SEXUAL HARASSMENT POLICY & STALKING POLICY
August 5, 2014

SEXUAL HARASSMENT

Hastings College is committed to creating and maintaining a community in which all persons who participate in College programs and activities can work together in an atmosphere free of all forms of harassment, exploitation, or intimidation, including sexual harassment. Every member of the College community should be aware that the College is strongly opposed to sexual harassment and that such behavior is prohibited both by law and by College policy. It is the intention of the College to take whatever action may be needed to prevent, correct, and if necessary, discipline behavior that violates this policy.

This policy applies to all members of the College community including students, faculty, exempt and non-exempt staff, trustees, coaches, volunteers, independent contractors, as well as others who participate in College programs and activities. Its application includes College programs and activities both on and off-campus, including overseas programs. Individuals who violate this policy are subject to discipline up to and including discharge, expulsion, and/or other appropriate sanction or action. The College takes sexual harassment offenses seriously and those who make malicious and knowingly false accusations will be subject to College sanctions and discipline.

Definition of 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 as a term or condition of instruction, employment, academic advancement, or participation in any College activity;

2. Submission to or rejection of such conduct by an individual is used as a basis for evaluation in making an employment, academic, or personnel decision affecting an individual; or

3. Such conduct has the purpose or effect of interfering with an individual’s work or educational performance, or of creating an intimidating, hostile, or offensive environment for work, learning, or participating in any College activity.

If the speech or conduct takes place in the teaching context and is not germane to the subject matter, it may also constitute a violation of this policy. The academic setting is distinct from the workplace in that wide latitude is required for professional judgment in determining the appropriate content and the presentation of the academic material.

Sexual harassment may involve the behavior of a person of either sex toward a person of the same or opposite sex when that behavior falls within the operative definition of sexual harassment.
The following are examples of conduct that may constitute sexual harassment in violation of this policy. This list is not all-inclusive. In other words, not every type of behavior which may be considered sexual harassment is listed. Instead this list is intended to provide a better understanding of the wide array of behaviors that are considered to be sexual harassment.

**Verbal harassment:** epithets, derogatory comments or slurs. E.g., name-calling, belittling, sexually explicit or degrading words to describe an individual, sexually explicit jokes, comments about a person’s anatomy and/or dress, sexually oriented noises or remarks, questions about a person’s sexual practices, use of patronizing terms or remarks, verbal abuse, or graphic verbal commentaries about the body.

**Physical harassment:** assault, impeding or blocking movement, or any physical interference with normal work or movement, when directed at an individual. E.g., touching, pinching, patting, grabbing, brushing against or poking another person’s body, hazing or initiation that involves a sexual component, or requiring a person to wear sexually suggestive clothing.

**Visual or electronic forms of harassment:** derogatory posters, cartoons or drawings. E.g., displaying sexual pictures, writings or objects, obscene letters or invitations, staring at a person’s anatomy, leering, sexually oriented gestures, mooning, or unwanted love letters or notes. (See below the College’s policy on stalking.)

**Sexual favors:** unwanted sexual advances that condition an employment or academic benefit upon an exchange of sexual favors. E.g., continued requests for dates, any threat of demotion, termination, threat of poor grade, etc., if requested sexual favors are not given, making or threatening reprisals after a negative response to sexual advances, or propositioning an individual.

In determining whether the alleged conduct constitutes sexual harassment, consideration shall be given to the totality of the circumstances, including but not limited to:
- the context in which the alleged incidents occurred,
- whether the conduct is severe or pervasive,
- whether the behavior would offend a reasonable person,
- whether a specific person was offended,
- whether the behavior persists despite the objection of the person targeted by the speech or conduct,
- whether the conduct interferes unreasonably with a person’s work performance or a student’s academic progress or success, and
- whether the conduct affects tangible job or academic benefits.

**Complaint Resolution Processes**
The College advises any member of the College community who believes he or she has been sexually harassed to firmly and promptly notify the offender that his or her behavior is unwelcome and should stop. This may be enough to put an end to the harassment. Since confronting the offender may be difficult, such direct communication is not a requirement of filing a complaint.

The College encourages any member of the College community who believes he or she has been sexually harassed or who has witnessed sexual harassment to report that conduct regardless of the identity of the offender. The report should be submitted to a College official as soon as possible.
Listed below are the College officials who are prepared to receive complaints of sexual harassment.

- **Complaints involving Students:** Associate Vice President for Student Affairs
- **Complaints involving Faculty:** Vice President for Academic Affairs
- **Complaints involving Exempt or Non-Exempt Staff, Volunteers, Trustees, Independent Contractors, or Others:** Directors in Human Resources

Exempt or non-exempt staff, volunteers, trustees, independent contractors, or other persons who believe that he or she has been sexually harassed, should immediately report the incident to his or her supervisor or authority. If the immediate supervisor or authority is involved in the conduct or, for some other reason, the employee feels uncomfortable making the report to that supervisor or authority, the person should report directly to the one of the Directors in Human Resources.

Any member of the College community, who does not feel comfortable reporting sexual harassment to the staff listed above, may speak to any person in authority (e.g. an advisor, faculty member, department chair, coach, supervisor, or administrator). That person in turn will be responsible for making a report through an appropriate College official as listed above. In addition, any member of the College community who requests information or assistance in filing a complaint may contact the Associate Vice President for Student Affairs.

A complaint of sexual harassment will be kept confidential to the extent reasonably possible. A complaint made with a request for confidentiality may limit the College’s ability to respond. The College will not retaliate, nor will it tolerate retaliation, against members of the College community who in good faith make a complaint or report an incident of sexual harassment, cooperate with an investigation regarding any matter covered by this policy, or report, in good faith, an incident of abuse or other warning signs. The College will promptly address reports of sexual harassment. The specific action taken in any particular case depends on the nature and gravity of the conduct reported, and may include investigation and the initiation of applicable grievance and/or disciplinary processes.

Any Board Member, employee, volunteer, student or vendor who refuses to cooperate with or otherwise interferes with an investigation conducted by or on behalf of the College will be subject to disciplinary action, up to and including termination, expulsion, removal from campus, and/or cancellation of contract. Any Board Member, employee, volunteer, student, vendor, alumni or applicant who knowingly provides false information or intentionally withholds information without an appropriate basis for doing so, during an investigation conducted by or on behalf of the College will be subject to disciplinary action, up to and including termination, expulsion, removal from campus, and/or cancellation of contract.

Upon the conclusion of the investigation, the College will notify the appropriate parties of the outcome of the complaint. Where sexual harassment is found to have occurred, the College will take whatever corrective action is deemed necessary up to and including discharging or expelling any individual who is found to have violated these prohibitions against sexual harassment and/or retaliation.

Once the College has responded to a report of sexual harassment, appeals by the accused may be directed as follows.

- For students, appeals may be directed to the Judicial Review Board.
For faculty, appeals will be handled according to the procedures outlined in the College’s Manual of Operations under Faculty Mediation.

For exempt and non-exempt staff, volunteers, trustees, independent contractors, and other persons, appeals may be directed to one of the Directors in Human Resources.

Each party shall have the right to appeal on the following grounds:

- There is new evidence that could have affected the decision that was not reasonably known at the time of the decision;
- The investigation or decision exhibited prejudice or bias that affected the outcome of the case; or
- The institution’s stated procedures were not followed.

A summary report of the harassment complaint and the final disposition of the complaint will be made to the President or their designee. A confidential file of these reports will also be maintained by the Human Resources Office.

**STALKING POLICY**

**Statement of Purpose**

Hastings College is determined to provide a campus environment free of violence for all members of the campus community. For this reason, Hastings College does not tolerate stalking, and will pursue the perpetrators of such acts to the fullest extent possible. Hastings College is also committed to supporting victims of stalking through the appropriate provision of safety and support services. This policy applies to all students of Hastings College community. Stalking incidents are occurring at an alarming rate on the nation’s college campuses. It is a crime that happens to men and women of all races/ethnicities, religions, ages, abilities, sexual orientations, and sexual identity. It is a crime that can affect every aspect of a victim’s life. Stalking often begins with phone calls, emails, social networking posts and/or letters, and can sometimes escalate to violence. Stalking is a crime in Nebraska per the Nebraska statutes referenced below and is subject to criminal prosecution. In Nebraska, stalking statutes focus on both the behaviors of the perpetrator and on the experiences of the victim (please see the following Nebraska statutes R.R.S. Neb. Sections 28.311.02 to 28.311.05).

Students perpetrating such acts of violence will be subject to disciplinary action through the Hastings College Student Affairs Office and are also subject to possible criminal prosecution. If found responsible, consequences for such actions could include expulsion from the College or other appropriate discipline, and may include criminal penalties if there is criminal prosecution.

**Policy Jurisdiction**

This protocol applies equally to all members of the Hastings College Community: students, faculty, staff, contract employees, volunteers and campus visitors.

**Definition of Stalking**

Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress. “Course of conduct” is defined as a pattern of actions composed of more than one act over a period of time, however short, evidencing a continuity of conduct.
Stalking Behaviors
Stalking includes any behaviors or activities occurring on more than one occasion that collectively instill fear in a victim, and/or threaten her or his safety, mental health, or physical health or cause the person to fear for the safety of others or suffer substantial emotional distress. Such behaviors and activities may include, but are not limited to, the following:

- Non-consensual communication, including face-to-face communication, telephone calls, voice messages, e-mails, written letters, gifts, or any other communications that are undesired and place another person in fear.
- Use of online, electronic, or digital technologies, including:
  - Posting of pictures or information in chat rooms or on Web sites
  - Sending unwanted/unsolicited email or talk requests
  - Posting private or public messages on Internet sites, social networking sites, and/or school bulletin boards
  - Installing spyware on a victim’s computer
  - Using Global Positioning Systems (GPS) to monitor a victim
- Pursuing, following, waiting, or showing up uninvited at or near a residence, workplace, classroom, or other places frequented by the victim
- Surveillance or other types of observation, including staring or “peeping”
- Trespassing
- Vandalism
- Non-consensual touching
- Direct verbal or physical threats
- Gathering information about an individual from friends, family, and/or co-workers
- Threats to harm self or others
- Defamation — lying to others about the victim

Reporting Stalking
Hastings College encourages reporting of all incidents of stalking to law enforcement authorities, and respects that whether or not to report to the police or other law enforcement personnel is a decision that the victim needs to make. Public Safety and the Office of Student Affairs are available to inform victims of the reporting procedures and offer appropriate referrals. Victims of stalking choosing to pursue the reporting process have the right to assistance or consultation of an advocate.

Hastings College offers services to victims even if they choose not to report the incidents. The Student Counseling Services provides support, services and information for victims in a safe, supportive, and confidential setting. In some circumstances, a victim may wish to seek an order of protection from a court of appropriate jurisdiction against the alleged perpetrator. Victims may also seek restriction of access to Hastings College by non-students or non-employees in certain circumstances or other remedies that may be appropriate under the circumstances.

Reporting Crimes
Students and employees are encouraged to report criminal actions, including stalking, directly to the police by dialing 911. In addition, they are encouraged to report crimes to college administrative (including supervisory) personnel, who can assist and maintain a record of such reports, as follows:

1. Criminal actions in the residence halls or apartments should be reported directly to the Resident Assistant, Resident Director, Apartment Director, Public Safety, or Student
Affairs Office. All staff must report incidents to the Student Affairs Office and follow up with a written report.

2. Criminal actions in other campus facilities should be reported to the Student Affairs Office (402) 461-7305 or Public Safety (402) 984-8064 (cell) or (402) 461-7334 (radio).

3. Confidential reports may be made through the Campus Conduct Hotline at (866) 943-5787. This hotline routes the confidential complaints to the appropriate campus officer. In addition, the Student Counseling Services provides support, services and information for victims in a safe, supportive, and confidential setting.

Students are encouraged to be vigilant in protecting their own safety and should report all suspicious persons in campus housing facilities to a Resident Assistant, Resident Director or Apartment Director, and the police if they believe the situation warrants it. Crimes reported to the Student Affairs or Public Safety will be reported to the Hastings Police Department within 48 hours. Crimes will also be handled internally in accordance with college policies.

Be aware that in certain instances, Hastings College may need to report an incident to law enforcement authorities. Such circumstances include any incidents that warrant the undertaking of additional safety and security measures for the protection of the victim and the campus community or other situations in which there is clear and imminent danger, and when a weapon may be involved. However, it is crucial in these circumstances to consult with supervisory staff since reporting may compromise the safety of the victim. Personal safety concerns are often very important for stalking victims. Crisis intervention and victim safety concerns will take precedence.

Safety for Victims of Stalking
Hastings College is committed to supporting victims of stalking by providing the necessary safety and support services. Student victims of stalking are entitled to reasonable accommodations. Due to the complex nature of this problem, the student victim may need additional assistance in obtaining one or more of the following:

- No-contact order
- Services of a student victim advocate
- Witness impact statement
- Change in an academic schedule
- Provision of alternative housing opportunities
- The imposition of an interim suspension on the accused
- The provision of resources for medical and/or psychological support

For assistance obtaining these safety accommodations, please contact the Office of Student Affairs. If safety is an immediate concern, encourage the victim to contact law enforcement or Public Safety for assistance.