

A RESOURCE GUIDE FOR STUDENTS & EMPLOYEES ON SEXUAL HARASSMENT



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I THINK I EXPERIENCED SEXUAL HARASSMENT BUT I AM NOT SURE

SEXUAL ASSAULT IS:

Any forcible sexual act directed against another person, without their consent, including instances in which the person is incapable of giving consent. Sexual Assault also includes the non-forcible offense of incest and statutory rape.

DATING VIOLENCE IS

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant. 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
- The frequency of interaction between the persons involved in the relationship

It includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

DOMESTIC VIOLENCE IS

A felony or misdemeanor crime of violence committed by any of the following people:

- Complainant's current or former spouse or intimate partner
- A person with whom Complainant shares a child in common
- A person who is cohabitating or has cohabited with the Complainant as a spouse or intimate partner
- By a person similarly situated to a spouse of Complainant under the domestic or family violence laws of Nebraska
- By any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Nebraska.

STALKING IS

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (a) fear for the person's safety or the safety of others; or (b) suffer substantial emotional distress.

Course of conduct means 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. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.

QUID PRO QUO HARASSMENT IS

An employee of the College conditioning the provision of an aid, benefit, or service of the College's on an individual's participation in unwelcome sexual conduct.

SEVERE, PERVASIVE, OBJECTIVELY OFFENSIVE UNWELCOME CONDUCT IS

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 College's education program or activity.

Unwelcomeness and objective offense are evaluated based on the totality of the circumstances from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar previous patterns that may be evidenced.

RETALIATION IS

Intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured under Title IX or 34 CFR part 106, or because the individual made a complaint or report, testified, assisted, participated, or refused to participate in an investigation, proceeding, or Hearing under this policy.

CONSENT IS

- a. Positive cooperation in an act or expression of intent to engage in an act. Consent is indicated through words or conduct. Consent cannot be inferred from silence or passivity alone.
- b. An individual who consents to a sexual act must give that consent voluntarily, and with knowledge and understanding of the nature of the act and their participation in it.
- c. Consent to one type of sexual activity does not necessarily constitute consent for another type of sexual activity.
- d. Consent can be withdrawn by any party at any time through words or conduct

I WANT....I NEED....

EMERGENCY ASSISTANCE

Chadron Police Department: dial 911

Campus Security: dial 308-430-6037. Campus Security is available 24/7.

TO TALK CONFIDENTIALLY

Counseling Center: 308-432-6232

Employee Assistance Program: <https://www.4continuum.com/>

You have options if you wish for details of an incident of Sexual Harassment to be kept confidential and not reported to the College. Students may speak with a College counselor, who generally is not required to report to the Title IX Coordinator. Employees may contact the Employee Assistance Program. Students and employees may also confidentially speak with a College Athletic Trainer.

Any person may contact an external (unaffiliated with the College) healthcare provider or crisis center. External resources have no duty to report an incident to the College. The following external resources are available 24/7:

National Sexual Assault Hotline: 1-800-656-4673

The Doves Program: 866-95-DOVES

ABOUT CONFIDENTIALITY

To make informed choices, you should be aware of the College's mandatory reporting requirements and confidentiality and privacy issues.

Mandatory Reporters are College employees who are required to share all information they may have regarding any incident of Sexual Harassment with the Title IX Coordinator. The Title IX Coordinator or

their Designee will reach out to you regarding the alleged incident. They will explain the Supportive Measures and College resources available to you and the relevant policies, which are discussed in a later section of this brochure. You may choose to make a Formal Complaint of Sexual Harassment or request that the College take no action. The Title IX Coordinator will be respectful of your privacy and your information will be shared with as few people as possible. Supportive Measures and College resources are available to you regardless of your decision.

The College will generally be able to respect a request that no action be taken on a report, but there may be circumstances in which the College must take action, such as when there may be a threat to the larger campus community. In weighing a request for no action the College considers several factors, including the severity of the alleged conduct, whether weapons, drugs, or predation behavior are involved, and potential threats to students and employees, and any other relevant information. If the College takes action on the matter against your wishes, you will not be required to participate in the grievance process, but you are permitted to do so.

Please be aware that the College may be required to report an incident involving a minor to state agencies and/or law enforcement. As a result, the College cannot guarantee that a report involving a minor will be kept confidential. The College has a legal duty to include information about reports of criminal sexual misconduct in its annual security report statistics, which do not identify the parties involved.

TO REPORT A CONCERN TO THE COLLEGE AND/OR UNDERSTAND THE COLLEGE'S GRIEVANCE PROCESS

Title IX Coordinator: Ms. Megan Northrup

308-430-0980, titleixcoordinator@csc.edu

You may contact Ms. Northrup to learn more about your options and the College's grievance process, or to report a concern or file a Formal Complaint of Sexual Harassment. You are encouraged to review the grievance process set forth in Board Policy 3020 (students) or Board Policy 5011 (employees).

TO GET MEDICAL HELP

Campus Health Services: 308-432-6232

**Chadron Community Hospital: 308-432-5586
825 Centennial Drive, Chadron, NE**

**National Sexual Assault Hotline: 800-656-4673
<https://www.rainn.org/articles/rape-kit>**

You should seek immediate medical attention if you are injured, or believe you may have been exposed to an STI/STD or potential pregnancy. Sexual assault nurse examiners (SANE) are trained in the collection of forensic evidence, and can check for injuries and exposure to sexually transmitted diseases during a sexual assault forensic exam. You may wish to preserve forensic and other evidence as may be necessary to the proof of criminal behavior or obtaining an order of protection. Evidence may include tissue and fluid samples, evidence of violence, clothing, sheets, and towels. Click here to see more information about sexual assault forensic exams from RAINN. Because evidence of an assault can deteriorate quickly, you are encouraged to seek a medical exam as soon as possible. To find a location near you that performs sexual assault forensic exams, call the National Sexual Assault Hotline at 800-656-4673.

Evidence collection should be completed within 120 hours of an assault, but fluids, hair samples, and DNA can be collected for a long time thereafter. You may choose to avoid washing, bathing, urinating, etc. until after being examined. Even if you have washed, evidence can often still be obtained. If you are still wearing any clothes worn during the assault, wear them to the hospital, but bring a change of clothes, as the hospital will keep the clothes you are wearing as evidence. If you have changed clothes, bring the ones you were wearing during the assault to the hospital in a



clean paper (not plastic) bag or a wrapped in a clean sheet. Leave sheets/towels at the scene of the assault for law enforcement to collect. Typically, law enforcement will be called to take custody of a sexual assault forensic exam, but it is up to you whether you wish to speak with them or file a criminal complaint.

After 120 hours, it may still be helpful to have medical attention, even if you are not trying to obtain evidence of an assault. It is also important to preserve non-forensic evidence, which can take the form of text messages, pictures, and videos, for example.

TO REPORT A CONCERN TO LAW ENFORCEMENT

**Chadron Police Department: 911 (emergency)
308-432-0510 (non-emergency line).**

You may report a concern to law enforcement. The Title IX Coordinator can assist you in contacting law enforcement if you would like. Reporting to law enforcement and reporting to the College are separate processes. You may pursue either, both, or none. If you pursue an order of protection or similar judicial remedies, you are responsible for notifying the College of the order and providing the Title IX Coordinator or Designee a copy. The Title IX Coordinator or Designee can discuss with you the options for enforcing it within the College's educational programs or activities.

DECIDE MY NEXT STEPS

1. You may choose how to proceed. You are encouraged to contact the Counseling Center to discuss your options, which are:
 - Do nothing until you are ready
 - Pursue resolution by the College and/or
 - Initiate criminal proceedings; and/or
 - Initiate a civil process against the perpetrator.

WHAT IF I WANT TO BE LEFT ALONE?

This may be a confusing and difficult time. Remember these resources are always available to you and you can seek support from the College and/or other resources any time.

HOW CAN THE COLLEGE SUPPORT ME?

SUPPORTIVE MEASURES

You are a valued member of the College community, and your experience here matters. If you are involved in a Sexual Harassment matter and need support in continuing your education, contact the Title IX Coordinator, to discuss how the College may be able to support you. The College can make available a variety of Supportive Measures designed to restore or preserve equal access to the College's educational programs and activities, at no cost. These may include a referral to counseling services, reasonable academic accommodations, changes to on-campus housing or employment situations, mutual no contact orders, and similar measures.

COLLEGE RESOURCES

The following College resources are available to you at no cost:

Campus Security

Should you ever feel unsafe on campus, please do not hesitate to contact Campus Security. Additionally, you are welcome to have a security escort on campus. Campus Security is located in the CSC Maintenance Building, Room 102, and can be reached at 308-432-6037. You may also contact local law enforcement for assistance.

Counseling Services

The College provides free and confidential counseling services to students. The Counseling Services office is located in Student Health Services in Crites Hall. You can also call 308-432-6232 to make an appointment.

Disability Services Office

The Disability Services Office is located in Library Learning Commons 201, and can be reached at 308-432-6467. Please contact Deena Kennell.

Tutoring Services

The Learning Center provides services to promote academic success, including tutoring. Please call 308-432-6381 for more information.

WHAT DO I NEED TO KNOW ABOUT THE COLLEGE'S GRIEVANCE PROCESS?

For more information on how the College addresses Sexual Harassment, see Board Policies 3020 and 5011

Who Is Involved?

An individual who alleges they experienced Sexual Harassment from another person is called the Complainant. The person who allegedly committed Sexual Harassment is called the Respondent. They are collectively referred to as the parties. There may be Witnesses, people who either witnessed the alleged incident(s) or have relevant knowledge about the incident(s).

How Does It Work?

The College provides a prompt, fair, and impartial investigation and resolution of allegations of Sexual Harassment. All relevant evidence is objectively evaluated, and Respondents are presumed to be not responsible for the alleged conduct until a determination of responsibility is made at the end of the grievance process. The College bears the burden of proof and gathering evidence; the parties do not. The parties have an equal right to an Advisor of their choice, who accompanies them to all meetings and proceedings. The College officials involved in the process receive annual training on issues related to policy violations, such as Sexual Harassment, to have a process that protects the safety of both parties and promotes accountability. The College strives to complete the grievance process within sixty (60) business days. The parties are notified simultaneously in writing of the outcome of the grievance process.

The grievance process begins with a Formal Complaint. This is a complaint filed and signed by the Complainant or the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting the College investigate the allegation per Board Policy 3020/5011. The College's Title IX Coordinator or their Designee will conduct an investigation of the Formal Complaint.

The Complainant has two options to resolve their Formal Complaint. (1) Investigation and Hearing; and (2) Informal Resolution.

1. **Investigation and Hearing:** The Title IX Coordinator or their Designee conducts an investigation of the Formal Complaint. They interview the Complainant, the Respondent, and any Witnesses, and review the evidence. They produce an Investigative Report, which fairly summarizes the relevant evidence. The parties have the opportunity to review and respond to the Investigative Report and evidence gathered before the investigation concludes. Following the investigation the College holds a Hearing to determine whether or not the Respondent is responsible for the alleged Sexual Harassment. The standard used in these proceedings is the preponderance of the evidence standard, which is also known as "the greater weight of the evidence."

The College may take disciplinary action when the Respondent is found responsible for Sexual Harassment. This may include warnings, disciplinary probation, loss of privileges, restitution, remedial work assignments, remedial education requirements, service requirements, remedial behavioral requirements, College housing relocation or suspension, removal from College housing, suspension, and expulsion.

HOW CAN THE COLLEGE SUPPORT ME?



2. **Informal Resolution:** When appropriate, the Title IX Coordinator or their Designee may facilitate an Informal Resolution between parties that does not involve a full investigation and Hearing. This must occur before a determination of responsibility is made at the Hearing, and both parties must consent to participate in the process. Informal Resolution allows the parties to negotiate an agreement to resolve the Formal Complaint. This may be accomplished through mediation, for example, or the Title IX Coordinator can facilitate communication between the parties as they work to come to an agreement. *Informal Resolution may not be used to resolve allegations that an employee, including a student-employee, sexually harassed a student within the context of their employment.*

APPEALS

Both parties may appeal the determination of responsibility to the President. An appeal must be in writing and made within five (5) calendar days of the determination of responsibility. If an appeal is filed, the Title IX Coordinator or their Designee will inform the other party in writing, and both parties will have five (5) calendar days to provide the President with a written statement, if they wish.

There are three (3) permissible bases for an appeal:

1. Procedural irregularity that affected the outcome of the matter
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter
3. The Title IX Coordinator, Designee, Hearing Chairperson or Hearing Panel member had a conflict of interest or bias for or against Complainants or Respondents generally, or the individual Complainant or Respondent, that affected the outcome of the matter.

If an appeal is filed, the determination of responsibility will not become final until the College notifies the parties of the result of the appeal. Any disciplinary action imposed by the determination of responsibility is frozen during this time, and only goes into effect after the five (5) day window for appeal closes, and if an appeal occurs, after it is complete. Parties will be notified of the result simultaneously and will receive a written rationale for the result.

PREVENTION OF SEXUAL HARASSMENT AND RISK REDUCTION STRATEGIES

PREVENTION

Incoming students are provided education and training opportunities on Sexual Harassment and risk reduction strategies. Ongoing awareness and prevention campaigns are provided throughout the academic year to students, faculty, and staff.

RISK REDUCTION STRATEGIES

To reduce your risk of involvement in an incident of Sexual Harassment, consider the following strategies:

1. BOUNDARIES:

A boundary is a defined limit you set with another person regarding their behavior towards you. Boundaries can be physical, sexual, social, and emotional. For example, if you tell someone it is not OK for them to have sex with you without using a condom or other form of birth control, you have communicated a boundary.

2. CLEAR COMMUNICATION IN SEXUAL ACTIVITY

Being direct about what you want or do not want in your sexual activity helps ensure you and your partner understand each other's boundaries and expectations. Saying "yes, I'd like to do that" or "no, I am not comfortable doing that" is clear communication.

3. BE RESPONSIBLE FOR YOUR ALCOHOL OR DRUG CONSUMPTION

Drugs and alcohol affect everyone differently, and they can affect a person's judgement. When you remain in control of what you consume, you are helping to keep yourself and those around you safe.



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Chadron State College is an equal opportunity institution. CSC does not discriminate against any student, employee or applicant on the basis of race, color, national origin, sex, sexual orientation, gender identity, disability, religion, or age in employment and education opportunities, including but not limited to admission decisions. Inquiries regarding non-discrimination policies and practices may be directed to: Anne DeMersseman, Compliance Coordinator, Chadron State College, 1000 Main St., Chadron, NE 69337, Telephone: 308-432-6224, Email: ademersseman@csc.edu.

CSC has also designated an individual to coordinate the college's efforts to comply with Title IX of the Education Amendments of 1972. Inquiries regarding Title IX may be directed to: Megan Northrup, Title IX Coordinator, Chadron State College, 1000 Main St. Chadron, NE 69337, Telephone: 308-430-0980, Email: titleixcoordinator@csc.edu.