

RELATIONSHIP VIOLENCE and SEXUAL MISCONDUCT POLICY

The mission of the Nebraska State College System and its institutions can be realized only in an atmosphere of mutual trust and respect. Actions that diminish a nurturing atmosphere cannot be condoned or tolerated. It is the intent and mission of Wayne State College to provide an environment free from the threat of relationship violence and sexual misconduct. Wayne State College strongly disapproves of any form of relationship violence and sexual misconduct, and through this policy seeks to make employees and students sensitive to these issues and to inform them of their individual rights and responsibilities. Relationship violence or the threat thereof, are attacks not only on a person's body and dignity but also on their sense of safety. Relationship violence, sexual assault and stalking are crimes punishable by both civil and criminal legal action and a serious violation of Wayne State College's Student Code of Conduct. It will not be tolerated within our community. Sexual harassment is a violation of the principle that all members of the Wayne State College community be treated fairly and equally, with dignity and respect, and is thus a violation of the freedom of others. ***It is the policy of Wayne State College that no member of its community may engage in relationship violence or sexual misconduct, regardless of their gender or sexual orientation.***

Definitions:

Relationship Violence or Intimate Partner Violence (IPV)

IPV- occurs when one partner tries to maintain power and control over the other through actual or threatened physical or sexual violence or psychological and emotional abuse directed toward a spouse, ex-spouse, current or former boyfriend or girlfriend, or current or former dating partner. Intimate partners may be heterosexual or of the same sex. Persons who have just met and are in the preliminary stages of intimacy are considered within the scope of this definition.

Stalking

Stalking- A course of conduct, directed at a specific person that would cause a reasonable person fear. Stalking refers to repeated harassing or threatening behaviors that an individual engages in such as following a person, appearing at their home, place of business, (place of education), making harassing phone calls, mailing or leaving cyber or written messages or objects or vandalizing a person's property. These actions may be accompanied by a credible threat of serious harm.

Sexual Assault

Sexual Assault- is a continuum of conduct from forcible rape to nonphysical forms of pressure that compel individuals to engage in sex (sexual activity) against their will. Rape is characterized by three central elements: lack of consent; penetration no matter how slight or independent of whether or not ejaculation occurred; and compelling participation by force, threat of bodily harm, or with a person incapable of giving consent due to intoxication or mental incapacitation. Sexual assault also includes acts such as sexual degradation, intentionally hurting someone during sex, assaults upon the genitals (including breasts or buttocks for the other's sexual gratification) use of objects (including the tongue, mouth, or digits) vaginally, orally, or anally, pursuing sex when someone is not fully conscious, or afraid to say no, and coercing an individual to have sex without protection against pregnancy or sexually transmitted diseases (infections).

Consent

Consent- is informed, freely and actively given, and mutually understood. If physical force, coercion, intimidation, and/or threats are used, there is no consent. If the victim/survivor is mentally or physically incapacitated (to deprive of ability; disabled, to make legally ineligible) or impaired so that the victim/survivor cannot understand the fact, nature or extent of the sexual situation, and the condition was or would be known to a reasonable person, there is no consent. This includes conditions due to alcohol or drug consumption, or being asleep or unconscious.

Sexual Harassment


Sexual Harassment- Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic achievement, (2) submissions to or rejection of such conduct by an individual is used as basis for employment or grade decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive work or learning environment.

Parts one and two of the definition constitute what is often referred to as "quid pro quo" harassment – the exchange of sexual advances and/or favors for a tangible benefit. The third part of the definition is commonly referred to as 'hostile environment" harassment which denotes a climate that substantially impairs working or learning.

It is the responsibility of all members of the Wayne State College community to participate in understanding, preventing and alleviating relationship violence and sexual misconduct. The College has no control or jurisdiction over problems between intimates if the act of violence or sexual misconduct occurs off campus and does not affect either employment or classroom performance. If acts of relationship violence, including stalking or sexual misconduct (sexual assault, sexual harassment) involving an employee or student occur on campus, then the College has a legal obligation to act. Any activity (behavior or conduct) perceived as relationship violence or sexual misconduct should be reported promptly.

All complaints of relationship violence and sexual misconduct will be investigated in as confidential a manner as possible and corrective action, including discipline or discharge, will be taken where appropriate. Information regarding the complaint will not be released to third parties or persons who are not involved with the investigation. This is to protect the confidentiality of the student or employee who makes the complaint, to encourage the reporting of incidents of relationship violence and sexual misconduct and to protect the reputation of any student or employee wrongfully charged with relationship violence or sexual misconduct. Retaliation against students or employees filing a complaint made in good faith is strictly prohibited, as are false charges of relationship violence or sexual misconduct.

Date 2/7/05

Approved 

President