



UNIVERSITY OF NEBRASKA-LINCOLN **TITLE IX**



Our Commitment to Addressing Sexual Misconduct

Updated October 2016

Our Commitment to Addressing Sexual Misconduct

The university is dedicated to the prevention of sexual discrimination, sexual harassment and sexual violence, and seeks to provide a safe campus for its employees and students. The university has established procedures and policies to assist persons who have been subjected to sexual misconduct. This brochure and the Title IX webpage provide information as to the complaint process and resources. If you have any questions or concerns related to Title IX, please feel free to contact the Office of Institutional Equity and Compliance at 402-472-3417 or visit go.unl.edu/title-ix.

What is Title IX?

Title IX prohibits discrimination based on sex in education programs and activities in federally funded schools. Title IX protects students, employees, applicants for admission and employment, and other persons from all forms of sex discrimination, including discrimination based on gender identity or failure to conform to stereotypical notions of masculinity or femininity. All students, faculty and staff are protected by Title IX (regardless of gender, sexual orientation, gender identity, full or part-time status, disability, race or national origin) in all aspects of the university's educational programs and activities. *All forms of sexual harassment, including but not limited to, dating and domestic violence, stalking, and sexual assault are violations of Title IX and prohibited by the university.*

What behavior constitutes sexual misconduct?

Sexual harassment

Sexual harassment is any unwelcome conduct or behavior of a sexual nature which creates a hostile environment. Sexual harassment may include, but is not limited to the following unwelcome conduct:

- An exposure of an actor's genitals done with the intent to affront or alarm any person
- Viewing a person in state of undress without his or her consent or knowledge
- Graphic and written statements, which may include use of cell phones or the Internet;
- Making sexual comments, jokes or innuendos;
- Distributing sexually explicit drawings, pictures, or written materials;
- Calling someone sexually charged names;
- Rating someone on sexual activity or performance; and/or
- Circulating, showing, or creating emails or websites of a sexual nature;
- Requiring sexual favors in exchange for a benefit (i.e. hiring, promotion, raise, or grade); and
- Subjecting a person to an adverse action because he or she refuses sexual advances or ends a consensual relationship.

In regulating sexual harassment conduct, the university will formulate, interpret, and apply its policies so as to protect academic freedom and free speech rights.

Sexual assault, including sexual contact

Sexual assault or contact occurs when a person subjects another person to sexual penetration or contact without consent, or when it is known the other person is mentally or physically incapable of resisting or appreciating the nature of one's own conduct due to drug or alcohol use or other incapacity.

Dating violence and domestic violence

Occurs if a person intentionally and knowingly causes bodily injury to his or her intimate partner; or threatens an intimate partner with imminent bodily injury; or threatens an intimate partner in a menacing manner. A person commits a more severe form of domestic assault if he or she intentionally and knowingly causes bodily injury to an intimate partner with a dangerous instrument. A person commits the worst form of domestic assault if he or she intentionally and knowingly causes serious bodily injury to an intimate partner.

Stalking

Engaging in a knowing and willful course of conduct directed at a specific person or a family or household member of such person with the intent to injure, terrify, threaten, or intimidate is stalking. The Student Code of Conduct, Appendix A contains more detailed information and definitions regarding sexual misconduct. The Code of Conduct can be found at stuafs.unl.edu/dos/code.

What constitutes “consent?”

“Consent” is an agreement, approval, or permission as to some act or purpose, given voluntarily by a competent person. In the context of sexual activity, consent is an affirmative decision to engage in mutually acceptable sexual activity by clear actions or words. It is an informed decision, freely made by both parties.

There is no consent where:

- A person is compelled to submit due to the use of force or threat of force or coercion.
- A person expresses a lack of consent through words or conduct. A person need only resist, either verbally or physically, so as to make the person’s refusal to consent genuine and real and so as to reasonably make known to the actor the person’s refusal to consent.
- Where consent, if any is actually given, is the result of deception as to the identity of an actor; or deception as to the nature or purpose of the act on the part of an actor.

The following guidelines are helpful when considering whether consent is given:

- Consent can be withdrawn at any time.
- It is not safe to rely solely upon nonverbal communication. Nonverbal communication can lead to misunderstanding.
- One should not assume consent is given.
- Silence does not equal consent. Moreover, passivity, or lack of active resistance alone does not equal consent.
- A current or previous dating or sexual relationship does not constitute consent.
- Consent to one form of sexual activity does not imply consent to other forms of sexual activity.
- Being intoxicated does not diminish one’s responsibility to obtain consent.
- Consent cannot be given where a person is incapacitated due to alcohol or other drugs.
- Consent cannot be given where a person is passed out, asleep, unconscious, mentally or physical impaired, threatened, confined or coerced.

The use of alcohol or other drugs can have unintended consequences. Alcohol or other drugs can lower inhibitions and create an atmosphere of confusion over whether consent is freely and effectively given. Being intoxicated or high is never an excuse for sexual misconduct. The presence of drugs or alcohol during sexual activity significantly increases opportunity for misunderstanding and vulnerability, as well as the potential for violating university policy.

What reporting options are available if I have experienced sexual misconduct?

The University encourages persons subjected to sex discrimination, sexual harassment or other forms of sexual misconduct to report concerns. There are many ways to report, many of which are listed below. A person may use any one or all of these various forms of reporting.

Call 911

If there is a crime in progress or you need immediate medical care or safety measures, call 911. You can also text campus police by texting to 69050 with key word UNLPD.

Talk to a friend, parent or other supportive person

You are encouraged to report to local law enforcement and university authorities any sexual harassment or misconduct directed toward you. However, not everyone is ready to make such a call or report concerns right away. To the extent you are not ready to report to local or campus authorities, we encourage you to seek guidance from those closest to you.

Confidential resources at Nebraska

There are certain individuals on campus and in the community you can talk to in near complete confidence. These individuals have no responsibility to take action or report to the university the information you share with them, so long as the individual is acting in their role as counselor, advocate or attorney at the time you share your concerns. Please be advised, if you share your concerns only with these individuals, the university will not conduct an investigation unless you take further action to inform campus authorities of your concerns, or the university learns about your situation from another source. The following confidential resources are available on campus:

- University Victim Advocate
402-472-0203, morgan@voicesofhopelincoln.org
- Voices of Hope
24 Hour Crisis Line: 402-475-7273

- University Health Center, Medical Clinic, 1500 U Street
402-472-5000
- University Health Center, Counseling and Psychological Services
402-472-7450
- Student Legal Services
402-472-3350
- Women's Center Counseling Services
402-472-9428
- Psychological Consultation Center (PCC), 325 Burnett Hall, City Campus
402-472-2351
- Employee Assistance Program (for university employees only)
402-472-3107
- University Health Center Medical Clinic, Medical Providers
402-472-5000

While confidential resources do not have an obligation to take action or to initiate a campus investigation, they do have an obligation to report statistical information regarding some crimes, including sexual assault, dating violence, domestic violence and stalking to campus police for the purpose of annual crime statistic reporting. They may also have an obligation to report non-identifying information to the Title IX Coordinator for the purpose of addressing campus climate. Medical providers may have an obligation to report certain crimes to local law enforcement.

Confidential resources outside of the university

The following are persons outside of the university community who you may talk to on a confidential basis and who do not have any reporting obligation to the university:

- Pastors of your choice.
- Licensed psychologists, therapists or counselors. Some of these providers will charge a fee for their services. Below are some community providers:
 - Lincoln Behavioral Health Clinic, 3201 Pioneers Blvd., Ste. 202, Lincoln, NE 68502
402-489-9959
 - Heartland Family Service Domestic Abuse Program, Papillion, NE
Crisis Line: 800-523-3666
 - Catholic Charities–The Shelter, Omaha, NE
Crisis Line: 402-558-5700
- Lawyers or Legal Assistance. Below are free or reduced legal services which may be helpful to you:
 - Legal Aid of Nebraska**
 - Omaha: 209 S 19th St, #200, Omaha, NE 68102
Phone: 402-348-1069

- Lincoln: 941 "O" St, Suite 825, Lincoln, NE 68508
Phone: 402-435-2161 | Fax: 402-435-2171

Other confidential resources can be found on the Title IX webpage, www.go.unl.edu/title-ix

Anonymous Reporting

You may choose to report your concerns without disclosing your name. However, it is often difficult to investigate allegations when an individual's name is not disclosed during an investigation. Reporting anonymously may limit the university's ability to conduct a full investigation and take action.

Utilize TIPS reporting

You may share a concern or file a complaint using TIPS reporting. The TIPS link may be found on the footer of every page of the unl.edu website. TIPS provides an online method by which university community members may share campus concerns.



Contact a Responsible Employee

Responsible Employees are individuals working at the university who have an obligation to immediately inform the Title IX Coordinator of allegations of sex discrimination or sexual misconduct. Responsible Employees cannot keep your concerns confidential. If you talk to these individuals, your concerns will be reported and the university will conduct an investigation into your concerns. For a list of individuals identified as Responsible Employees, please see: go.unl.edu/title-ix-responsible-employees. These individuals are identified on campus by the symbol to the right of this text. Not all university employees are Responsible Employees. Only individuals who are designated as Responsible Employees are authorized to take action or required to report sexual misconduct allegations. Please understand, if you choose to share your concerns with a confidential resource, or if you talk to someone who is not identified as a Responsible Employee, the university may not investigate your concerns, as it may not have notice of those concerns.



Contact the Title IX Coordinator or the Office of Institutional Equity and Compliance (IEC)

You can seek assistance with a situation or file a formal complaint, seek safety measures and/or seek academic, housing or other modifications if needed. To contact the university's Title IX Coordinator:

128 Canfield Administration Building
402-472-3417 | titleIXcoordinator@unl.edu

File a complaint with the Office for Civil Rights

The Office for Civil Rights (OCR) of the U.S. Department of Education enforces Title IX. For more information, see

www2.ed.gov/about/offices/list/ocr/complaintprocess.html.

What other resources are available?

- Contact University Police (UNLPD) or local law enforcement to seek safety measures or report a crime. UNLPD is obligated to report allegations of sexual misconduct to the Title IX Coordinator for investigation of Title IX violations.
 - UNLPD, 300 N 17th St, Lincoln, NE 68588
402-472-2222
 - Lincoln Police Department, 575 S 10th St, Lincoln, NE 68508
402-441-6000
 - Lancaster County Sheriff's Office, 575 S 10th St, Lincoln, NE 68508
402-441-6500
- Contact a medical facility if you need medical care or a rape kit.
 - Bryan Medical Center West, 2300 S 16th St, Lincoln, NE 68502
402-481-1111 (Good number for Bryan East and West)

Other university resources

- LGBTQA+ Resource Center, 346 Nebraska Union
402-472-1752
- Women's Center, 340 Nebraska Union
402-472-2598
- Student Affairs
Vice Chancellor: 402-472-9685
Dean of Students: 402-472-2021 or 402-472-3755
- Services for Students with Disabilities, 232 Canfield Administration Building
402-472-3787
- Human Resources, 407 Canfield Administration Building
402-472-3105

Other community resources

- Nebraska Coalition to End Sexual and Domestic Violence, 245 S 84th St, Ste 200, Lincoln, NE 68510
402-476-6256

- Women's Center for Advancement, 222 S 29th St, Omaha, NE 68131
402-345-6555
 - 24/7 Crisis Hotline: 402-345-7273
 - Español: Hotline: 402-672-7118
- National Sexual Assault Hotline
1-800-656-4673

Preservation of Evidence

It is important to preserve physical evidence of sexual violence, including tissue and fluid samples, bedding, clothing, etc. If possible, you may choose to avoid washing, bathing, urinating, etc., until after being examined by a medical provider. Because evidence of a sexual assault can deteriorate quickly, it is best to seek a medical exam as soon as possible, preferably within 120 hours of the incident. Even if you have washed, evidence can often still be obtained. After 120 hours, it may still be helpful to have medical attention, even if you are not trying to obtain evidence of an assault. Sexual assault nurse examiners are trained in the collection of forensic evidence, and can check for injuries and exposure to sexually transmitted diseases. If you decide to go to the hospital, take or wear any clothing you were wearing at the time of the assault to the hospital and a change of clothes if possible. Typically, police will be called to the hospital to take custody of any evidence and rape kit.

Where can I find information about the university's complaint investigation process?

For students, the Student Code of Conduct, Appendix A contains information about the complaint and appeal process regarding complaints of sexual misconduct. The Code can be found on IEC's web page under Policies.

For employees, the university's Response to Allegations of Employee Sexual Misconduct Policy contains information about the complaint and appeal process regarding complaints of sexual misconduct. This can be found on IEC's web page under Policies.

Generally, when the university receives notice or complaint of a behavior that may violate university sexual misconduct policy, an investigator will conduct an impartial, neutral investigation. The investigator will generally interview both parties and witnesses and examine any evidence. At the conclusion of the investigation, the parties will be informed of the outcome and any recommended sanction.

What can happen if someone violates the misconduct policy?

If a student is found to have violated the Sexual Misconduct Policy, one or more of the following sanctions may be imposed:

- A formal written warning in the student's conduct file;
- Probation for a designated period of time;
- Loss of university privileges for a specified period of time;
- Monetary or other compensation for loss, damage or injury;
- Discretionary sanctions (such as community service, work assignments, educational requirements) which are appropriate under the circumstances;
- Residence hall relocation;
- Residence hall suspension;
- Residence hall expulsion;
- University suspension;
- University ban and bar or
- University expulsion.

If an employee is found to have violated university sexual misconduct policy, the employee may be subject to one or more of the following sanctions:

- verbal warning;
- written warning;
- transfer;
- completion of mandatory conditions;
- suspension without pay;
- non-renewal or non-reappointment;
- loss of rank or position;
- denial of salary increase;
- activity termination;
- demotion in rank or pay;
- termination of employment;
- University ban and bar or
- ban on university re-employment.

Will I suffer retaliation for reporting?

Fear of retaliation should never be an obstacle to reporting an incident of discrimination, harassment or sexual misconduct. Any individual who believes he or she has been subjected to misconduct is encouraged to report, and has the right to seek support, and utilize available resources without fear of retaliation. The university prohibits retaliatory conduct taken against any person who reports concerns, files a complaint or participates in an investigation.

Office of Institutional Equity and Compliance

128 Canfield Administration Building

Lincoln, NE 68588-0437

unl.edu/equity

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The University of Nebraska-Lincoln (UNL) is committed to creating a diverse and inclusive work and learning environment free from discrimination and harassment. UNL is dedicated to creating an environment where everyone feels valued, respected and included. The University of Nebraska does not discriminate based on race, color, ethnicity, national origin, sex, pregnancy, sexual orientation, gender identity, relation, disability, age, genetic information, veteran status, marital status, and/or political affiliation in its programs, activities, or employment. © 2016 The Board of Regents of the University of Nebraska. All rights reserved.

