

Relationship Violence and Sexual Misconduct Policy Employee Guidelines

Guide for Employees who have Experienced Relationship Violence

Relationship violence is a personal violent crime and takes many forms. Individuals who have been harmed by someone they are or have been in a relationship with may experience a variety of conflicting emotions. In the immediate aftermath of a traumatic experience, such as relationship violence, an individual may not be able to think clearly to take the necessary steps to assist themselves. This guide is designed to return a sense of personal control to the individual's life, and provide them resources to assist in their recovery, as well as prevent the violence from happening in the future. There are trained professionals available at Wayne State College who can provide information and support. Employees are encouraged to seek help from the resource people and places in this guide.

A. What to do if your Relationship is Violent

- Go to a safe place
- Find emotional support
- Seek medical attention
- Report the crime to authorities

- 1) **Go to a safe place.** The single most important act a victim of violent crime can engage in immediately after the crime is getting to a safe place. A victim of violence should find a place where she/he can feel secure and comfortable, such as a friend's home, the campus or local police, or a crowded place. If you are in danger or want immediate medical attention, on-campus call 9-911, or Campus Security 375-7216. If you are not sure what to do and need to talk to someone call the Haven House at 375-4633 24 hours a day or the 24 hour a day, statewide, toll free and confidential Crisis Line 1-800-876-6238.
- 2) **Find emotional support.** Call someone you trust, a close friend, family member or the crisis line at 375-4633 or 1-800-876-6238. Staff of the SAVE Program/Counseling Center at 375-7321 and Student Health at 375-7470 can provide support. If you prefer to speak with someone anonymously, you can call the statewide crisis line at 1-800-876-6238, or the Rape, Abuse & Incest National Network (RAINN) hotline at 1-800-656-HOPE (4673), or the Gay and Lesbian National Hotline at 1-888-THE-GLNH (843-4564), or the National Center for Victims of Crime's FYI program 1-800-394-2255 (800-FYI-CALL).
- 3) **Seek medical attention.** Individuals who have experienced relationship violence should seek immediate medical help. On-campus Call 9-911 in an emergency situation, or Campus Security 375-7216 or a friend to take them to Providence Medical Center if in Wayne or a private doctor. Victims should not wait--medical attention will help in their physical healing, and may be useful for evidentiary purposes during any disciplinary proceedings, legal action or criminal investigation.
- 4) **Report the crime to authorities.** On-campus call 9-911 if you are in danger or need immediate assistance. Call Campus Security 375-7216 or the Wayne Police 375-2626. Victims are encouraged to report the crime to authorities for many reasons. Many crime victim compensation programs (the government agencies that provide financial assistance to victims to aid in their recovery from violent crime) require immediate reporting to police. Statistics show that crimes reported sooner, rather than later, have higher arrest rates. Law enforcement authorities may be able to direct victims to further assistance.

Please Note that although all crime victims are encouraged to report the crime, not everyone will feel comfortable entering the criminal justice process. The choice about whether or not to report belongs to the victim. Reporting is not required to receive crisis counseling or medical care.

Relationship Violence and Sexual Misconduct Operating Guidelines

PURPOSE

The purpose of these operating guidelines is to provide the relationship violence and sexual misconduct principals (Human Resources Director, Sexual Harassment Officer, Title IX Coordinator, Vice President and Dean of Students) with management guidelines and direction for the Wayne State College relationship violence and sexual misconduct prevention, education, and complaint investigation efforts. **The guidelines in this document work in concert with the WSC Sexual Harassment Policy.**

DEFINITIONS

- A. 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.
- B. 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, and they may or may not be precursors to an assault or murder.
- C. 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 infections.
- D. Sexual Harassment
Sexual Harassment- unwelcome sexual advances, requests for sexual favors 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.

Employee Guidelines

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 important to recognize, however, that these definitions are not intended to infringe upon or discourage the exercise of constitutionally protected rights of free speech or academic freedom.

E. Recognizing Relationship Violence and Sexual Misconduct – Many aspects of relationship violence and sexual misconduct make it difficult to identify and substantiate. The act usually occurs in private, often no physical evidence exists that could be presented at a hearing. The misconduct event is subject to different interpretations by the parties involved.

a. Relationship Violence can include:

- i. Physical violence – grabbing, pushing, poking, and escalating to slapping, punching, choking, and the use of weapons. This violence can be actual or threatened.
- ii. Sexual violence – sexual degradation, intentionally harming someone during sex, assaults upon the genitals (including breasts and buttocks), use of objects (including the mouth, tongue or digits) vaginally, orally, or anally. Sexual assault (see below).
- iii. Psychological and emotional abuse – a pattern and preponderance of comments meant to lower the other’s self esteem. Jealous or controlling behavior of: how you look; what you wear; where you go; who you see. Threat of harm: to self; to partner; to family or friends; to pets, and social isolation.
- iv. Stalking – following a person, appearing at their home, place of business, place of education, harassing phone calls, mailing or leaving cyber or written messages, or objects, vandalizing a person’s property.

b. Sexual Misconduct may include:

- i. Unwanted sexual touching or touching for the sexual gratification of the perpetrator (actor).
- ii. Sexual assault is a continuum of conduct including:
 1. Forcible rape, without consent, including any penetration however slight and independent of whether ejaculation occurred.
 2. Nonphysical forms of pressure that compel individuals to engage in sexual activity against their will.
 3. Sexual degradation, intentionally hurting someone during sex and assaults upon the genitals, (including breasts and buttocks).
 4. Use of objects (including the mouth, tongue or digits) vaginally, orally or anally.
- iii. Sexual harassment is or may be characterized as:
 1. Verbal harassment – sexual innuendo, suggestive comments, threats, insults, jokes about gender specific traits, sexual propositions, making suggestive or insulting noises.
 2. Nonverbal harassment – making obscene gestures, whistling, leering, staring at a person’s body.
 3. Physical harassment – touching, pinching, brushing body, hugging, kissing, coercing sexual intercourse, assault, rape.

Employee Guidelines

4. Gender harassment – generalized sexist comments and behavior that conveys insulting, degrading, and/or sexist attitudes.
5. Seductive behavior – unwanted, inappropriate, and offensive physical or verbal sexual advances.
6. Sexual bribery – solicitation of sexual activity or other sex-linked activity by promise of reward.
7. Sexual coercion – coercion of sexual activity or other sex linked activity by threat of punishment.
8. Sexual assault – assault and/or rape.

LEGAL CONTEXT

In addition to being prohibited by the Nebraska State College Board of Trustees and the President of Wayne State College, relationship violence, sexual assault, stalking, and sexual harassment are in violation of state and/or federal law.

SOCIAL CONTEXT

Relationship violence may occur between a variety of persons in academic settings. Between spouses, ex-spouses, current or former boyfriend or girlfriend, or current or former dating partner, intimate partners may be heterosexual or of the same sex. In addition, persons who have just met and are in the preliminary stages of intimacy are considered within the scope of this definition. Stalking is usually perpetrated by an individual with a pre-existing, often intimate, relationship with the victim. Sexual assault may occur between strangers. Most often in an academic setting it lies within the student body and it's immediate circles. It occurs between individuals known to one another. Individuals who come into contact with one another in social settings i.e. at parties or bars, in residence halls or classroom settings, acquaintances, and casual or steady long-term dating relationships. Sexual harassment may occur between a variety of persons in academic setting, not just between faculty members and students. It is important to recognize that sexual harassment may take place among and between administrators, faculty, staff, and /or students. The hierarchical nature of academic settings can promote quid pro quo sexual harassment while the hostile environment form of sexual harassment may be independent of differential power positions.

Wayne State College is aware that relationship violence and sexual misconduct in an academic setting differs from many other contexts. College policies generally aim to "protect" confidentiality of the parties and the reputation of the school. In addition, flexibility is commonly available which allows institutions to settle incidents to the satisfaction of all parties involved. Colleges are aware that the unique qualities of their environments may facilitate the ease of which these acts of misconduct, inappropriate behavior and violation of state and/or federal law may occur. Thus it is imperative that Wayne State College develops a strong policy that not only prohibits relationship violence and sexual misconduct, but which emphasizes prevention, promotes positive and safe working and learning environments, and encourages the reporting of incidents.

RESPONSIBILITIES

A. The President.

1. Issuing a strong management statement prohibiting relationship violence at Wayne State College.
2. Ensuring that a Wayne State College relationship violence and sexual misconduct policy is promulgated.

Employee Guidelines

3. Ensuring wide distribution of the relationship violence and sexual misconduct statement and policy.
4. Supporting appropriate relationship violence and sexual misconduct education within Wayne State College.
5. Ensuring that all reported incidents and/or suspected incidents of relationship violence and sexual misconduct are investigated in a prompt and equitable manner.

B. Vice Presidents, School Deans, Department Chairs, and Supervisors.

1. Application and implementation of the relationship violence and sexual misconduct policy within their respective areas, including the initiation and support of training programs designed to inform faculty/staff about the issues of relationship violence and sexual misconduct.
2. Assuring that all faculty/staff within their area are informed of this policy.
3. Taking appropriate action when an incident of relationship violence or sexual misconduct has been disclosed to them by reporting such incidents to The SAVE Program/Counseling Center.
4. Provide appropriate support and referral information to both the complainant and the respondent.
5. Cooperating fully with any on-going investigation regarding any relationship violence and/or sexual misconduct incident.

(It should be noted that any alleged/suspected incident of relationship violence and/or sexual misconduct that comes to the attention or is disclosed to an individual that occupies a position: as campus security, as a supervisor, as a dean, as a vice president, or as the president, are **required** to respond to that report, exercising all investigative and disciplinary authority outlined in the relationship violence and sexual misconduct policy operating guidelines.)

C. Coaches, Faculty, Residence Hall Directors, Resident Assistants, Professional and Support Staff (except Counseling and Student Health professionals as outlined below).

1. Assure that all individuals under their supervision (authority, direction) are informed of this policy.
2. Taking appropriate action when an incident of relationship violence and/or sexual misconduct has been disclosed to them by informing their immediate supervisor.
3. Provide appropriate support and referral information to all parties involved (and know what this information is and what steps to take.)
4. Cooperating fully with any on-going investigation regarding relationship violence and/or sexual misconduct incident.

(It should be noted that any alleged/suspected incident of relationship violence and/or sexual misconduct that is disclosed to an individual that occupies a position as coach, faculty, R.D., R.A., professional or support staff is required to inform their immediate supervisor. A non-identifiable, confidential and anonymous report can then be made to the Director of Counseling and or the Dean of Students in accordance with the reporting requirements mandated by the Clery Act.)

D. Counselors and Student Health providers.

1. Assure that all individuals under their supervision (authority, direction) are informed of this policy.
2. Taking appropriate action when an incident of relationship violence and/or sexual misconduct has been disclosed to them. Providing counseling, support, emergency/ongoing health care, advocacy and referral as needed to the parties involved.
3. Cooperating fully with any on-going investigation regarding relationship violence and/or sexual misconduct.

(It should be noted that counselors and student health care providers are protected from having to report any disclosures of relationship violence and/or sexual misconduct, except when the life of the individual or the life of another are threatened. These staff persons are able to listen, answer questions about the relationship violence and sexual misconduct policy and procedures, and discuss options. They are also bound by the reporting mandates of the Clery Act and therefore will submit non-identifiable, confidential, and anonymous reports on contacts they have related to incidents of relationship violence and/or sexual misconduct. These reports will be made to the Director of Counseling and/or the Dean of Students.)

- E. College Community Member** and any individual operating within the campus setting under the direction, invitation, or contractual basis of Wayne State College administration or one of its agents, will be responsible for complying with both the spirit and the letter of this policy to achieve a positive and safe academic and work environment for all.

IMPLEMENTATION

F. Publication/Dissemination of Policy. Wayne State College is committed to informing all members of the college community about relationship violence and sexual misconduct and the institution's relationship violence and sexual misconduct policy and reporting procedures regarding these important issues. The Human Resources Director and the SAVE Program staff will take the lead in the development and dissemination of relationship violence and sexual misconduct materials.

1. At the beginning of each academic year, a summary of the relationship violence and sexual misconduct policy and procedures, as well as contact information for The Counseling Center, The SAVE Program, the Title IX Coordinator, and the Sexual Harassment Officer, will be distributed throughout the campus community, posted on the WSC website, and published in the campus newspaper.
2. All incoming freshman and transfer students will take part in an orientation program that specifically addresses the issues of relationship violence, sexual assault, stalking and sexual harassment. All students will be provided a summary copy of the relationship violence and sexual misconduct policy and an explanation of the procedures for getting assistance and filing a complaint. The policy will also appear in the Student Handbook.
3. Each new college employee (full or part-time, staff or faculty) will receive a copy of the relationship violence and sexual misconduct policy. The topic will also be addressed at all orientation sessions conducted for new employees.
4. A collection of books and materials on relationship violence, sexual assault, stalking, and

Employee Guidelines

sexual harassment will be available in the U.S.Conn Library and/or Counseling Center. The collection will be regularly reviewed and upgraded to reflect current changes and knowledge in the field.

5. The college will produce a brochure(s) dealing with relationship violence, sexual assault, stalking, and sexual harassment. The brochure(s) will be available at numerous locations across campus and will be regularly distributed at appropriate meetings and settings throughout the year.

G. Training.

1. The Human Resources Director and the SAVE Program staff will be the college officials primarily responsible for organizing workshops and/or training efforts regarding the issues of relationship violence, sexual assault, stalking and sexual harassment. Training and education efforts will be coordinated with the Human Resources Director, Sexual Harassment Officer, The SAVE Program staff, the Vice President and Dean of Students, and the Vice President of Academic Affairs.
2. All Deans, Department Chairs, and Supervisors will regularly attend workshops led by knowledgeable individuals. Preferably, the workshops will be held during the fall semester. Persons attending the workshops will be responsible for disseminating workshop information to those individuals under their direct supervision.
3. Campus Security and Wayne PD personnel working under contract with WSC will be provided training to assist in their effective and empathetic response to violations of the relationship and sexual misconduct policy. These trainings will occur annually or as deemed necessary.
4. Residence hall staff and student resident assistants will receive training in the areas of relationship violence and sexual misconduct, annually and with periodic updates throughout the academic year, to allow them to more effectively identify and respond to incidents of this nature. These individuals occupy unique positions in the campus community, often being the first to identify or be disclosed to by our on-campus students. Residence Life staff occupy front-line positions and should be trained to respond to these incidents. The who, what, where, and how of incidents of this nature will be outlined in a checklist for staff use.

C. Prevention.

The challenge of preventing relationship violence and sexual misconduct at WSC is a collective responsibility that touches upon every segment of the college community. Administrators, Deans, Department Chairs, faculty, staff and students should meet the challenge and act together to eradicate relationship violence and sexual misconduct and the problems it causes.

- o ***All members of the WSC community must report incidents of suspected relationship violence and sexual misconduct that come to their attention to the Dean of Students and or the Director of Counseling. This information will become part of the campus crime statistical reporting required by The Clery Act.***

RIGHTS AND ASSURANCES

A) Victim's Bill of Rights.

Provisions of the Victim's Bill of Rights addressing the rights of victims of relationship violence or sexual misconduct applies to all students, faculty and staff. Victims of relationship violence and sexual misconduct will be informed of their rights.

These Rights Include the Following:

1. The victim has the right to file criminal charges with local law enforcement officials.

Employee Guidelines

2. Local college authorities, at the request of the victim, will provide assistance in notifying the appropriate law enforcement officials and disciplinary authorities of any incident of relationship violence or sexual assault.
3. At the direction of law enforcement authorities, the campus security office will provide complete and prompt assistance in obtaining, securing, and maintaining evidence in connection with an incident of relationship violence, sexual assault or stalking.
4. College authorities will provide assistance to victims or complainants in preserving materials relevant to a campus disciplinary proceeding.
5. All relationship violence or sexual misconduct complaints will be investigated and resolved by the appropriate campus disciplinary authorities.
6. The victim may be accompanied by legal counsel or other support person at, and may participate in, any campus disciplinary proceeding concerning the complainant.
7. The victim will be informed of the outcome of any campus disciplinary proceeding concerning the complainant.
8. At the request of the victim, college authorities in cooperation with appropriate law enforcement personnel will provide assistance in shielding the victim from unwanted contact with the alleged assailant. This will include transferring the victim to alternative classes or alternative college-owned housing, if alternative classes or housing are available and feasible.
9. College authorities will inform victims of their rights to assistance from the Title IX Coordinator.
10. The victim has a right to choose to do nothing.

B) Rights of the Accused:

Provisions addressing the rights of the accused applies to all students, faculty and staff.

These rights include the following:

1. The right to an explanation of charges, (written notification of time and place of hearing and charges, who reported the alleged violation or how violation came to the attention of the Professional Conduct committee or Student Judicial Board.)
2. The right to an explanation of the campus judiciary process.
3. The right to request, and subject to approval of the College, voluntary agree or disagree to mediation as a process for resolving the complaint.
4. The right to request whether a campus hearing will be before the Vice President/Dean of Students or his /her representative, Student Judicial Board, the Student Admission and Retention Committee, or other judicial committee. In the case of WSC employees refer to Nebraska State Colleges Personnel Policy 5204, regarding Professional Conduct Committees.
5. The right to be presumed innocent.
6. The right to a fair, impartial, prompt and equitable resolution process.
7. The right to have counsel accompany them through the hearing. All participants will be bound by the rules of confidentiality governing the hearing.
8. The right to know ahead of time, the names of witnesses to be called in the hearing.
9. The right to remain silent (to not be required to testify against himself/herself).
10. The right to speak on his/her own behalf, and ask questions of hearing committee or witness, and if necessary these question may be directed through the individual conducting the hearing.
11. The right to be free from a campus hearing on the same charge arising from the same fact situation, after the individual's actions have been found not to be in violation of the code of conduct outlined in Board Policy or as covered by collective bargaining agreements.
12. The right to be informed in a timely manner of the outcome of the hearing.
13. The right to appeal the decision of the judicial process.

PROCEDURES FOR RESPONDING TO INCIDENTS OF RELATIONSHIP VIOLENCE AND SEXUAL ASSAULT

Employee Guidelines

A. Victim / Survivors

1. Any Wayne State College student or employee who has been physically harmed or sexually assaulted is strongly encouraged to contact law enforcement (WSC Campus Security can assist in making this contact.)
2. Victims /survivors are also encouraged to contact counseling and healthcare services and/or the local domestic violence /sexual assault (DV/SA) services: Haven House Family Services Center (Wayne, Hartington, and South Sioux City) or Bright Horizons (Norfolk, O'Neill). All contacts with victim / survivor services are strictly confidential.
3. Victim / survivors are also encourages to contact College officials for appropriate action. Information on the responsibilities for responding are contained in the Responsibilities section above

B. College Employees and Students (when informed of an incident of relationship violence or sexual assault).

1. Believe: Assure the victim that you believe her/him. Many victims are afraid to seek help for fear they won't be believed.
2. Support: Don't make decisions for the victim. Allow her/him to decide what course of action to take next and support their decision.
3. Identify resources on campus and in the community: Encourage the victim/survivor to report the incident to law enforcement, and to contact the SAVE Program (Students Against Violence Everywhere) or the local DV/ SA services.
4. If you are a college employee contact your supervisor to clarify the steps to be taken. Refer to the Responsibilities section.

COUNSELING SERVICES

- A. Counseling services are available to Wayne State College faculty, staff, or students who would like the opportunity to discuss the specifics of his/her complaint. **Every effort is made to ensure the confidentiality of these discussions.**
- B. Reasonable administrative time off shall be permitted for employees and academic time off for students to receive counseling.
- C. Counseling Center staff are available to aid in the following ways any member of the college community who believes that he/she has been the target of relationship violence, sexual misconduct, sexual assault, stalking or sexual harassment.
 1. A counselor will provide immediate support by listening to and discussing the incident(s) with the employee or student.
 2. The counselor will outline for the employee or student the possible course of action open To him/her and discuss the possible consequences of those actions.
 3. **If the individual decides to make a complaint**, the counselor will assist the complainant in forwarding the complaint to the appropriate WSC principals.
 4. If the individual decides not to make a complaint, the counselor will have the individual sign a statement to that effect. **If the counselor reasonably believes that the alleged incident seriously threatens the health, safety, or well-being of the student or employee or poses a threat to the campus community, or if the alleged incident is substantially interfering with student or employee academic or employment responsibilities, or if there are repeat visits to the Counseling Center which indicate continuing incidents of relationship violence, sexual misconduct, sexual assault or sexual harassment, the**

counselor is required to report the alleged incident to the Director of Counseling.

5. Employees requesting on-going counseling will be referred to community resources.

COMPLAINT/INCIDENT INVESTIGATIVE PROCEDURE

- A. All complaints of relationship violence and sexual misconduct will be investigated in as confidential a manner as possible. ***Complainants are encouraged to make their complaints in as timely fashion so that immediate and appropriate action may be taken.***
- B. A complaint or suspected incident will be investigated by the Vice President and Dean of Students or the Sexual Harassment Officer. While it is desirable for the complaint to be in writing, a verbal complaint or incident must be investigated. The respondent (the party against whom the complaint is made) will be advised by the Vice President and Dean of Students or the Sexual Harassment Officer of the nature of the complaint and will be given the opportunity to respond in writing. ***If the complainant request anonymity, identifying information of the complainant will be omitted. While every effort to maintain confidentiality will be made, confidentiality can not be guaranteed.***
 1. The Vice President and Dean of Students or the Sexual Harassment Officer will immediately investigate the complaint or suspected incident and determine whether there are factual grounds for continuing with the complaint procedure.
 2. Following the investigation, if the Vice President and Dean of Students or the Sexual Harassment officer finds there is insufficient evidence to support the complaint these investigatory parties will recommend to the President that a letter be forwarded to the complainant indicating the College has not been able to determine whether any unlawful or prohibited behavior has occurred and that any repeated suspected actions or retaliatory actions against the complainant be reported immediately. Likewise, recommend to the President that a letter be forwarded to the respondent indicating that the College has not been able to determine whether any unlawful or prohibited behavior has occurred and remind the respondent of College policy against whatever behavior was alleged and make clear any such activity in the future, if proven, would not be tolerated. The President, after review of the incident, will forward appropriate letters to the complainant and respondent or convene a hearing to consider the complaint.
 3. If the Vice President and Dean of Students or the Sexual Harassment Officer finds there is evidence of relationship violence or sexual misconduct present, prompt corrective or effective remedial action that is reasonably calculated to end the behavior must be taken. The appropriateness of the remedy depends on the seriousness of the offense.
 4. Each party may be accompanied by an advisor or advocate of his/her choosing in all stages of these procedures.
 5. The Vice President and Dean of Students or the Sexual Harassment Officer will keep a confidential record of all complaints /incidents resolved informally. Such record will consist of the complaint (as provided by the complainant or prepared by the Vice President and Dean of Students or the Sexual Harassment Officer and signed by the complainant), any written response of the respondent, a summary of all meetings and conversations that comprised the procedure (identifying the time and place of meetings and all of the participants) and any agreed-upon resolution of the complaint. Each of these records will be held in the confidential files of the Vice President and Dean of Students or the Sexual Harassment Officer and access to those files will be limited to

Employee Guidelines

the specific individuals involved, the President, and the Advisory Task Force in any subsequent formal procedure. The respondent will be notified that a record is being kept of the complaint. These records will be maintained and /or destroyed following the procedures outlined in Board Policy 3650 – Student Records and Board Policy 5018 – Personnel Records.

- C. In the event that the alleged act warrants more severe corrective action, such as a formal reprimand, threat of suspension, or termination or expulsion, procedural due process as the particular situation demands shall be provided.
1. ***If the respondent is a student,*** the formal procedures followed is the Student Judicial process detailed in the Student Handbook.
 2. ***If the respondent is an employee.***
 - a. The President will name an Advisory Task Force. The Task Force will consist of five (5) individuals composed of persons from faculty, staff and/or administration.
 - b. The Task Force will conduct a hearing and make recommendations to the President in regard to the disposition of the case and the imposition of sanctions, if any. The Task Force will use the procedures outlined in Board Policy 5110 as a guide in conducting the hearing.
 3. If the respondent is a student and also an employee and the complaint arise from their status as an employee, the complaint will be treated as an employee respondent.
 4. After completion of the hearing, the Task Force will recommend to the President a disposition of the case, and an imposition of the sanctions, if any.
 5. Within five (5) working days of the completion of the hearing, the President will communicate his/her decision in writing to both the complainant and the respondent.
 6. In the event the president determines the incident has occurred, the President may impose any of the sanctions at his/her discretion.
 7. In imposing sanctions, the President may take into account the seriousness of the offense, the likelihood it will reoccur, any pattern of conduct which may have been established, and the deterrence effect of the sanction.
 8. At any point in the process informal remedies may be available to settle the complaint.
 9. The terms of any applicable collective bargaining agreement will supersede any contrary procedure outlined above.
 10. The complainant and respondent have the right to appeal College decisions by filing a grievance through the established procedures provided for in any applicable collective bargaining agreement or through procedures approved by the Nebraska State College Board of Trustees. The imposition of any sanctions may be suspended until the parties have been given a reasonable opportunity to pursue administrative review.

Employee Guidelines

11. The Counseling Center will be informed of the disposition of complaints to assist them in their pre-complaint advising role.
- D. In determining whether conduct constitutes relationship violence or sexual misconduct (including sexual assault, stalking and sexual harassment) the Principals involved will consider three factors:
1. Whether the conduct or pattern or pattern of conduct was unwelcome to the complainant;
 2. Whether the conduct or pattern of conduct would be offensive or perceived as a threat to a reasonable person similarly situated as the complainant; and
 3. Whether the conduct or pattern of conduct:
 - Altered the terms or conditions of employment
 - Influenced employment decisions or the evaluation of academic or;
 - Was sufficiently severe or pervasive as to have it's purpose or effect the creation of an intimidating, hostile, or offensive working or educational environment or substantially interfering with an individual's work or academic performance;
 - Occurred without the consent of the complainant: or
 - Intentions were to harm, threaten, intimidate or cause fear for the complainant's personal safety or life.
- E. Student/Personnel Records. All documentation concerning formal Relationship Violence Sexual Misconduct charges and resulting proceedings and disposition will be maintained in the respondent's student or personnel record. Board policy 3650 – Student Records and Board Policy 5018 – Personnel Records apply.

Date _____

Approved _____
President