

# SEXUAL VIOLENCE & HARASSMENT

An Overview of:  
Your Rights  
When & How to Report  
& Available Resources

Kentucky Mountain Bible College

855 Hwy 541  
Jackson, KY 41339

*A more detailed description  
of policies and procedures  
is available in the Student Handbook  
and online.*

**2023-2024**

## Title IX, What it is.

Title IX of the Education Amendment of 1972 is a federal law prohibiting sexual harassment which includes acts of sexual violence against college/university students and employees on College premises or any other locations where members of the College community are together because of assigned or College-sanctioned activities.

Following are some **Relevant Definitions**:

\* **Sexual Harassment is defined in the following ways:**

- 1 A school employee conditioning an educational benefit or service upon a person's participation in unwelcome sexual conduct ("quid pro quo" harassment).
- 2 Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's education program or activity.
- 3 Sexual assault, dating violence, domestic violence, or stalking (as those offenses are defined in the Clery Act, 20 U.S.C.' 1092(f), and the violence Against Women Act, 34 U.S.C., 12291(s)).

\* **Domestic Violence** includes asserted violent misdemeanor and felony offenses committed by the victim's current or former spouse, current or former cohabitant, person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.

\* **Sexual Assault** is any type of sexual contact or behavior that occurs without the explicit consent of the recipient. Falling under the definition of sexual assault are sexual activities as forced sexual intercourse, forcible sodomy, child molestation, incest, fondling, and attempted rape.

\* **Dating Violence** means violence by a person who has been in a romantic or intimate relationship with the victim. Whether there was such a relationship will be gauged by its length, type, and frequency of interaction.

\* **Stalking** means a course of conduct directed at a specific person that would cause reasonable person to fear for her, his, or other's safety, or to suffer substantial emotional distress.

## Definitions for Clarity:

\* **A Complainant** is an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

\* **A Respondent** is an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

\* **Supportive Measures** are individualized services available that are not punitive, disciplinary, nor unreasonably burdensome to the other party while designed to ensure equaleducational success, protect safety, and deter sexual harassment.

\* **A Formal Complaint** is a document filed by a complainant (or signed by the Title IX Coordinator) alleging sexual harassment against a respondent and requesting that the school investigate the allegation.

## Commitment to care and fairness

KMBC is committed to provide every complainant with appropriate support measures (whether they want to file a "Formal Complaint" or not). Every respondent will be treated

as responsible only after receiving due process and fundamental fairness, and school officials involved will serve impartially and without bias for or against any party.

### Investigation

When KMBC has received notice of a possible act of sexual violence or harassment, immediate steps will be taken to investigate the incident. Subsequently, prompt and effective action will be taken to address the incident and insure a remedy that will be appropriate as well as designed to prevent its recurrence.

The College's Title IX investigation is different from any law enforcement investigation. A law enforcement investigation does not relieve the College of its responsibility under Title IX to investigate the incident. In cases involving potential criminal conduct, College personnel must determine whether appropriate law enforcement or other authorities should be notified. Conduct may constitute unlawful sexual harassment under Title IX even if law enforcement determines that it does not constitute a crime. All incidents of sexual misconduct involving students and employees will be referred to the Title IX coordinator for follow up and investigation.

### What is Effective Consent?

*Consent is one of the key factors in determining sexual misconduct. Consent implies words and/or actions that demonstrate a voluntary agreement to engage in mutually agreed upon sexual activity. Three general principles apply to the definition of effective consent;*

**1. Both partners must clearly communicate their willingness and permission through mutually understood words and/or actions.**

Consent is a "Yes" and not just the absence of the word "No." The failure to resist sexual advances, silence, and/or prior dating or sexual relationship does not constitute consent. Both partners have the right to revoke their consent at any time during the sexual activity by actively (verbally or nonverbally) communicating their desire to stop the activity. Consent to one form of sexual activity does not constitute consent to any other form of sexual contact, nor does sexual consent with one person constitute consent to sexual contact to any other person. Additionally, consent to sexual contact on one occasion is not consent to engage in sexual contact on other occasions.

**2. Both partners need to be fully conscious and aware of their actions.**

A person is unable to give consent if they are asleep, drugged, intoxicated, unconscious, a minor, mentally impaired or incapacitated. Signs that a person is intoxicated, incapacitated, or are otherwise unable to give consent include (but are not limited to) slurred speech, loss of coordination, passing out, vomiting or a verbalized feeling of being nauseous.

**3. Both partners must be equally free to act.**

The decision to be sexually intimate must be made without coercion. Consent cannot be obtained by coercion or force or by taking advantage of one's inability to give consent because of incapacitation or other circumstances. Coercion or force include conduct, intimidation, and express or implied threats of physical or emotional harm, that would reasonably place an individual in fear of immediate or future harm and that employed to persuade or compel someone to engage in sexual conduct.

### Reporting a Complaint

A student or employee who believes herself/himself to be the subject of sexual discrimination, sexual harassment, sexual violence or assault, or retaliation may seek

direction from and/or report the complaint to one or more of the following individuals:

### To file an Institutional Complaint:

#### **Title IX Coordinator**

Rick Brookens: 606-693-5000 ext 751 (home)  
ext 214 (office) rbrookens@kmbc.edu

#### **Dean of Students**

Jim Nelson: 606-693-5000 ext 752 (home)  
ext 180 (office) jnelson@kmbc.edu

#### **Licensed Mental Health Counselor**

Rebeckah Pickett: 606-693-5000 ext 746 (home)  
ext 220 (office) rpickett@kmbc.edu

### To file a Criminal Complaint:

**Jackson Police Department:** (606) 666-2424.

### Concerned About Reporting?

If you or someone you know is not ready to report an incident, the **United Way's Free Confidential Referral Service** can be contacted by dialing toll free 1-800-233-4357 or 211 from any cell phone. Their staff members are required by law to keep all communications confidential without the person's express consent to release the information or as otherwise required by law. This organization will be able to provide confidential medical assistance referrals, resources, and emotional support. They are staffed 24/7, and are set up to help.

### What You Should Do If You Are Assaulted?

1. Get to a safe place and talk to someone you trust  
[A friend, relative, counselor, or an off-campus sexual assault resource]
2. Seek medical attention  
Before seeking medical assistance:
  - a. Do not shower or change clothes
  - b. Do not eat or drink anything
3. Notify campus authorities as soon as possible

### Tips for Friends and Loved Ones

- \* Remain calm and nurturing.
- \* Listen, without passing judgment.
- \* Don't comment on what you would have done differently.
- \* Don't blame the victim.
- \* Be supportive and encouraging.
- \* Encourage the victim to get assistance.

### What Are Your Rights?

- \* You have the right to speak with campus authorities in a private and confidential setting.
- \* You have the right to be informed of your reporting options whether criminal or institutional or both without reprisal.
- \* You have the right to be informed of and provided with contact information about

available counseling or health services, both on and off campus.

- \* You have the right to choose to submit a formal complaint or not (it is not a requirement to receive supportive measures).
- \* You have the right to academic, housing, employment accommodations, no contact orders, escorts or other interim measures as deemed appropriate to prevent further unwanted contact with the assailant.
- \* You have the right to have an advisor or support person of your choice present during any internal disciplinary hearing as described in KMBC's Title IX Policy.
- \* You have the right to be informed of the outcome of disciplinary proceedings.

### No Retaliation

KMBC strives to protect those who complain of sexually discriminatory, sexually harassing, or sexually violent conduct. The college prohibits intimidation or retaliation against any individual who reports the above mentioned conducts or who participates in any investigation into allegations of such misconduct. If you are aware of any such intimidation or retaliation, please contact the Title IX Coordinator or one of the Deans..

### Resources

**National Sexual Assault Hotline** operated by RAINN

To be connected to the rape crisis center nearest to you, dial

1-800-656-HOPE (4673)

[www.rainn.org](http://www.rainn.org)

**National Sexual Violence Resource Center (NSVRC)**

1-877-739-3895

**Kentucky Association of Sexual Assault Programs (KASAP)**

Phone Number - (502) 226-2704

Toll Free Number - (866) 375-2727

[www.kasap.org](http://www.kasap.org)

**Kentucky River Community Care (KRCC)**

**The Rising Center**

637 Morton Blvd.

Hazard, KY 41701

(606) 436-5761 x7800

Sexual Assault Response Program: 1-800-375-7273

Crisis & Information Hotline: 1-800-262-7491

[www.krcccares.com](http://www.krcccares.com)

**Breathitt County Sheriff**

1137 Main Street

Jackson, Kentucky 41339

Phone: (606)666-3800

**Jackson Police Department**

333 Broadway

Jackson, KY 41339

(606) 666-2424

### Legal Help

**Kentucky Legal Aid** (Resources with minimal or no cost)

**Appalachian Research & Defense Fund**

(866) 277-5733

[www.ardfky.org](http://www.ardfky.org)

## Please Remember

KMBC's Title IX Campus Coordinator is Rick Brookens  
([rbrookens@kmbc.edu](mailto:rbrookens@kmbc.edu) or 693-5000, ext 751 or ext 214).

He has been trained to help those facing sexual harassment issues to:

- \* Understand their options in registering a complaint,  
Be aware of the available medical, legal, and counseling resources.
- \* Guide them through the necessary grievance procedures to insure a discrete,  
timely and appropriate addressing of the issues,
- \* Facilitate support during an investigation,  
Address any retaliatory issues arising from a complaint and/or investigation,
- \* Coordinate a safe and non-hostile environment.

Because of his training and experience, we recommend (but do not require) the individual who has experienced sexual harassment to contact the Title IX coordinator.

Upon receiving information regarding sexual harassment prompt steps will be taken to investigate the incident in a discrete, timely, and appropriate way. It is the charge of the Title IX coordinator to conduct an independent investigation, as they have been given the training to do so with sensitivity and discretion.

**You are Loved!**