

*Southeast Community College
Administrative Guidelines*

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4 Investigating 5 792 reWo2 700 (In 50y; 54 Se)3(x)3(a)GJTETQq012 012 792 reW*nBTf3 110 Tf1 260593984 6.

1 *TITLE IX STATEMENT AND POLICY; SEXUAL HARASSMENT
PROHIBITED*

2 *REPORTING OPTIONS*

Any person may report sex discrimination, including sexual harassment, regardless of whether the person reporting it is the person alleged to be the victim of conduct that could be sex discrimination or sexual harassment.

The College may investigate reported allegations of sexual harassment and implement appropriate responsive measures even if the person subject to alleged harassment does not wish to pursue

Kalika Jantzen of the Counseling and Assistance Program (CAPS) at kjantzen@southeast.edu or by phone at (402) 437-2286.

Additional confidential counseling and mental health resources, including community-based resources, may also be available. Employees may also be able to utilize the Employee Assistance Program (EAP). For more information, please contact Human Resources.

If a complainant decides not to pursue resolution of the incident with the College, SCC will honor their request if doing so does not impact the College's ability to provide a safe and non-discriminatory environment for all members of the SCC community, including the Complainant. The Title IX Coordinator, in consultation with appropriate administrators, will evaluate and respond to requests for confidentiality.

Regardless of whether the complainant requests confidentiality or decides not to pursue resolution, the Title IX Coordinator will assist the complainant with reasonably available support and assistance, which may include academic, housing, transportation, employment, and other accommodations. These accommodations will vary depending on the nature of the reported prohibited conduct, whether the complainant is a student, faculty or staff member and the expectations of the complainant regarding confidentiality. The Title IX Coordinator and designees will maintain as private any accommodations or protective measures provided to the Complainant. The Title IX Coordinator or designees may disclose to an appropriate college official only information that is necessary to provide the accommodations or protective measures in a timely manner.

The College recognizes that participants should be protected from unreasonable disclosure of their involvement in processes under any of the applicable procedures, and of any information, they reveal during their participation. However, the college also recognizes that there are legal mandates that govern disclosure and afford participants

No person may be intimidated, threatened, coerced, or otherwise discriminated against for the purpose of interfering with any privilege or right secured by Title IX, applicable state and federal laws, or SCC policy because an individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing, involving sexual harassment.

Intimidation, threats, coercion, or discrimination, including charges against an individual for College policy violations that do not involve sex discrimination but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or related state or federal law, or College policy, constitutes retaliation.

2. Determine that an immediate threat to the physical health or safety of any student or other person arising from the allegations of sexual harassment justifies removal, and;
3. Provide the Respondent with notice of the removal and an opportunity to challenge the decision immediately following the removal;

Further, the College may place a non-student employee on administrative leave during the pendency of a grievance.

5 *INFORMAL RESOLUTION PROCESS*

Informal resolution is not available to resolve allegations that an employee committed sexual harassment against a student.

Informal resolution is available when all parties involved are employees of the College.

Upon receipt of a formal complaint of sexual harassment, and up to any time prior to reaching a determination of responsibility, the College may provide an informal resolution process to the parties. Participation in the informal resolution process is optional with respect to all parties, and may be terminated at any time. If terminated, the College will resume the grievance process regarding the formal complaint.

NOTE: Informal resolution is not available unless a formal complaint is filed.

Advisors may not present on behalf of their advisee in a meeting, interview, or hearing, and should request or wait for a break in the proceeding to interact with campus officials;

Advisors may confer quietly with their advisees as necessary, as long as they do not disrupt the process. For longer or more involved discussions, the parties and their advisors should ask for breaks or step out of meetings to allow for private conversation;

Advisors will typically be given a timely opportunity to meet in advance of any interview or hearing with the Title IX Coordinator regarding that interview or meeting. This pre-meeting will allow advisors to clarify any questions they may have, and allows the College an opportunity to clarify the role the advisor is expected to take.

Advisors are expected to refrain from interference with the College's investigation and resolution.

Any advisor who steps out of their role in any meeting under the campus resolution process will receive a warning;

If the advisor continues to disrupt or otherwise fails to respect the limits of the advisor role, the advisor will be required to leave the meeting and may be escorted out of the meeting by SCC Safety/Security staff;

When an advisor is removed from a meeting, that meeting will typically continue without the advisor present;

Subsequently, the Title IX Coordinator or their designee may determine whether the advisor may be reinstated, be replaced by a different advisor, or whether the party will forfeit the right to an advisor for the remainder of the process.

Where an employee is a member of a College-recognized bargaining unit and entitled to a representative in the process, that employee may be accompanied by the representative as their advisor, or may choose an advisor in addition to their representative. In such cases, the other party may have two advisors as well.

The parties must advise the College of the identity of their advisor at least two (2) business days before the date of their first meeting with investigators. The parties must provide subsequent timely notice to the investigators if they change advisors at any

Prior to completion of the investigative report, the College must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least ten (10) days to submit a written response, which the investigator will consider prior to completion of the investigative report.

The College must make all such evidence subject to the parties' inspection and review

b) *The Respondent Accepts a Finding of "Responsible"*

1. The Respondent Accepts a Finding of "Responsible" and Accepts the Recommended Sanctions.

Should the Respondent accept the finding that they violated College policy, the Vice President of Human Resources, or their designee, will determine sanctions for the violation(s). If the Respondent accepts these recommended sanctions, the sanctions are implemented by the Vice President of Human Resources, or their designee, and the process ends. There will be a ten (10) business-day period for review between when the Respondent learns of the findings and sanctions and when the resolution becomes final.

Should the Respondent decide to reject the sanctions, in writing, within that time period, subsection (c) below, will apply. This outcome is not subject to appeal. Respondents are provided written notification of the outcome.

2. The Respondent Accepts a Finding of "Responsible" a

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APPENDIX A – SEXUAL HARASSMENT DEFINED

As noted above, sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;
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 recipient's education program or activity; or
3. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

Under 20 U.S.C. 1092(f)(6)(A)(v), sexual assault "means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation."

In the FBI Uniform Crime Reporting System, forcible sex offenses include:

Forcible Rape: The carnal knowledge of a person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity;

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

Sexual assault with an object: To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity;

Forcible fondling: The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will or not forcibly

Consent is an important concept when it comes to sexual assault. Consent must be a willingness or agreement to engage in sexual activity that is freely given with full information of the facts and circumstances.

Under *Neb. Rev. Stat. § 28-318*, "without consent" is legally defined as:

- (a) The victim was compelled to submit due to the use of force or threat of force or coercion, or (ii) the victim expressed a lack of consent through words, or (iii) the victim expressed a lack of consent through conduct, or (iv) the consent, if any was actually given, was the result of the actor's deception as to the identity of the actor or the nature or purpose of the act on the part of the actor;
- (b) The victim need only resist, either verbally or physically, so as to make the victim's refusal to consent genuine and real and so as to reasonably make known to the actor the victim's refusal to consent; and
- (c) A victim need not resist verbally or physically where it would be useless or futile to do so; and

Force or threat of force is defined as (a) the use of physical force which overcomes the victim's resistance or (b) the threat of physical c5.4(t)13(h)1002 0 612 1xd-14(o)8(r)-4()-17(p)7(hy)13(s)10(ic)10(al)11(Iy)

Consent is given verbally or non-verbally, based on an active, informed, mindful, freely decided choice. Intoxication may make this legally impossible. Consent means that you cannot make assumptions about what your partner does or does not want. Absence of clear signals of consent is a signal to stop.

APPENDIX B – SAFETY & SECURITY AND LAW ENFORCEMENT CONTACTS

Complainants are encouraged to immediately report all sex offenses to local law enforcement officials. For emergency situations, please call 911.

SCC Campus Safety & Security Contacts

Non-emergency line: (402) 437-2800

Adam Bales

Public Safety Officer

Lincoln Campus V122

(402) 437-2072

abales@southeast.edu

Allen Allsman (Beatrice/Milford Campuses)

Safety & Security Specialist

Beatrice – Kennedy Bldg. – Room K335

(402) 228-8231

aallsman@southeast.edu

Juan Palacios Padilla (Milford Campus)

Public Safety Officer

Milford-Eicher Bldg., Room 100R

(402) 761-8266

Mark Meints

Campus Safety & Security Coordinator

Beatrice-Kennedy Bldg., Room K123

Falls City

Falls City Police Department
2307 Barada Street, Falls City, NE 68355
(402) 245-4422

Richardson County Sheriff's Office
65086 706 Trail, Falls City, NE 68355
(402) 245-2479

Nebraska City

Nebraska City Police Department
1518 Central Ave, Nebraska City, NE 68410
(402) 873-6666

Otoe County Sheriff's Office
1021 Central Ave, Nebraska City, NE 68410
(402) 873-9560

Plattsmouth

Plattsmouth Police Department
336 Main Street, Plattsmouth, NE 68048
(402) 296-3311

Cass County Sheriff's Office
336 Main Street, Plattsmouth, NE 68048
(402) 296-9370

Wahoo

Wahoo Police Department
605 N Broadway Street, Wahoo, NE 68066
(402) 443-4155

Saunders County Sheriff's Office
387 N Chestnut St, Ste 3, Wahoo, NE 68066
(402) 443-3718

York

York Police Department
315 N Grant Ave, York, NE 68467
(402) 363-2640

York County Sheriff's Office
510 N Lincoln Ave, York, NE 68467
(402) 362-4927

Hebron

Thayer County Sheriff's Office
324 Olive Ave, Hebron, NE 68370
(402) 768-6139

