent engaged in prohibited sex discrimination;
- § 106.45 (h)(4) Comply with all requirements of § 106.45, and if applicable § 106.46, before the imposition of any disciplinary sanctions against a respondent; and
- § 106.45 (h)(5) Ensure that NCC does not discipline a party, witness, or others participating in NCC’s grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on NCC’s determination whether sex discrimination occurred (versus conclusive evidence that the individual in question made a false statement).

- § 106.46 (h)(2) The determination regarding responsibility becomes final either on the date that NCC provides the parties with the written determination of the result of any appeal, or, if no party appeals, the date on which an appeal would no longer be considered timely.
- § 106.45 (d)(3) and § 106.46 (i) If the dismissal is appealed, the Title IX Decisionmaker will promptly direct the Title IX Appeals Coordinator to begin the appeal review process when appropriate. The Title IX Appeals Coordinator will:
  - § 106.45 (d)(3)(i) Notify the parties of any appeal, including notice of the allegations consistent with § 106.45 (c) if notice was not previously provided to the Respondent;
  - § 106.45 (d)(3)(ii) Implement appeal procedures equally for the parties;
  - § 106.45 (d)(3)(iii) Verify that they did not take part in an investigation of the allegations or dismissal of the Complaint;
  - § 106.45 (d)(3)(iv) Verify that they have been trained as set out in § 106.8(d)(2);
  - § 106.45 (d)(3)(v) Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and,
  - § 106.45 (d)(3)(vi) Notify the parties of the result of the appeal and the rationale for the result.
- NCC will observe the following timelines when conducting the determination process related to a Complaint:
  - The Title IX Decisionmaker will review the written summary of the Title IX Investigator’s findings, any written statements or summaries of verbal statements, and any evidence collected by the Title IX Investigator within five (5) business days of receiving a referral from the Title IX Investigator.
    - NCC may request approval from both parties for a good cause extension of no more than ten (10) business days if unable to secure a Title IX Decisionmaker within the original timeframe or if the volume of materials necessitates additional review time.
  - The Title IX Decisionmaker will conduct a live hearing to question parties and witnesses to adequately assess a party’s or witness’s credibility within fifteen (15) business days of receiving a referral from the Title IX Investigator.
    - NCC may request approval from both parties for a good cause extension of no more than ten (10) business days if necessary based upon an extended review timeframe in the prior step or if necessary to ensure equity in scheduling for all participants.
  - The Title IX Decisionmaker will provide, to any party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of the live hearing with at least three (3) business days’ notice so that the party can prepare to participate;
  - The Title IX Decisionmaker will provide each party and the party’s advisor, if any, with an equal opportunity to access the evidence compiled by the Title IX Investigator that is relevant to the allegations of sex-based harassment and not otherwise impermissible at least two (2) days prior to the live hearing.
  - The Title IX Decisionmaker will evaluate relevant and not otherwise impermissible evidence and any additional information gathered during the live hearing and issue written notice of their determination about whether sex discrimination occurred within ten (10) business days of the conclusion of the hearing.

- NCC may request approval from both parties for a good cause extension of no more than five (5) business days to issue the written determination if warranted by the complexity of the Complaint or circumstances.
- The Title IX Decisionmaker will inform parties that they must submit an appeal within ten (10) business days of the written determination being issued.
  - Either party may request approval for a good cause extension of no more than five (5) business days to submit their appeal of the written determination.
- If an appeal is received, the Title IX Appeals Coordinator will evaluate relevant and not otherwise impermissible evidence and any additional information submitted in the appeal and issue written notice of their determination within ten (10) business days of receipt.
  - NCC may request approval from both parties for a good cause extension of no more than five (5) business days to issue the written determination of the appeal if warranted by the complexity of the appeal.

### Prohibitions Against Retaliation

§ 106.71 NCC prohibits all parties who have knowledge of institutional proceedings related to a Complaint filed under Title IX or Part 106 from retaliating against any of the parties involved.

NCC will consider any attempt to charge an individual with code of conduct violations that do not involve sexual harassment but arise out of the same facts or circumstances as a report or Complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX as constituting retaliation. However, NCC may charge an individual with a code of conduct violation upon receipt of documentation that the individual made a materially false statement in bad faith during a Title IX grievance proceeding, and such action would not constitute retaliation. A determination regarding responsibility alone, is not sufficient to conclude that any party made a bad faith materially false statement.

NCC will not consider the exercise of rights protected under the First Amendment as constituting retaliation unless the exercise of those rights is otherwise prohibited for confidentiality reasons.

Upon receiving information about conduct that reasonably may constitute retaliation or peer retaliation related to a Complaint filed under Title IX or Part 106, the Title IX Coordinator will initiate grievance procedures, or, as appropriate, an informal resolution process. If the complaint is consolidated with a complaint of sex-based harassment involving a student complainant or student respondent, the grievance procedures initiated by the consolidated complaint will comply with the requirements of both §§ 106.45 and 106.46.

### **Grievance Procedures for the Resolution of Complaints of Dating Violence, Domestic Violence, Sexual Assault, or Stalking**

NCC will keep confidential the identity of complainants, respondents, and witnesses, except as may be permitted by FERPA, as required by law, or as necessary to carry out a Title IX proceeding.

NCC will treat complainants and respondents equitably throughout all institutional proceedings and will apply all provisions, rules, or practices that are part of its grievance process for handling Complaints of sexual harassment equally to both parties.

NCC will provide remedies any time a respondent is found responsible and treat respondents equitably by not imposing disciplinary sanctions without following the procedures for institutional investigations, hearings, and

disciplinary action described herein. Remedies will be designed to maintain the complainant's equal access to education and may include the same individualized services described elsewhere as supportive measures. However, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent.

NCC will not restrict the rights of complainants or respondents protected under the U.S. Constitution, including both parties' First Amendment, Fifth Amendment, and Fourteenth Amendment rights, when complying with Title IX. Furthermore, NCC will not use, rely on, or seek disclosure of information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

### Rights of the Complainants and Respondents during Title IX Proceedings

All complainants and respondents are entitled to a prompt, fair, and impartial proceeding. Proceedings will be:

- Completed within reasonably prompt timeframes, 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:
  - o Is consistent with NCC's policies and transparent to the accuser and accused;
  - o Includes a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
  - o Includes timely notice of meetings at which the accuser or accused, or both, may be present; and
  - o Provides timely and equal access to the accuser, the accused, and appropriate officials to information that will be used during informal and formal disciplinary meetings and hearings (as permitted by state and federal laws);
- Conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused; and,
- Conducted by officials who, at a minimum, receive annual training on the issues related to the Title IX procedures listed in this document.

### Procedures for Informal Resolution of Complaints of Dating Violence, Domestic Violence, Sexual Assault, or Stalking

Prior to the initiation of institutional hearings and disciplinary action, NCC may discretionarily choose to offer and facilitate informal resolution options. Such an offer may be made prior to or after a Complaint has been filed. However, NCC will not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

If informal resolution options are offered, NCC will clearly communicate to both parties that NCC does not require waiver of the right to a formal investigation and adjudication of Complaints of Dating Violence, Domestic Violence, Sexual Assault, or Stalking as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right as a student or employee. Additionally, NCC will clearly communicate to both parties that NCC does not require them to participate in an informal resolution process and that any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the Complaint at any time prior to agreeing to a resolution. Finally, NCC will clearly communicate that both parties must give voluntary, informed, written consent to attempt informal resolution and will collect documentation of such consent.

If both parties agree to pursue an informal resolution option, NCC will also ensure that any person who facilitates such an informal resolution is trained and/or experienced in professional mediation. Informal resolution options will be initiated within ten (10) business days of securing both parties' written consent. Informal resolution options will be conducted over a ten (10) business day period. The facilitator will then issue a written summary of the resolution report within a ten (10) business day period.

NCC may request approval from both parties for a good cause extension of no more than ten (10) business days if unable to secure a facilitator who is trained and/or experienced in professional mediation within the original timeframe. The facilitator may also request approval from both parties for an extension of no more than ten (10) business days if needed to conduct the resolution meetings or issue the resolution report.

### Procedures for Institutional Proceedings in Cases of Alleged Dating Violence, Domestic Violence, Sexual Assault, or Stalking

NCC will initiate an investigation of any Complaint (as defined above) filed by a complainant or signed by a Title IX Coordinator within five (5) business days. NCC will also send written notice of the allegations to both parties (complainants and respondents) upon receipt of a Complaint. NCC maintains the primary responsibility for gathering evidence and affirms that the burden of proof remains with NCC, not on the parties. NCC also affirms that it will not restrict the ability of the parties to discuss the allegations or gather evidence throughout the course of the proceedings. NCC may, at its discretion, consolidate Complaints into a single disciplinary proceeding where the allegations arise out of the same facts.

The investigation will be managed by the Vice-President of Operations. The Vice-President of Operations will serve as the Investigator except for in cases where the Vice-President of Operations has a perceived or real conflict of interest, at which time an alternative representative lacking a perceived or real conflict of interest will be designated. In all cases, the Investigator will receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and how to conduct an investigation and issues of relevance, including how to apply the rape shield protections provided for complainants.

The institutional investigation and subsequent disciplinary hearings shall provide a prompt, fair, and impartial process from initiation to the final result.

The proceedings will be managed by the Chief Executive Officer, serving in their capacity as the Hearing Officer, i.e. Title IX decision-maker. The Chief Executive Officer will serve as the Hearing Officer except for in cases where the Chief Executive Officer has a perceived or real conflict of interest, at which time an alternative representative lacking a perceived or real conflict of interest will be designated. In all cases, the Hearing Officer will receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking; how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability; and issues of relevance, including how to apply the rape shield protections provided for complainants.

Standard disciplinary proceedings will be used by NCC for all types and circumstances of allegations regarding dating violence, domestic violence, sexual assault, and stalking. Disciplinary proceedings will begin as soon as possible, but never more than five (5) business days from the date that the incident was reported. Throughout the duration of the disciplinary proceedings, NCC will ensure that it sends written notice of any investigative interviews, meetings, or hearings to the parties involved at least one (1) business day in advance. Both the accuser and the accused are entitled to the opportunity to have others present during all disciplinary proceedings, including the opportunity to be accompanied by an advisor of their choice to any meeting, proceeding, or hearing. This advisor may be, but need not be, an attorney. NCC will not limit the choice of advisor or presence for either the accuser or the accused in any meeting or institutional disciplinary proceeding.

An initial, live, disciplinary hearing will be conducted by NCC's Title IX Hearing Officer. Live hearings will be conducted with all parties, witnesses, advisors, and other participants appearing at the hearing virtually, utilizing both audio and video feeds. This will ensure that the parties are always located in separate rooms but that they can still see and hear each other. NCC will create an audiovisual recording of any live hearings conducted in this fashion for records purposes. These audiovisual recordings will be made available to the parties upon request.

At this initial hearing, the Hearing Officer will explain NCC's policies and procedures related to investigations, hearings, and disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking as detailed below.

Both the accuser and the accused will be given the opportunity to share details regarding the alleged incident, present fact and expert witnesses, and present other inculpatory and exculpatory evidence. Such evidence can be submitted by both parties and, in accordance with guidance provided by Department of Education's Office for Civil Rights (OCR), may include statements made by the parties and witnesses during the investigation, including emails or text exchanges between the parties leading up to alleged Dating Violence, Domestic Violence, Sexual Assault, or Stalking. All evidence submitted will be thoroughly reviewed by members of the hearing review board to confirm its authenticity and affirm it has not been doctored or manipulated before the hearing. NCC recognizes the importance of maintaining the privacy of a party's medical, psychological, and similar treatment records and therefore will not attempt to access or use such records unless submitted by the party as evidence or unless it obtains the party's voluntary, written consent to access and use such records.

In addition to the opportunities afforded both parties to present details, witnesses, and evidence, each party is also allowed to have an advisor present at the initial hearing as described above. If either party wishes to proceed with cross-examination at the live hearing, it must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally. If a party does not have an advisor present at the live hearing, NCC will provide, without fee or charge to that party, an advisor of NCC's choice to conduct cross-examination on behalf of that party.

Each party's advisor will be permitted to ask the other party and any witnesses all relevant questions and follow-up questions, including those questions challenging credibility. Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the Hearing Officer must first determine whether the question is relevant and explain to the party's advisor asking cross-examination questions any decision to exclude a question as not relevant. In accordance with rape shield protections for complainants, questions and evidence about a complainant's prior sexual behavior will be deemed irrelevant unless offered to prove that someone other than the respondent committed the alleged misconduct or offered to prove consent.

If a party or witness does not submit to cross-examination at the live hearing, the Hearing Officer will not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the Hearing Officer cannot 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. Furthermore, in accordance with guidance provided by Department of Education's Office for Civil Rights (OCR), the Hearing Officer may also consider police reports, Sexual Assault Nurse Examiner documents, medical reports, and other documents, even if these documents contain statements that were made by a party or witness who is not cross-examined during the live hearing.

Upon completion of the live hearing, the Hearing Officer is then required to complete an objective evaluation of all relevant evidence (inculpatory and exculpatory). The facts of the case, the input of both parties, and any other available evidence will be evaluated by the Hearing Officer. The Hearing Officer is obligated to avoid credibility determinations based on a person's status as a complainant, respondent, or witness throughout the assessment process.

Within five (5) business days of the initial hearing, the Hearing Officer will generate an investigative report that fairly summarizes the relevant evidence collected prior to and during the live hearing. The Hearing Officer will then send a copy of this investigative report and all evidence directly related to the allegations to the parties, and their advisors, for their review. These documents will be provided in electronic format (or hard copy upon request). The parties, and their advisors, will then have ten (10) business days to inspect, review, and respond in writing to the investigative report and any relevant evidence.

Once the ten (10) business day response period has elapsed and all parties, and their advisors, have had the opportunity to respond to the documents mentioned above, the Hearing Officer will review and evaluate all information provided in the responses, as well as the original information submitted prior to and during the initial hearing. The Hearing Officer will use the clear and convincing evidence standard when evaluating the available information and making a final determination. This standard of evidence is utilized to evaluate all Complaints and disciplinary proceedings arising from allegations of dating violence, domestic violence, sexual assault and stalking, regardless of whether the respondent is a student or an employee (including a faculty member).

The Hearing Officer will then make a final determination, which represents the culmination of the proceedings, and will document that determination in writing within five (5) business days of the end of the response period. This written determination will include the Hearing Officer's determination regarding responsibility with findings of fact, conclusions about whether the alleged conduct occurred, rationale for the result as to each allegation, any disciplinary sanctions imposed on the respondent, and whether remedies will be provided to the complainant. This written determination will be provided to both parties simultaneously and will include information about how to file an appeal. This written determination will be distributed as soon as possible but no later than three (3) business days following the date of determination. 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 all written notices described above.

NCC will allow complainants and respondents to request short-term, good cause delays or extensions of the time frames listed throughout the procedures above. Such requests for a good cause extension will be assessed on a case-by-case basis but shall not exceed a total of ten (10) business days over the course of the proceedings.

#### Procedures for Dismissing of a Complaint

NCC will dismiss allegations of conduct that do not meet the Final Rule's definition of sexual Dating Violence, Domestic Violence, Sexual Assault, or Stalking or did not occur in a school's education programs against a person in the U.S. NCC may make this determination upon initial review of the Complaint, after the initial disciplinary hearing, or after the parties submit responses to the investigational report and accompanying evidence. Such dismissal is only for Title IX purposes and does not preclude NCC from addressing the conduct in accordance with its Conduct Policy outlined in the School Catalog.

Furthermore, NCC may, at its discretion, dismiss a Complaint or allegations therein if the complainant informs the Title IX Coordinator in writing that the complainant desires to withdraw the Complaint or allegations therein, if the respondent is no longer enrolled or employed by the school, or if specific circumstances prevent the school from gathering sufficient evidence to reach a determination.

NCC will provide both parties with written notice of a dismissal (mandatory or discretionary) and the reasons for the dismissal. Both parties will receive written notice of a dismissal as soon as possible, but no later than three (3) business days following NCC's determination that the complaint is being dismissed.

## Procedures for Appealing a Determination Regarding Responsibility in Cases of Alleged Dating Violence, Domestic Violence, Sexual Assault, or Stalking

Any party involved in an investigative proceeding as described above is eligible to appeal a determination regarding responsibility or to appeal the dismissal of a Complaint or any allegations therein.

If a party seeks to appeal such a determination, they must submit their appeal by responding in writing within five (5) business days of receipt of the final, written determination provided by the Hearing Officer. Furthermore, the appeal must be based on one or more of the following allegations in order to be considered:

- Procedural irregularity that affected the outcome of the matter
- Newly discovered evidence that could affect the outcome of the matter, or
- Title IX personnel had a conflict of interest or bias, that affected the outcome of the matter.

### Sanctions and Protective Measures

Possible sanctions that NCC may impose following the results of any institutional disciplinary proceedings for an allegation of dating violence, domestic violence, sexual assault, and stalking can include issuing a verbal warning, issuing a written warning, placing an accused student on a professionalism probation, dismissal of an accused student from school, or termination of an accused employee.

NCC may offer a range of protective measures to a victim following an allegation of dating violence, domestic violence, sexual assault, and stalking. These protective measures can range from allowing the student to switch classes or shifts of their program of study, up to and including enforcement of restraining orders and other legal orders of protection issued on behalf of the victim. Specific protective measures provided by NCC for any given student victim will be determined on a case-by-case basis during disciplinary proceedings. These determinations will be made by a board of school representatives who have received training on the investigation process.

### Prohibitions Against Retaliation

§ 106.71 NCC prohibits all parties who have knowledge of institutional proceedings related to a Complaint filed under Title IX or Part 106 from retaliating against any of the parties involved.

NCC will consider any attempt to charge an individual with code of conduct violations that do not involve Dating Violence, Domestic Violence, Sexual Assault, or Stalking but arise out of the same facts or circumstances as a report or Complaint of Dating Violence, Domestic Violence, Sexual Assault, or Stalking, for the purpose of interfering with any right or privilege secured by Title IX as constituting retaliation. However, NCC may charge an individual with a code of conduct violation for making a materially false statement in bad faith during a Title IX grievance proceeding, and such action would not constitute retaliation. However, a determination regarding responsibility, alone, is not sufficient to conclude that any party made a bad faith materially false statement.

NCC will not consider the exercise of rights protected under the First Amendment as constituting retaliation unless the exercise of those rights is otherwise prohibited for confidentiality reasons.

Upon receiving information about conduct that reasonably may constitute retaliation or peer retaliation related to a Complaint filed under Title IX or Part 106, NCC will initiate its grievance procedures, or, as appropriate, an informal resolution process. If the complaint is consolidated with a complaint of Dating Violence, Domestic Violence, Sexual Assault, or Stalking involving a student complainant or student respondent, the grievance procedures initiated by the consolidated complaint will comply with the requirements of both §§ 106.45 and 106.46.

## **Information Regarding Registered Sex Offenders**

Law enforcement agency information provided by the State of Nevada concerning registered sex offenders can be found online at <http://www.nvsexoffenders.gov/sorstart.aspx>. In order to conduct a geographical search for registered sex offenders, you can visit <http://www.nvsexoffenders.gov/GeographicalSearch.aspx> and enter the applicable information. Please note, the information provided is intended for community safety purposes only and should not be used to threaten, intimidate, or harass anyone listed in this registry.

## **Procedures for Reporting Crimes**

### Policy Statement

NCC strongly encourages victims or witnesses to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics. NCC also strongly encourages victims or witnesses to report any of the crimes detailed in the ASR to the Las Vegas Metropolitan Police Department in a timely and accurate manner.

Criminal actions occurring on campus should be immediately reported by both students and employees to the first available Campus Security Officer and/or the local police. Front office personnel can also assist in locating a Campus Security Officer upon request for the purpose of reporting a crime. The Vice-President of Operations maintains a log of all criminal activity reported in accordance with the Clery Act as well as the crime reports associated with any entries.

### Confidential Reporting Protocol

NCC respects the privacy of its students and faculty and designated security personnel maintain confidentiality with regard to the reporting of crimes that occur on campus whenever possible by ensuring verbal reports are made in private and asking that students submit written reports directly to them in a sealed envelope or via email.

Crimes reported confidentially are logged in the campus crime log in the same manner as other crimes. However, if a crime is reported confidentially and there was only one witness to the criminal activity, NCC will encourage the witness to release NCC to pursue appropriate sanctions in accordance with the student or employee Code of Conduct.

### Referral to Law Enforcement

Major offenses including but not limited to rape, domestic violence, dating violence, stalking, murder, aggravated assault, robbery, auto theft, etc. are reported to the Las Vegas Metropolitan Police Department and joint investigative efforts between NCC and local agencies are initiated. NCC respects the victim's autonomy and authority to decline to report the incident to the police directly but will report any incidents to law enforcement that it feels may impact the security of the campus community such as those listed above.

The prosecution of all criminal offenses is conducted at the Municipal or Justice Courts levels. There is no written memorandum of understanding between NCC and the Las Vegas Metropolitan Police Department.

Victims or witnesses may decline to assist NCC and/or the police with their investigation prior to initiation or at any time prior to resolution. Victim or witness participation in the follow-up investigation is not required for the crime to be included in the annual disclosure of crime statistics.

## **Timely Warning Reports**

### Policy Statement

NCC reports to the campus community on crimes described in 34 CFR § 668.46(c) and the Crime Statistics section of the ASR which are reported to campus security authorities or local police agencies and deemed to represent a threat to the students and employees. NCC will report in a manner that is timely and that withholds as confidential the names and other identifying information of victims, as defined in section 40002(a)(20) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)(20)), and that will aid in the prevention of similar crimes. The Campus Security Officers will consult with the campus's Vice President of Operations to decide whether to issue a timely warning on a case-by-case basis based on the nature of the crime, the continuing danger to the campus community, and the possible risk of compromising law enforcement efforts.

NCC is not required to provide a timely warning with respect to crimes reported to a pastoral or professional counselor.

### Timely Warning Notification Content

Timely Warning Reports disseminated to the NCC campus population include a description of the crime, date and approximate time of occurrence, the location of the crime, and a description of the suspect. Incident Resolution Emails disseminated to the NCC campus population will include the same information as the Timely Warning Reports, as well as information on the resolution (if applicable).

### Timely Warning Notification Protocol

The manner of dissemination to alert the campus community may include one or more of the following methods: e-mail, voice mail, and text messages. NCC may also utilize the school's mobile app, the school's website, the school's learning management system, or its social media pages to post relevant warnings, updates, and advisories. NCC may also decide to issue an alert about a crime occurring outside of NCC's Clery geography if it determines such a notification to have value to the student and employee populations, although such a crime would not be included in the annual report.

If there is an immediate threat to the health or safety of students or employees occurring on campus, NCC follows its emergency notification procedures and is not required to issue a timely warning based on the same circumstances. The Vice-President of Operations provides adequate follow-up information to the community as needed after resolution of the emergency.

## **Procedures for Reporting Life-Threatening Emergencies**

Any life-threatening emergency should be immediately reported by students or employees to local authorities by dialing 911. After activating the emergency response team, the student or employee reporting the emergency should then notify the first available Campus Security Officer or Front Office representative so that they can provide notice to the staff and affected faculty (if not already informed). If a criminal offense precipitated the life-threatening emergency, NCC will also issue a timely warning report and record the offense in the log of all criminal activity.

# Emergency Response and Evacuation Procedures

## Policy Statement

NCC will immediately notify students and employees upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus. NCC 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.

## Response to Emergency Reports

NCC responds to reports of emergencies and criminal actions as it deems appropriate under the circumstances. NCC may contact local law enforcement authorities, emergency medical services, local fire departments, or other outside agencies or entities.

In the case of a major offense, NCC will conduct an investigation after resolution of the emergency into any activities that occurred on campus by reviewing available video tapes and time clocks and speaking to staff and student witnesses to determine the facts of the offense and determine NCC’s response to the crime. NCC will use the clear and convincing evidence standard in determining whether or not disciplinary action is required under the Student Code of Conduct.

## Emergency Assessment Grid

An Emergency Assessment Grid has been created with varying levels of emergencies, what those emergencies include in each level, as well as who to contact when that emergency occurs. The Emergency Assessment Grid was then further broken down to ensure that all NCC employees have a clear understanding of how to handle a particular emergency and the necessary communication measures needed to de-escalate and resolve the emergency.

The Emergency Assessment Grid is posted on all entrances and exits to offices and classrooms within the campus so all employees have clear access on how to handle an emergency that arises in a timely manner.

EMERGENCY LEVEL	DESCRIPTION	CONTACT / ESCALATION <i>If an emergency should arise, follow the escalation contact protocols</i>
LEVEL 1 Minor Emergency	Incidents involving a limited area that causes minimal impact or interruption to the campus/workplace.	<ul style="list-style-type: none"> <li>● Interdepartmental conflict               <ul style="list-style-type: none"> <li>○ Notify Supervisor</li> </ul> </li> <li>● Non-life-threatening injury</li> <li>● Elevator out of order               <ul style="list-style-type: none"> <li>○ Notify VP of Operations</li> </ul> </li> <li>● FERPA violation               <ul style="list-style-type: none"> <li>○ Notify VP of Student Relations</li> </ul> </li> <li>● Internet Unavailable</li> <li>● Campus NEXUS Unavailable</li> <li>● Telephones Unavailable</li> <li>● CANVAS Unavailable               <ul style="list-style-type: none"> <li>○ Notify Supervisor</li> </ul> </li> <li>● Supervisor to Notify Director of IT</li> </ul>

<p>LEVEL 2 Moderate Emergency</p>	<p>A significant emergency that disrupts an entire department, building, or classrooms that may require assistance from the Security team or an external organization.</p>	<ul style="list-style-type: none"> <li>● Power Outages <ul style="list-style-type: none"> <li>○ Follow Department Contingency Plan</li> </ul> </li> <li>● Flood <ul style="list-style-type: none"> <li>○ Follow Evacuation Plan</li> </ul> </li> <li>● Civil Unrest <ul style="list-style-type: none"> <li>○ Notify CEO and VP of Operations</li> </ul> </li> <li>● Infectious Disease <ul style="list-style-type: none"> <li>○ Follow Health Security Plan</li> </ul> </li> <li>● Gang Activity</li> <li>● Stalking</li> <li>● Break-Ins</li> <li>● Vandalism &amp; Suspicious Activity <ul style="list-style-type: none"> <li>○ Call 911 (if applicable)</li> <li>○ Follow de-escalation procedures</li> <li>○ Notify Supervisor</li> </ul> </li> </ul>
<p>LEVEL 3 Major Emergency</p>	<p>A major emergency that involves multiple buildings or impacts the entire campus and the surrounding community.</p>	<ul style="list-style-type: none"> <li>● Medical Emergency <ul style="list-style-type: none"> <li>○ Call 911</li> <li>○ Notify Supervisor <ul style="list-style-type: none"> <li>▪ Supervisor to Notify Employee Services</li> </ul> </li> </ul> </li> <li>● Hostage</li> <li>● Sexual &amp; Gender-Based</li> <li>● Violence</li> <li>● Human Trafficking</li> <li>● Dating Violence <ul style="list-style-type: none"> <li>○ Call 911</li> <li>○ Notify Title IX Coordinator</li> </ul> </li> <li>● Gas Leaks</li> <li>● Earthquakes</li> <li>● Fire</li> <li>● Lockdown</li> <li>● Acts of Terrorism</li> <li>● Active Shooter</li> </ul>

**1. Level 1 – Minor Emergency**

- A department or building incident that can be resolved with existing College resources or limited outside help. A Level 1 incident is usually a one-dimensional event that has a limited duration and little impact on the campus community beyond those using the space/building in which it occurred. The Emergency Contact, as listed below in the Emergency Contact Guide, should be advised and updated regarding Level 1 situations.
  - For **student-related issues**, the student’s Instructor/Program Chair should be immediately notified, followed by contact with the Director of Academic Affairs for additional escalation/coaching procedures, if necessary.
  - For **employee-related issues**, the employee’s direct Supervisor should be immediately notified, followed by contact with the Executive of the respective department for additional escalation/coaching procedures, if necessary.
  - For **non-NCC affiliates/guests**, Campus Security should be immediately notified, followed by contact with the VP of Operations for additional escalation procedures, if necessary.

**2. Level 2 – Moderate Emergency**

- An emergency that impacts a sizable portion of the campus and/or outside community. Level 2 emergencies may be single or multi-hazard situations, and often require considerable and timely coordination both within and outside the College.
- Level 2 emergencies also include imminent events on campus or in the general community that may develop into a major College crisis or a full disaster.
- The Emergency Contact, either the VP of Operations or the Chief Executive Officer, should be notified as soon as possible in the event that a Level 2 emergency has occurred or is occurring. Should the emergency need additional emergency services, contact 911.
- Depending on the type of emergency, upon activation of the procedures listed in Emergency Response Manual (ERM)/Evacuation Plan, the Emergency Contact will communicate with a member or members of the Executive Team. The ERM will be activated as soon as possible and a plan for managing the emergency will be developed.

**3. Level 3 – Major Emergency**

- A catastrophic emergency event involving the entire campus and surrounding community. Immediate resolution of the disaster, which is usually multi-hazard, is beyond the Emergency Contact capabilities of campus.
- Contact local resources 911 (Las Vegas Metropolitan Police and/or Las Vegas Fire and Rescue) to see if the assistance of further State and/or Federal resources is necessary. Procedures followed by College personnel will be similar to those outlined above with respect to Level 3 emergencies.
- Alert and update the community as needed through the Mass Employee and Student Emergency Notification Process (email/text blast to all NCC affiliates, Namely Announcement to all employees, Northwest website, and media via Chief Executive Officer).

Emergency Contact Guide

NAME	TITLE	BLDG.	OFFICE	CELL	EMAIL
Northwest Career College	Front Office	MC	702-254-7577	N/A	
Patrick Kenny	Chief Executive Officer	MC	702-254-7577	702-682-4055	Patrick.Kenny@northwestcareercollege.edu
Dr. Thomas Kenny	Chief Information Officer	MC	702-254-7577	702-496-8724	Thomas.Kenny@northwestcareercollege.edu
Dr. Stephanie Kenny	Chief Academic Officer	MC	702-254-7577	702-496-6016	Stephanie.Kenny@northwestcareercollege.edu
Michael Kenny	Chief Financial Officer	MC	702-254-7577	702-677-0039	Michael.Kenny@northwestcareercollege.edu
Pablo Chacon	Vice President of Operations	MC	702-254-7577	702-480-6271	Pablo.Chacon@northwestcareercollege.edu
Employee Services		MC	702-254-7577	N/A	Employeeservices@northwestcareercollege.edu

Emergency Notification Protocol

1. Emergency Notification Defined

- An Emergency Notification is a notification that is immediately circulated to the campus community upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus. Emergency Notifications are provided to the student and staff population in instances in which an actual emergency has occurred on campus or in an adjacent building.

2. When Notifications are Provided

- Notifications are provided as soon as possible, while taking into account the safety of the student population and community and ensuring that any notification will not compromise the mitigation of the emergency. Examples of on-campus emergencies include: terrorist incidents, armed intruder(s), gas leak, or bomb threats. In the event of an actual emergency, students and employees will be notified in the following ways:
  - The campus community at large will be notified by e-mail to prevent anyone off campus from becoming involved in the emergency. Students and staff are responsible for regularly checking their e-mail prior to coming to campus; and,
  - Designated security personnel will personally visit each classroom, lab, and office; advise those present of the nature of the emergency; and instruct those present as to what action they should take. Possible actions may involve waiting for further information, moving to another part of the building, or evacuating the building.
    - If designated security personnel are unable to reach a classroom, lab, or office due to the circumstances of the emergency, they will utilize NCC's phone system to contact the individual(s) and notify them of the emergency.
- Designated security personnel may designate a supplemental support employee to contact 911 in case of an emergency that requires dissemination of information to the larger community. The information needed for such a notification will be provided to the employee via the email alert. The Vice-President of Operations will be responsible for ensuring notification to the larger community occurred properly upon completion of in-person notifications to the affected parties on campus.

### Mass Employee & Student Emergency Notification Process

1. In the case of a minor or major emergency on campus, the Employee Services Department will be responsible for notifying all staff/faculty:
  - When the incident occurs
  - When the incident is resolved
2. Below are the types of incidents that would initiate this procedure to go into effect:
  - Flood on Campus
  - Water unavailable on Campus
  - Electricity out on Campus
  - Gas Leak on Campus
  - Fire on Campus
  - Elevator – out of order
  - Restrooms – out of order
  - Internet unavailable on Campus
  - Wireless Internet unavailable on Campus
  - Telephones unavailable on Campus
  - CampusNEXUS/Portal/NAS/CANVAS unavailable
3. In the case of these types of emergencies, the following steps should be taken by ANY staff member who has identified an issue:
  - The staff member who identifies the issue should send an email to the following parties with a brief description of the issue at hand (ie. Elevator is non-functional).

- VP of Operations
  - Chief Executive Officer
  - The Operations Department will investigate the problem and see if any of our on-site specialists can resolve the issue (ie. Facilities, IT, etc.).
  - If no immediate resolution is available, Operations will send an email to the Employee Services designated representative with the details of the situation.
4. Employee Services will communicate the details of the situation at hand with the appropriate group, in the appropriate method, using the following grid.

<b>Type of Incident:</b>	<b>Method of Communication:</b>	<b>Groups Contacted: (BCC:)</b>
<i>Non-Life Threatening Injury</i>	Email	<a href="mailto:staff@northwestcareercollege.edu">staff@northwestcareercollege.edu</a> <a href="mailto:faculty@northwestcareercollege.edu">faculty@northwestcareercollege.edu</a>
<i>Drugs on Campus</i>	Email (all)	<a href="mailto:students@northwestcareercollege.edu">students@northwestcareercollege.edu</a> <a href="mailto:staff@northwestcareercollege.edu">staff@northwestcareercollege.edu</a> <a href="mailto:faculty@northwestcareercollege.edu">faculty@northwestcareercollege.edu</a>
<i>Flood on Campus</i>	Namely, Email (all)	<a href="mailto:students@northwestcareercollege.edu">students@northwestcareercollege.edu</a> <a href="mailto:staff@northwestcareercollege.edu">staff@northwestcareercollege.edu</a> <a href="mailto:faculty@northwestcareercollege.edu">faculty@northwestcareercollege.edu</a>
<i>Natural Disaster</i>	Namely, Email (all) Text (all)	<a href="mailto:students@northwestcareercollege.edu">students@northwestcareercollege.edu</a> <a href="mailto:staff@northwestcareercollege.edu">staff@northwestcareercollege.edu</a> <a href="mailto:faculty@northwestcareercollege.edu">faculty@northwestcareercollege.edu</a>
<i>Weapon Possession</i>	Email (all)	<a href="mailto:students@northwestcareercollege.edu">students@northwestcareercollege.edu</a> <a href="mailto:staff@northwestcareercollege.edu">staff@northwestcareercollege.edu</a> <a href="mailto:faculty@northwestcareercollege.edu">faculty@northwestcareercollege.edu</a>
<i>Physical Altercation</i>	Email	<a href="mailto:staff@northwestcareercollege.edu">staff@northwestcareercollege.edu</a> <a href="mailto:faculty@northwestcareercollege.edu">faculty@northwestcareercollege.edu</a>
<i>Medical Emergency</i>	Email	<a href="mailto:staff@northwestcareercollege.edu">staff@northwestcareercollege.edu</a> <a href="mailto:faculty@northwestcareercollege.edu">faculty@northwestcareercollege.edu</a>
<i>Acts of Terrorism</i>	Namely, Email (all) Text (all)	<a href="mailto:students@northwestcareercollege.edu">students@northwestcareercollege.edu</a> <a href="mailto:staff@northwestcareercollege.edu">staff@northwestcareercollege.edu</a> <a href="mailto:faculty@northwestcareercollege.edu">faculty@northwestcareercollege.edu</a>
<i>Active Shooter</i>	Namely, Email (all) Text (all)	<a href="mailto:students@northwestcareercollege.edu">students@northwestcareercollege.edu</a> <a href="mailto:staff@northwestcareercollege.edu">staff@northwestcareercollege.edu</a> <a href="mailto:faculty@northwestcareercollege.edu">faculty@northwestcareercollege.edu</a>

<i>Bomb Threat</i>	Namely, Email (all) Text (all)	<a href="mailto:students@northwestcareercollege.edu">students@northwestcareercollege.edu</a> <a href="mailto:staff@northwestcareercollege.edu">staff@northwestcareercollege.edu</a> , <a href="mailto:faculty@northwestcareercollege.edu">faculty@northwestcareercollege.edu</a>
<i>Water unavailable on Campus</i>	Namely, Email (all)	<a href="mailto:students@northwestcareercollege.edu">students@northwestcareercollege.edu</a> <a href="mailto:staff@northwestcareercollege.edu">staff@northwestcareercollege.edu</a> , <a href="mailto:faculty@northwestcareercollege.edu">faculty@northwestcareercollege.edu</a>
<i>Power Outages on Campus</i>	Email (all) Text (all)	<a href="mailto:students@northwestcareercollege.edu">students@northwestcareercollege.edu</a> <a href="mailto:staff@northwestcareercollege.edu">staff@northwestcareercollege.edu</a> , <a href="mailto:faculty@northwestcareercollege.edu">faculty@northwestcareercollege.edu</a>
<i>Gas Leak on Campus</i>	Email (all) Text (all)	<a href="mailto:students@northwestcareercollege.edu">students@northwestcareercollege.edu</a> <a href="mailto:staff@northwestcareercollege.edu">staff@northwestcareercollege.edu</a> , <a href="mailto:faculty@northwestcareercollege.edu">faculty@northwestcareercollege.edu</a>
<i>Fire on Campus</i>	Email (all) Text (all)	<a href="mailto:students@northwestcareercollege.edu">students@northwestcareercollege.edu</a> <a href="mailto:staff@northwestcareercollege.edu">staff@northwestcareercollege.edu</a> , <a href="mailto:faculty@northwestcareercollege.edu">faculty@northwestcareercollege.edu</a>
<i>Elevator – out of order</i>	Namely Email (all)	<a href="mailto:students@northwestcareercollege.edu">students@northwestcareercollege.edu</a> <a href="mailto:staff@northwestcareercollege.edu">staff@northwestcareercollege.edu</a> , <a href="mailto:faculty@northwestcareercollege.edu">faculty@northwestcareercollege.edu</a>
<i>Restrooms – out of order</i>	Namely Email (all)	<a href="mailto:students@northwestcareercollege.edu">students@northwestcareercollege.edu</a> <a href="mailto:staff@northwestcareercollege.edu">staff@northwestcareercollege.edu</a> , <a href="mailto:faculty@northwestcareercollege.edu">faculty@northwestcareercollege.edu</a>
<i>Wireless Internet Unavailable</i>	Email and Text	<a href="mailto:staff@northwestcareercollege.edu">staff@northwestcareercollege.edu</a> , <a href="mailto:faculty@northwestcareercollege.edu">faculty@northwestcareercollege.edu</a>
<i>CANVAS Unavailable</i>	Email	<a href="mailto:students@northwestcareercollege.edu">students@northwestcareercollege.edu</a> <a href="mailto:staff@northwestcareercollege.edu">staff@northwestcareercollege.edu</a> , <a href="mailto:faculty@northwestcareercollege.edu">faculty@northwestcareercollege.edu</a>
<i>CampusNEXUS/Portal/ NAS Unavailable</i>	Email	<a href="mailto:staff@northwestcareercollege.edu">staff@northwestcareercollege.edu</a> , <a href="mailto:faculty@northwestcareercollege.edu">faculty@northwestcareercollege.edu</a>
<i>Telephones unavailable on Campus</i>	Email	<a href="mailto:staff@northwestcareercollege.edu">staff@northwestcareercollege.edu</a> , <a href="mailto:faculty@northwestcareercollege.edu">faculty@northwestcareercollege.edu</a>

5. When the issue has been determined that the situation has been resolved – Employee Services will be notified with the details of resolution.
  - NOTE: Employee Services will communicate the details of the resolution using the same method of communication provided in step 4.
6. After the resolution has been communicated to all parties, Operations will put together a “write up” of the situation, including:
  - Details of the events (ie. Type of incident – Location of Incident)
  - Length of downtime/issue (ie. Internet was down for 2.5 hours)

- Method of resolution (ie. Called in 3<sup>rd</sup> party to reset network card)
  - Steps taken to ensure this issue does not occur again, as provided by the specialist on campus (ie. We have reinforced the bathroom's water pipe so that it will never have a leak again).
7. Any issues of this type will be reviewed by the Operations team in their upcoming meeting to ensure that we can resolve any macro-level issues that may have caused these individual issues.

### Procedure Review and Exercise Protocol

Emergency response and evacuation procedures are reviewed and simulations are conducted annually during scheduled training sessions. These procedures are all discussed with employees during their new employee onboarding.

Emergency response and evacuation procedures are also evaluated using a minimum of one announced test evacuation each summer during school hours to practice coordination between campus security personnel for successful execution of a campus lockdown and campus evacuation. Unannounced tests may be conducted at any time at the discretion of the Vice-President of Operations.

Participants are interviewed by the designated security personnel after the test to obtain feedback about the effectiveness of the drill. They also receive reminders about the emergency response and evacuation procedures from employees and the Vice-President of Operations prior to announced tests and are reminded about the availability of these procedures in hard copy via the ASR.

For each test, the Vice-President of Operations is responsible for recording a description of the exercise, the date, the time the test started and ended, and whether it was announced or unannounced.

Evaluations and corrective action reports, which are designed for assessment and evaluation of emergency plans and capabilities, are completed after each test to ensure everyone involved in the emergency response and notification procedures understands his or her role and responsibility. The Vice-President of Operations will assess whether the test met its goals or not and propose any necessary adjustments to improve subsequent tests.

### **Comparison of Timely Warnings and Emergency Notifications**

A timely warning is a notification with the intent of a warning regarding a criminal incident in a nearby area. Timely warnings are triggered by crimes that have already occurred but represent an ongoing threat. Warnings are provided to enable people to protect themselves and are issued as soon as the pertinent information is available. Timely warnings are distributed to the student and staff populations after a crime has occurred to inform members of the campus community of the crime that occurred and the resolution that was implemented (if resolved). They are circulated in order to aid in the prevention of similar crimes on or near the campus.

An Emergency Notification is a notification that is immediately circulated to the campus community upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus. Emergency Notifications are provided to the student and staff population in instances in which an actual emergency is occurring on campus or in an adjacent building. Notifications are provided as soon as possible, while taking into account the safety of the student population and community and ensuring that any notification will not compromise the mitigation of the emergency. Examples include: a terrorist incident, an armed intruder, a gas leak, or a bomb threat.

## **Monitoring of Noncampus Criminal Activity**

NCC is required to monitor and record through local police agencies criminal activity by students at noncampus locations of student organizations officially recognized by NCC, including student organizations with noncampus housing facilities. However, there are no officially recognized student organizations with noncampus meeting locations, therefore there are no locations where crime is monitored or reported outside of NCC's designated Clery geography.

## **Missing Student Procedures**

NCC does not provide any on-campus student housing facilities and therefore does not maintain policies regarding missing student notifications.

## **Fire Safety Procedures**

NCC does not provide any on-campus student housing facilities and therefore does not maintain a fire safety log or fire safety statistics for such facilities or prepare an annual fire safety report.

## **FERPA Disclosure**

NCC's compliance with nationally implemented VAWA Regulations does not constitute a violation of FERPA nor compromises the privacy of students, staff, or faculty.

## **Prohibition on Retaliation**

§ 106.71 NCC prohibits retaliation, including peer retaliation, in its education programs. NCC itself will not retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights or responsibilities under Title IX or Part 106. When NCC has information about conduct that reasonably may constitute retaliation under Title IX or Part 106, it will comply with its responsibilities under § 106.44 and will initiate its grievance procedures, or, as appropriate, an informal resolution process under. As set out in § 106.45(e), if the complaint is consolidated with a complaint of sex-based harassment involving a student complainant or student respondent, the grievance procedures initiated by the consolidated complaint will comply with the requirements of both §§ 106.45 and 106.46.

# Crime Statistics

## **Annual Disclosure of Crime Statistics**

### Method for Compilation of Crime Statistics

The Vice-President of Operations maintains a log of all criminal activity reported on campus and is responsible for requesting additional information annually regarding statistics for crimes that occurred on or within NCC's Clery geography from the local police agency. The crime log is used in combination with police data to prepare the annual crime statistics listed in this report. These crime statistics are also published online using the United States Department of Education's Campus Safety and Security Data Analysis Cutting Tool.

### Inspection Protocol

NCC will make the crime log for the most recent 60-day period open to public inspection during normal business hours. NCC will make any portion of the log older than 60 days available within two business days of a request for public inspection. Parties interested in reviewing the crime log should request to speak with the Vice-President of Operations in order to fulfill the request.

## **Crime Recording Policies**

### Policy Statement

NCC includes in its crime statistics all criminal incidents and alleged criminal incidents listed in the various subsections of the Crime Statistics section of this report occurring on or within its Clery geography that are reported to a CSA for purposes of Clery Act reporting.

NCC records a crime statistic for the calendar year in which the crime was reported to local police agencies or to a CSA. NCC obtains additional information regarding statistics for crimes that occurred on or within NCC's Clery geography from the local police agency. The statistics of this section do not include the identification of the victim or the person accused of committing the crime in accordance with 34 CFR § 668.46(c).

### Crime Recording Protocol

Designated security personnel are required to make an entry or an addition to an entry to the log within two business days of the report of the information to the campus security department, unless that disclosure is prohibited by law or would:

- Jeopardize the confidentiality of the victim;
- Jeopardize an ongoing criminal investigation;
- Jeopardize the safety of an individual;
- Cause a suspect to flee or evade detection; or,
- Result in the destruction of evidence.

Designated security personnel are required to disclose any information withheld under these circumstances once the adverse effect described above is no longer likely to occur.

## Contents of Daily Crime Log

This log contains all relevant information needed to compile the crime statistics listed in this report, including:

- Name and contact information for victim or witness (to ensure all crimes are properly counted);
- Nature, date, time, and general location of the crime;
- Date and time the crime was reported; and,
- Disposition of the complaint.

All criminal incidents and alleged criminal incidents that are reported to a CSA occurring on or within NCC's Clery geography are recorded in the crime log, whether or not they are Clery Act crimes.

### Recording Multiple Offenses during a Single Incident

The UCR Hierarchy Rule does not apply to the crime log. If multiple Criminal Offenses are committed during a single incident, all of the offenses are recorded in the log. When counting criminal encounters in which more than one offense was committed during a single incident for crime statistics disclosure purposes, NCC adheres to the requirements of the Hierarchy Rule in the Summary Reporting System (SRS) User Manual as found in 34 C.F.R. § 668 Subpart D Appendix A.

### Pastoral or Professional Counselor Protocol

NCC is not required to report statistics for crimes reported to a pastoral or professional counselor. However, pastoral counselors and professional counselors who contact NCC regarding a reported crime are encouraged, if and when they deem it appropriate, to inform the persons they are counseling of the procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics contained in this report.

## **Clery Geography**

Crime statistics reported within this document include all crimes committed within NCC's Clery geography. The location categories used by NCC for the purpose of recording all crimes and criminal offenses listed in this section are in accordance with 34 CFR § 668.46(c) and include:

- On-Campus (defined as in or on buildings and properties that are part of NCC's campus);
  - o The campus includes the following locations:
    - 7398 Smoke Ranch Road, Las Vegas, NV 89128;
    - 2420 Professional Court, Las Vegas, NV 89128;
    - 2440 Professional Court, Las Vegas, NV 89128;
    - 2471 Professional Court, Las Vegas, NV 89128;
    - 7361 Prairie Falcon Road, Suite #130 & 160, Las Vegas, NV 89128;
    - 1776 Warm Springs Road, Suite #200, Las Vegas, NV 89119; and,
    - 1860 E. Sahara Ave, Las Vegas, NV 89104 (effective July 1, 2024).
- Noncampus (defined as buildings and properties that are owned or controlled by NCC, used in direct support of NCC's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of NCC's campus);
  - The noncampus geography is not applicable.
- Public Property (defined as public property immediately adjacent to and accessible from NCC).

NCC does not maintain on-campus or off-campus residential facilities or dormitories.

## Criminal Offenses

The following tables contain data regarding criminal offenses occurring within NCC’s Clery Geography for the three most recent calendar years in accordance with 34 CFR § 668.46(b). It also contains details regarding the location of such crimes and whether or not they were classified as a hate crime. If a primary crime listed in this subsection is classified as a hate crime, NCC identifies the category of bias that motivated the crime in the tables below. The categories of bias are listed in the Hate Crimes subsection.

NCC compiles the crime statistics for murder and non-negligent manslaughter, negligent manslaughter, rape, robbery, aggravated assault, burglary, motor vehicle theft, and arson as defined in the “Summary Reporting System (SRS) User Manual” and the crime statistics for fondling, incest, and statutory rape as defined in the “National Incident-Based Reporting System (NIBRS) User Manual.” All definitions related to the statistics found in this section are from the FBI’s UCR Program as found in 34 C.F.R. § 668 Subpart D Appendix A.

### Criminal Offenses On Campus/Noncampus

<b>Criminal Offense</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>Location?</b>	<b>Hate Crime?</b>
Aggravated Assault	0	0	0	N/A	N/A
Arson	0	0	0	N/A	N/A
Burglary	0	0	0	N/A	N/A
Fondling	0	0	0	N/A	N/A
Incest	0	0	0	N/A	N/A
Manslaughter by Negligence	0	0	0	N/A	N/A
Motor Vehicle Theft	0	0	1	N/A	N/A
Murder/Non-negligent Manslaughter	0	0	0	N/A	N/A
Rape	0	0	0	N/A	N/A
Robbery	0	0	0	N/A	N/A
Statutory Rape	0	0	0	N/A	N/A

### Criminal Offenses Public Property/Noncampus

<b>Criminal Offense</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>Location?</b>	<b>Hate Crime?</b>
Aggravated Assault	0	0	0	N/A	N/A
Arson	0	0	0	N/A	N/A
Burglary	0	0	0	N/A	N/A
Fondling	0	0	0	N/A	N/A
Incest	0	0	0	N/A	N/A
Manslaughter by Negligence	0	0	0	N/A	N/A
Motor Vehicle Theft	0	0	0	N/A	N/A
Murder/Non-negligent Manslaughter	0	0	0	N/A	N/A
Rape	0	0	0	N/A	N/A
Robbery	0	0	0	N/A	N/A
Statutory Rape	0	0	0	N/A	N/A

If arson is committed, NCC records the arson in its statistics, regardless of whether or not it occurs in the same incident as another crime. If rape, fondling, incest, or statutory rape occurs in the same incident as a murder, NCC records both the sex offense and the murder in its statistics.

## Hate Crimes

NCC reports the number of each type of crime listed in the Primary Crimes sections that are determined to be hate crimes in accordance with 34 CFR § 668.46(b). NCC also reports on the number of each following hate crimes: larceny-theft, simple assault, intimidation, and destruction/damage/vandalism of property, as defined in the “Hate Crime Data Collection Guidelines and Training Manual” from the FBI’s UCR Program printed in 34 C.F.R. § 668 Subpart D Appendix A. If an offense listed in this subsection is classified as a hate crime, NCC identifies the category of bias that motivated the crime in the table below.

The categories of bias used by NCC for the purpose of classifying hate crimes are in accordance with 34 CFR § 668.46(c) and include the victim’s actual or perceived: race, gender, gender identity; religion; sexual orientation; ethnicity; national origin; or disability.

### Hate Crimes On Campus 2023

Criminal Offense	Category of Bias								
	Total	Race	Religion	Sexual Orientation	Gender	Gender Identity	Disability	Ethnicity	National Origin
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Larceny-Theft	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0
Destruction/Damage/Vandalism of Property	0	0	0	0	0	0	0	0	0

### Hate Crimes On Campus 2022

Criminal Offense	Category of Bias								
	Total	Race	Religion	Sexual Orientation	Gender	Gender Identity	Disability	Ethnicity	National Origin
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0

Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Larceny-Theft	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0
Destruction/Damage/ Vandalism of Property	0	0	0	0	0	0	0	0	0

Hate Crimes On Campus 2021

Criminal Offense	Category of Bias								
	Total	Race	Religion	Sexual Orientation	Gender	Gender Identity	Disability	Ethnicity	National Origin
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Larceny-Theft	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0
Destruction/Damage/ Vandalism of Property	0	0	0	0	0	0	0	0	0

Hate Crimes Public Property/Noncampus 2023

Criminal Offense	Category of Bias								
	Total	Race	Religion	Sexual Orientation	Gender	Gender Identity	Disability	Ethnicity	National Origin
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Larceny-Theft	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0
Destruction/Damage/ Vandalism of Property	0	0	0	0	0	0	0	0	0

Hate Crimes Public Property 2022

Criminal Offense	Category of Bias								
	Total	Race	Religion	Sexual Orientation	Gender	Gender Identity	Disability	Ethnicity	National Origin
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Larceny-Theft	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0
Destruction/Damage/Vandalism of Property	0	0	0	0	0	0	0	0	0

Hate Crimes Public Property 2021

Criminal Offense	Category of Bias								
	Total	Race	Religion	Sexual Orientation	Gender	Gender Identity	Disability	Ethnicity	National Origin
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Larceny-Theft	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0
Destruction/Damage/Vandalism of Property	0	0	0	0	0	0	0	0	0

**VAWA Offenses**

NCC reports on several categories of Sex Offenses in the Primary Crimes section. NCC additionally reports on the following VAWA Offenses in accordance with 34 CFR § 668.46(b), including the number of each type of the following crimes that are determined to be hate crimes. If a sexual crime listed in this subsection is classified as a hate crime, NCC identifies the category of bias that motivated the crime in the table below. The categories of bias are listed in the Hate Crimes subsection.

NCC compiles the crime statistics for dating violence, domestic violence, and stalking using the definitions of those crimes found in 34 C.F.R. § 668.46(a).

VAWA Offenses On Campus

Offense Type	2021	2022	2023	Location?	Hate Crime?
Dating Violence	0	0	0	N/A	N/A
Domestic Violence	0	1	0	Main Campus	N/A
Stalking	0	0	0	N/A	N/A

VAWA Offenses Public Property/Noncampus

Offense Type	2021	2022	2023	Location?	Hate Crime?
Dating Violence	0	0	0	N/A	N/A
Domestic Violence	0	0	0	N/A	N/A
Stalking	0	0	0	N/A	N/A

When recording reports of stalking that include activities in more than one calendar year, NCC records a crime statistic for each and every year in which the course of conduct is reported to a local police agency or to a CSA. NCC records each report of stalking as occurring at only the first location within NCC's Clery geography in which the perpetrator engaged in the stalking course of conduct or the victim first became aware of the stalking.

**Arrests and Disciplinary Referrals**

The following tables contain data regarding arrests or disciplinary referrals for law violations occurring within NCC's Clery Geography for the three most recent calendar years in accordance with 34 CFR § 668.46(b).

Arrests/Disciplinary Referrals On Campus

Law Violation	2021	2022	2023
Arrests: Weapons: Carrying, Possession, etc.	0	0	0
Disciplinary Referrals: Weapons: Carrying, Possession, etc.	0	0	0
Arrests: Drug Abuse Violations	0	0	0
Disciplinary Referrals: Drug Abuse Violations	0	0	0
Arrests: Liquor Law Violations	0	0	0
Disciplinary Referrals: Liquor Law Violations	0	0	0

Arrests/Disciplinary Referrals Public Property/Noncampus

Law Violation	2021	2022	2023
Arrests: Weapons: Carrying, Possession, etc.	0	0	0
Disciplinary Referrals: Weapons: Carrying, Possession, etc.	0	0	0

Arrests: Drug Abuse Violations	0	0	0
Disciplinary Referrals: Drug Abuse Violations	0	0	0
Arrests: Liquor Law Violations	0	0	0
Disciplinary Referrals: Liquor Law Violations	0	0	0

## Unfounded Crimes

NCC generally does not withhold, or subsequently remove, a reported crime from its crime statistics based on a decision by a court, coroner, jury, prosecutor, or other similar noncampus official.

NCC may withhold, or subsequently remove, a reported crime from its crime statistics in the rare situation where sworn or commissioned law enforcement personnel have fully investigated the reported crime and, based on the results of this full investigation and evidence, have made a formal determination that the crime report is false or baseless and therefore “unfounded.” Only sworn or commissioned law enforcement personnel may “unfound” a crime report. The recovery of stolen property, the low value of stolen property, the refusal of the victim to cooperate with the prosecution, and the failure to make an arrest do not “unfound” a crime report.

NCC discloses the total number of crime reports that were “unfounded” and subsequently withheld in the table below in accordance with 34 CFR § 668.46(b):

### Unfounded Crimes On Campus

<b>Unfounded Crimes</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>Offense Type and Quantity Unfounded (per type)</b>
Total Unfounded Crimes	0	0	0	N/A

### Unfounded Crimes Public Property/Noncampus

<b>Unfounded Crimes</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>Offense Type and Quantity Unfounded (per type)</b>
Total Unfounded Crimes	0	0	0	N/A

## **Addendum A - Title IX Personnel Information**

NCC encourages complainants to report prohibited conduct to the Title IX Coordinator in person, by email, or by phone using the contact information below:

- Thomas Kenny, Title IX Coordinator  
titleix@northwestcareercollege.edu  
702-254-7577  
2440 Professional Court  
Las Vegas, NV 89128

NCC has designated the following individuals to serve as Title IX Personnel who will assist with the Grievance procedures outlined in the Annual Security Report:

- Pablo Chacon, Title IX Investigator  
titleix@northwestcareercollege.edu  
702-254-7577  
7398 Smoke Ranch Road  
Las Vegas, NV 89128
- Patrick Kenny, Title IX Decisionmaker  
titleix@northwestcareercollege.edu  
702-254-7577  
2440 Professional Court  
Las Vegas, NV 89128
- Leslie Tran, Title IX Facilitator  
titleix@northwestcareercollege.edu  
702-254-7577  
2440 Professional Court  
Las Vegas, NV 89128
- Stephanie Kenny, Title IX Appeals Facilitator  
titleix@northwestcareercollege.edu  
702-254-7577  
2420 Professional Court  
Las Vegas, NV 89128
- Carrie Oliver, Confidential Employee  
studentservices@northwestcareercollege.edu  
702-254-7577  
2420 Professional Court  
Las Vegas, NV 89128