SEXUAL MISCONDUCT AND SEXUAL VIOLENCE POLICY

August 5, 2014

I. POLICY
Sexual misconduct includes but is not limited to sexual violence and is unacceptable and will not be tolerated at Hastings College. Accordingly, Hastings College urges an individual to make a report if that individual is the victim of sexual misconduct. Witnesses and bystanders who observe conduct that they believe is likely to lead to sexual misconduct are strongly encouraged to assert themselves and take appropriate action to help prevent sexual misconduct and sexual violence by speaking up and/or encouraging others not to engage in conduct likely to lead to sexual misconduct such as where one party is asleep, unconscious or incapacitated because of the use of drugs or alcohol and thus incapable of consent. Persons who witness sexual misconduct are encouraged to make a complaint of sexual misconduct and/or when appropriate alert the police to the sexual misconduct.

A report of sexual misconduct will be dealt with promptly. Confidentiality will be maintained to the greatest extent possible consistent with applicable legal requirements.

All members of the College’s community are subject to this policy, including but not limited to students, faculty, administrators, trustees, staff, coaches, and independent contractors, as well as others who participate in College programs and activities, regardless of sexual orientation or gender identity. The policy applies to College programs and activities both on and off-campus including overseas programs.

Violators will be subject to disciplinary action that may include termination, expulsion, suspension, removal from campus, cancellation of contract, other appropriate institutional sanctions, or any other means necessary to address the behavior. Prosecution by civil authorities may also occur. Additionally, because the College takes sexual misconduct offenses seriously, those who make malicious and purposeful false accusations will be subject to College sanctions and discipline.

II. DEFINITIONS
A. Sexual Misconduct
This policy defines sexual misconduct as the threat or the commission of behavior used to obtain sexual gratification against another’s will or at the expense of another such as inducing fear, shame, or mental suffering. Sexual misconduct includes unwanted sexual acts or actions, whether by an acquaintance, a person in the position of authority, or a stranger that occurs without consent of both individuals or under threat or coercion. Sexual misconduct can occur either forcibly and/or against a person’s will, or when a person is incapable of giving consent. Silence does not
constitute consent. The victim of sexual misconduct may be anyone, including but not limited to, adults, adolescents, minors, the developmentally disabled and vulnerable individuals regardless of age.

Sexual misconduct may include, but is not limited to, rape, forcible sodomy, forcible oral copulation, sexual assault, sexual assault with an object, sexual battery, forcible fondling, dating violence, domestic violence, stalking, and the threat of sexual assault.

This policy does not address acts of sexual harassment or stalking which are also considered sexual misconduct, but which are dealt with separately in the College’s Sexual Harassment Policy and Stalking Policy.

B. Background Checks
   This policy defines background checks as, but not limited to, the following:
   - A search for sex-related offenses in an individual’s counties of residence for the past seven years;
   - A search of the state registry of sex offenders; and
   - A database search for criminal activity in the individual’s states of residence for the past seven years.

C. Key Students
   This policy defines Key Students as those students who are in practica involving protected persons or the medical field, student teachers, students working with protected persons and resident assistants.

D. Camp Counselors and Program Leaders
   This policy defines Camp Counselors and Program Leaders as those students, faculty, staff and volunteers who in the course and scope of their employment or service to Hastings College conduct activities at or on behalf of Hastings College and come in contact with protected persons.

E. Protected Persons
   This policy defines Protected Persons to include minors, developmentally disabled individuals regardless of age and vulnerable individuals regardless of age. Vulnerable individuals include those who are mentally incapacitated, whether temporarily or permanently, for any cause including but not limited to intoxication, drugs, or mental incompetence. Sexual misconduct with respect to a protected person includes the intent to arouse or satisfy the sexual desires of either the protected person or the perpetrator.

F. Minors
   This policy defines minors as those individuals who have not yet reached the age of majority (19 in Nebraska) and are not enrolled as students at Hastings College.

G. Consent
   Consent is a voluntary agreement to engage in sexual activity; someone who is incapacitated cannot consent; past consent does not imply future consent; a person can express lack of consent through words or conduct; consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with
another; consent can be withdrawn at any time; and force or threat of force, express or implied, invalidates consent; consent is not effective if the consent that was given was the result of the actor’s deception as to the identity of the actor or the nature or purpose of the act on the part of the actor; and a victim need not resist verbally or physically where it would be useless or futile to do so.

H. Incapacitation
A person is incapacitated when the person is asleep or unconscious (such as due to the use of drugs or alcohol) or because the person has an intellectual or other disability that prevents the student from having the capacity to give consent.

I. Dating Violence
Dating Violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where 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; and the frequency of interaction between the persons involved in the relationship. However dating violence does not include domestic violence.

J. Domestic Violence
Domestic Violence means a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim, a person with whom the victim shares a child in common, a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, a person similarly situated to a spouse of the victim under the domestic or family violence laws of the State of Nebraska, or any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the State of Nebraska.

K. Stalking
Stalking means 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.

L. Retaliation
Retaliation includes but is not limited to retaliation or taking adverse against someone for reporting an incident of sexual misconduct or sexual violence or participating in an investigation into an allegation of sexual misconduct or sexual violence.

III. CONFIDENTIALITY OF INFORMATION
Hastings College will make every effort reasonably possible to preserve the privacy of an individual who makes a report under this policy and to protect the confidentiality of the information reported consistent with applicable legal requirements. The degree to which confidentiality can be protected, however, depends upon the Hastings College's legal duty to respond to the information reported and the professional role of the person being consulted. The professional being consulted should make these limits clear before the disclosure of any facts.
As required by law, all disclosures to any Hastings College employee of an on-campus act of sexual misconduct are tabulated for statistical purposes without personal identifying information. The College must report annually the number of occurrences on-campus of forcible sex offenses (forcible rape, forcible sodomy, sexual assault with an object, forcible fondling) and non-forcible offenses (incest and statutory rape (the statutory age of consent in Nebraska is 17)). Further information regarding disclosure can be found in Section VII. B.

**Reporting and Confidently Disclosing Sexual Violence: Know the Options**

A. The College encourages victims of sexual violence to talk to somebody about what happened – so victims can get the support they need, and so the College can respond appropriately. Different employees on campus have different abilities to maintain a victim’s confidentiality.

- Some are required to maintain near complete confidentiality; talking to them is sometimes called a “privileged communication.”
- Other employees are required to report all the details of an incident (including the identities of both the victim and alleged perpetrator) to the College’s Chief Compliance Officer/Title IX coordinator. A report to these employees (called “responsible employees”) constitutes a report to the College – and generally obligates the College to investigate the incident and take appropriate steps to address the situation.

B. This policy is intended to make students aware of the various reporting and confidential disclosure options available to them – so they can make informed choices about where to turn should they become a victim of sexual violence. The College encourages victims to talk to someone identified in one or more of these groups.

**Privileged and Confidential Communications: Professional and Pastoral Counselors**

C. Professional, licensed counselors and pastoral counselors who provide mental-health counseling to members of the school community (and including those who act in that role under the supervision of a licensed counselor) are not required to report any information about an incident to the Chief Compliance Officer/Title IX coordinator without a victim’s permission.

D. Following is the contact information for these individuals:
   a. Hastings College Chaplain: Rev. Damen Heitmann: (402) 461-7769,
   b. Director of Counseling Services: Jon Loetterle, MSEd: (402) 461-7424,
   c. Counselor: Stephanie Pershing, MA: (402) 461-7424

E. A victim who speaks to a professional or non-professional counselor or advocate must understand that, if the victim wants to maintain confidentiality, the College will be unable to conduct an investigation into the particular incident or pursue disciplinary action against the alleged perpetrator.

F. Even so, these counselors and advocates will still assist the victim in receiving other necessary protection and support, such as victim advocacy, academic support or
accommodations, disability, health or mental health services, and changes to living, working or course schedules.

G. A victim who at first requests confidentiality may later decide to file a complaint with the school or report the incident to local law enforcement, and thus have the incident fully investigated. These counselors and advocates will provide the victim with assistance if the victim wishes to do so.

H. If the College determines that the alleged perpetrator(s) pose a serious and immediate threat to the College community the College may be called upon to issue a timely warning to the community. Any such warning should not include any information that identifies the victim.

Reporting to “Responsible Employees”

I. A “responsible employee” is a College employee who has the authority to redress sexual violence, who has the duty to report incidents of sexual violence or other student misconduct, or who a student could reasonably believe has this authority or duty.

J. When a victim tells a responsible employee about an incident of sexual violence, the victim has the right to expect the College to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably.

K. A responsible employee must report all relevant details about the alleged sexual violence shared by the victim and that the College will need to determine what happened – including the names of the victim and alleged perpetrator(s), any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident.

L. To the extent possible, information reported to a responsible employee will be shared only with people responsible for handling the College’s response to the report. A responsible employee should not share information with law enforcement without the victim’s consent or unless the victim has also reported the incident to law enforcement.

M. The following employees (or categories of employees) are the College’s responsible employees:
   • Compliance Officer
   • President
   • Vice Presidents
   • All Directors
   • All Department Heads (including academic and administrative units)
   • Associate Vice President for Student Affairs
   • Human Resources Directors
   • Public Safety Officers
   • Resident Directors
   • Resident Assistants
   • Coaches and Assistant Coaches
   • Graduate Assistants
N. Before a victim reveals any information to a responsible employee, the employee should ensure that the victim understands the employee’s reporting obligations – and, if the victim wants to maintain confidentiality, direct the victim to confidential resources.

O. If the victim wants to tell the responsible employee what happened but also maintain confidentiality, the employee should tell the victim that the College will consider the request, but cannot guarantee that the College will be able to honor it. In reporting the details of the incident to the Chief Compliance Officer/Title IX Coordinator, the responsible employee will also inform the Coordinator of the victim’s request for confidentiality.

P. Responsible employees will not pressure a victim to request confidentiality, but will honor and support the victim’s wishes, including for the College to fully investigate an incident. By the same token, responsible employees will not pressure a victim to make a full report if the victim is not ready to. However, even without a full report from the victim, the responsible employees still have an obligation to inform the Chief Compliance Office/Title IX Coordinator of what they know.

Requesting Confidentiality from the College: How the College Will Weigh the Request and Respond

Q. If a victim discloses an incident to a responsible employee but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, the College must weigh that request against the College’s obligation to provide a safe, non-discriminatory environment for all students, including the victim.

R. If the College honors the request for confidentiality, a victim must understand that the College’s ability to meaningfully investigate the incident and pursue disciplinary action against the alleged perpetrator(s) may be limited.

S. Although rare, there are times when the College may not be able to honor a victim’s request in order to provide a safe, non-discriminatory environment for all students.

T. The College has designated the following individual(s) to evaluate requests for confidentiality once a responsible employee is on notice of alleged sexual violence:

Kristi Rippe, Chief Compliance Officer/Title IX Coordinator

U. When weighing a victim’s request for confidentiality or that no investigation or discipline be pursued, Kristi Rippe, Chief Compliance Officer/Title IX Coordinator or designee, will consider a range of factors, including the following:

- The increased risk that the alleged perpetrator will commit additional acts of sexual or other violence, such as:
  - whether there have been other sexual violence complaints about the same alleged perpetrator;
  - whether the alleged perpetrator has a history of arrests or records from a prior school indicating a history of violence;
o whether the alleged perpetrator threatened further sexual violence or other violence against the victim or others;
o whether the sexual violence was committed by multiple perpetrators;
o whether the sexual violence was perpetrated with a weapon;
o whether the victim is a minor;
o whether the College possesses other means to obtain relevant evidence of the sexual violence (e.g., security cameras or personnel, physical evidence);
o whether the victim’s report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

V. The presence of one or more of these factors could lead the College to investigate and, if appropriate, pursue disciplinary action. If none of these factors is present, the College will likely respect the victim’s request for confidentiality.

W. If the College determines that it cannot maintain a victim’s confidentiality, the College will inform the victim prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the College’s response.

X. The College will remain ever mindful of the victim’s well-being, and will take ongoing steps to protect the victim from retaliation or harm and work with the victim to create a safety plan. Retaliation against the victim, whether by students or College employees, will not be tolerated. The College will also:

- assist the victim in accessing other available victim advocacy, academic support, counseling, disability, health or mental health services, and legal assistance both on and off campus;
- provide other security and support if appropriate, which could include issuing a no-contact order, helping arrange a change of academic, living, transportation or working arrangements or course schedules (including for the alleged perpetrator pending the outcome of an investigation) or adjustments for assignments or tests; and
- inform the victim of the right to report a crime to campus or local law enforcement – and provide the victim with appropriate assistance if the victim wishes to do so.

Y. The College will not require a victim to participate in any investigation or disciplinary proceeding. The timeframe for concluding the complaint process will depend upon the complexity of the investigation, timing of the reporting, availability of witnesses, etc. However, this should not exceed sixty days absent good cause or mutual agreement by the parties. This timeframe can be extended, in the event that equity of process and/or any required due process is best served by the additional time. The need for an extension of time will be communicated to the parties in writing.

Z. Because the College is under a continuing obligation to address the issue of sexual violence campus-wide, reports of sexual violence (including non-identifying reports) will also prompt the College to consider broader remedial action – such as increased monitoring, supervision or security at locations where the reported sexual violence occurred; increasing education and prevention efforts, including to targeted
population groups; conducting climate assessments/victimization surveys; and/or revisiting its policies and practices.

AA. If the College determines that it can respect a victim’s request for confidentiality, the College will also take immediate action as necessary to protect and assist the victim.

Miscellaneous

Take Back the Night and other public awareness events
BB. Public awareness events such as “Take Back the Night,” the Clothesline Project, candlelight vigils, protests, “survivor speak outs” or other forums in which students disclose incidents of sexual violence, are not considered notice to the College of sexual violence for purposes of triggering its obligation to investigate any particular incident(s). Such events may, however, inform the need for campus-wide education and prevention efforts, and the College will provide information about students’ Title IX rights at these events.

Anonymous Reporting

CC. Although the College encourages victims to talk to someone, the College provides a Campus Conduct Hotline (866) 943-5787. This hotline is a confidential, independent, call-in service that provides an opportunity for anonymous reporting of sexual misconduct and sexual violence. The hotline routes the confidential complaints to the appropriate campus officer.

Off-campus Counselors and Advocates

DD. Off-campus counselors, advocates, and health care providers will also generally maintain confidentiality and not share information with the College unless the victim requests the disclosure and signs a consent or waiver form.

EE. The following is contact information for these off-campus resources:
   - Contact information for mental health counselors in the area may change from time to time. For a current list of counselors in the area, please contact Counseling Services at (402) 461-7424.

FF. While these off-campus counselors and advocates may maintain a victim’s confidentiality vis-à-vis the College, they may have reporting or other obligations under state law. See Section VII B

IV. EDUCATION AND PREVENTION

A. Educational Programs
Hastings College provides resources for education about and prevention of sexual misconduct. Members of Hastings College community are urged to take advantage of the following on-campus prevention and educational resources:
   - The Director of the Health Center;
   - CARE (Campus Acquaintance Rape Educators) – a peer education group on campus, advised by the Director of the Health Center;
• The Hastings College Counseling Center and the Director of Counseling Services Hastings College’s educational programs promote the awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault and stalking and include primary prevention and awareness programs for all incoming students and new employees as well as ongoing prevention and awareness campaigns for students and faculty.

B. Background Checks
Hastings College performs pre-employment background checks on all new employees as a condition of employment.

Hastings College performs background checks on adjunct faculty as soon as possible after they have been appointed and before they commence working.

Background checks are not required on current employees with the exception of those employees changing positions. For current employees changing positions, including those filling interim positions, a background check is only required when the new position increases the impact of the perceptible risk factor (contact with protected persons). If an employee experiences a position change within the same or greater perceptible risk factor, a new background check needs to be conducted if it has been five or more years since their last background check.

Hastings College performs background checks on all key students, camp counselors, and program leaders prior to performing the duties or participating in the activity qualifying them for this requirement.

C. Training
Sexual misconduct often takes place when there is a power imbalance. A sound sexual misconduct prevention training program prioritizes awareness directly tied to prevention, along with strategies for a proactive response once a warning sign emerges.

Sexual misconduct prevention training is required for members of the Hastings College campus community according to the following schedule:
• New faculty and staff, within six months of hire;
• All faculty and staff, who come in contact with protected persons – biennially;
• All faculty and staff who do not come in contact with protected persons – biennially;
• Key students, camp counselors and program leaders prior to performing the duties or participating in the qualifying activity.

D. Bystander Interventions & Warning Signs

What safe and positive options are available for bystanders to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking?
Hastings College encourages all members of the College community to take safe and positive actions to intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking. There is no single “right” way to intervene, and what is appropriate depends on the situation and the individuals involved. Available intervention strategies include:
• Asking the people involved to stop what they are doing.
• Stepping in and separating the people involved in a non‐combative manner.
• Using a distraction to focus one or more of the peoples’ attention on someone or something else.
• Asking another bystander (or a number of other bystanders) to intervene with you.
• Notifying one or more of the following offices or persons who can assist you:
  ○ Hasting College Public Safety 402-984-8064
  ○ Associate Vice President of Student Affairs 402-461-7700
  ○ Vice President of Student Affairs 402-461-7305
  ○ Chief Compliance Officer 402-461-7300
  ○ Hastings Police Department 402-461-2380 or Call 911

What are warning signs of abusive behavior, and how can potential attacks be avoided?
Warning signs of abusive behavior include threats of violence, jealousy, controlling behavior, quick romantic involvement, isolation, blaming others for feelings, and hypersensitivity.

Potential attacks can be avoided by avoiding unsafe situations. The following are safety tips that can be used to avoid potential attacks:
• Be aware of your surroundings.
• Avoid isolated areas.
• Do not let yourself be alone with someone you do not trust or know well.
• Make sure your cell phone is with you and charged.
• Use the buddy system when going out or walking at night.
• Do not let others get drinks for you. Always know what is in your drink. Never leave your drink unattended.
• Be cautious of those who pressure you to drink more than you want.
• Do not give in to guilt, pressure, threats, or embarrassment.
• Take a self‐defense class
• Call Public Safety for escort services between classrooms and parking lots, for assistance with vehicle trouble, or similar needs.

V. OPTIONS FOLLOWING AN ACT OF SEXUAL MISCONDUCT
A member of Hastings College's community who is the victim of sexual misconduct is urged to make a formal report to the Hastings Police Dept., 317 S. Burlington Ave., Hastings, Nebraska (402) 461-2380 or 911 and/or the Associate Vice President of Student Affairs (402) 461-7700 (or in that person’s absence, the Vice President for Student Affairs (402) 461-7305). The Student Affairs Office is located in the Hurley-McDonald Building on the first floor. If none of those persons are available, a report can be made to the Chief Compliance Officer at 402-461-7300. During weekends or when college administrative offices are closed, to Hastings College Public Safety (402) 984-8064 (cell) or (402) 461-7334 (radio). In the alternative, a victim can make a confidential report as more fully explained above in Section III.

Whether or not the individual makes a formal report, all victims of sexual misconduct are urged to seek appropriate help, which may include a medical evaluation and obtaining
information, support, and counseling, either on or off campus. Victims should use the resources listed in this policy to assist them in accessing the full range of services available.

A. Medical Treatment
A person who is the victim of sexual misconduct is urged to seek appropriate medical evaluation as promptly as possible.

- For life-threatening conditions, call 911.
- The Hastings College Health Center, (402) 461-7372.
- Mary Lanning Healthcare Emergency Room. Staff are trained to work with and support victims of sexual misconduct. If the victim goes to the hospital emergency room, they should be aware that by Nebraska law the emergency room staff are required to notify the police of any wound or injury of violence. If the victim is age 19 or under, parents must also be notified.

B. Medical-Legal Evidence Collection
A person who is the victim of sexual misconduct (particularly rape, forcible oral copulation, or sodomy) is encouraged to request collection of medical-legal evidence. Collection of evidence entails interaction with police and a police report. Prompt collection of physical evidence is essential should a person later decide to pursue criminal prosecution and/or a civil action. The victim should take a change of clothing to the hospital emergency room or the clothes worn at the time of the assault need to be taken in a brown paper bag.

- Medical-legal evidence can be collected at the Mary Lanning Healthcare Emergency Room.

C. Obtaining Information, Support, and Counseling
Whether or not one makes a formal report, a person who is the victim of sexual misconduct is encouraged to obtain information, counseling, and support. Counselors at a variety of agencies, both on and off campus, can help a person decide what steps to take, such as seeking medical attention, preserving evidence, obtaining counseling, or filing a report with authorities.

Information, support and advice are available for anyone who wishes to discuss issues related to sexual misconduct, whether or not an act of sexual misconduct has actually occurred, and whether or not the person seeking information has been assaulted, accused of an act of sexual misconduct, or is a third-party.

The degree to which confidentiality can be protected depends upon whether Hastings College has a legal duty to respond to the allegations and the professional role of the person consulted. The scope of confidentiality should be addressed by that professional person before specific facts are disclosed.

- The Hastings College Health Center and the Director of the Health Center;
- CARE (Campus Acquaintance Rape Educators) – a peer education group on campus, advised by the Director of the Health Center (402) 461-7372);
- The Hastings College Counseling Center and the Director of Counseling Service (402) 461-7424.
• The Spouse Abuse Sexual Assault Crisis Center of Hastings
  o Office: 220 South Burlington Avenue, Hastings, (402) 462-5810;
  o Confidential 24-hour Hotline, (402) 463-4677

D. Formally Reporting An Act of Sexual Misconduct
A person who is the victim of sexual misconduct is encouraged to make a formal report to:

• The Associate Vice President for Student Affairs, (402) 461-7700 or in that person’s absence, the Vice President for Student Affairs, (402) 461-7305 or in that person’s absence the Chief Compliance Officer, (402) 461-7300; the Student Affairs Office is located in the Hurley-McDonald Building on the first floor; and/or
• The Hastings Police Department (911) or (402) 461-2364;
• During weekends or when college administrative offices are closed, to Hastings College Public Safety (402) 984-8064 (cell) or (402) 461-7334 (radio).

Remember that a survivor is encouraged to seek immediate medical attention and to contact the police.

Whether or not a witness elects to report an act of sexual misconduct or the warning signs of sexual misconduct to the police, he or she is urged to make a formal report directly to:

• The Associate Vice President for Student Affairs, (402) 461-7700 or in that person’s absence, the Vice President for Student Affairs, (402) 461-7305 or in that person’s absence the Chief Compliance Officer, (402) 461-7300. The Student Affairs Office is located in the Hurley-McDonald Building on the first floor.

Hastings College has a board-approved procedure in place for the confidential reporting by faculty, staff, and students of ethics related issues including but not limited to sexual misconduct, which is:

• By calling the Campus Conduct Hotline (866) 943-5787. Confidential reports may be made to this hotline. The hotline routes the confidential complaints to the appropriate campus officer.

VICTIMS are encouraged to file complaints as soon as reasonably possible because the ability of Hastings College and law enforcement to gather adequate information and take appropriate remedial or action actions may be limited where a significant amount of time has elapsed between an incident and the filing of a complaint.

VI. POLICY ENFORCEMENT, INVESTIGATION, AND, GRIEVANCE-ADJUDICATION PROCEDURES
A. Disciplinary Action and Interim Measures
All reported alleged incidents of sexual misconduct will be reviewed and investigated if necessary pursuant to legal requirements. If the evidence supports the allegation, the appropriate Hastings College judicial procedures will be initiated. For proven violations,
possible sanctions may include, but are not limited to, expulsion, suspension, removal from campus, cancellation of contract and/or termination. Other members of Hastings College's community who are not subject to an explicit judicial procedure, upon a finding of a violation, shall be subject to adverse actions such as removal from campus, cancellation of contract or any other means necessary to address the behavior.

The Chief Compliance Officer will designate the person or persons to conduct the investigation into the alleged incident of sexual misconduct.

When appropriate, Hastings College will take interim measures to ensure equal access to its education programs and activities and protect the complainant as necessary before the final outcome of an investigation. The College will notify the complainant of his or her options to avoid contact with the alleged perpetrator and allow the complainant to change academic and extracurricular activities or his or her living, transportation, dining and working situation as appropriate. The College will also take steps to make the complainant aware of his or her Title IX rights and any available resources, such as victim advocacy, housing assistance, academic support, counseling, health and mental health services, legal assistance and the right to report a crime to campus or local law enforcement. The College will consult with the complainant regarding possible appropriate interim measures even where it has determined that it can respect the complainant’s request for confidentiality.

The preponderance-of-the-evidence (i.e., more likely than not) standard will be used in any Title IX/sexual misconduct or sexual harassment fact-finding and related proceedings, including any hearings that may be held.

The Chief Compliance Offers or that person’s designee will determine whether the alleged misconduct occurred and the appropriate sanction.

The person making the complaint and the person accused of the sexual misconduct will be given equitable rights during the investigation and grievance/adjudication process, and each party will have an opportunity to present testimony, documents and witnesses to the persons deciding if the sexual misconduct occurred and the nature of the sanction if it is determined that sexual misconduct occurred. The accused will be provided notice of the charges against him or her. However, the College prohibits questioning about the complainant’s prior sexual conduct with anyone other than the alleged perpetrator. Evidence that a prior consensual dating or sexual relationship between the parties does not by itself imply consent or preclude a finding a sexual misconduct.

Both the person making the complaint of sexual misconduct and the person accused of sexual misconduct may ask an advisor of their choosing to be present at a hearing or at any investigational interview; however, it is important to note that the advisor’s presence in a hearing or investigational interview is for support and advice purposes only i.e., advisors are not permitted to speak for/on behalf of the student, victim or accused or to otherwise engage in the proceedings in any way or to cross examine witnesses. The advisor may be a friend, family member, attorney or other person of the student’s, victims or accused’s choosing. However, if any advisor, including an attorney, is deemed to be disruptive or attempts to speak for or on behalf of the student, victim or accused or
who attempts to participate in the proceedings, that advisor may be excluded from the investigative interview, hearing or meeting room.

If the Chief Compliance Officer or her designee is able to resolve the complaint in a manner satisfactory to both the complainant and the respondent, the Chief Compliance Officer or her designee shall send a written notice to that effect to both parties with a written report to the Chief Compliance Officer and with a copy to the President, and the matter will be closed.

If the College decides to hold a hearing or other meeting where cross-examination is permitted, the fact finder will conduct the meeting in a manner that does not require both the complainant and respondent to be in the same room at the same time if either of them objects to being in the same room with the other party at the same time, and any cross-examination will be handled by having one party submit written questions to the fact finder who shall determine which questions can and cannot be asked and whether certain questions can be asked only after being modified or revised.

Failure by a respondent to cooperate in an investigation or respond in a timely manner may be grounds for discipline.

If at any time during the investigation, the complainant declines to cooperate in the investigation or if it is determined that the complainant no longer wishes to pursue her/his complaint, the matter may be considered closed with appropriate notification to both parties.

After the fact-finding process has been concluded, the fact-finder shall send simultaneous written notice to both parties of the results of the outcome of the complaint.

Either party may appeal in writing to the President of Hastings College within five class days of the date of the decision. If classes have already ended, then the appeal must be made within five working days, i.e. days in which the college offices are open for business. The President will issue a written decision on any appeal and provide a copy to both complainant and respondent, and the President’s decision shall be final.

To the extent practicable and allowable by law, all aspects of the complaint and investigation conducted in accordance with these proceedings will be confidential. All affected parties shall cooperate fully in the investigation and shall maintain and preserve the confidentiality of the investigation. No party shall employ audio or video taping devices during any portion of the procedures detailed in this policy.

B. Non-Retaliation
Hastings College prohibits retaliation against any individual who in good faith reports an incident of sexual misconduct. Hastings College also prohibits retaliation against any individual who cooperates with an investigation regarding any matter covered by this policy. Any retaliation will result in appropriate sanctions and/or disciplinary action by the College regardless of the merits of the original complaint.

C. Improper Conduct During an Investigation
Any member of Hastings College's community who provides knowingly false information or who refuses to cooperate in an investigation related to this policy will be
subject to disciplinary action, up to and including expulsion, suspension, termination, removal from campus, cancellation of contract or any other means necessary to address the behavior.

VII. INSTITUTIONAL RESPONSES

A. Public Information
All requests from the media, the campus community at large or the general public, for information concerning an alleged incident of sexual misconduct should be directed to the Hastings College Office of Marketing and Communications (402) 461-7327. Failure to comply with this requirement may be subject to possible sanctions including, but are not limited to, expulsion, suspension, removal from campus, cancellation of contract and/or termination.

B. Public Notification of Incidents and Other Reporting Requirements
As required by law, Hastings College collects and annually reports statistical information concerning sexual misconduct occurring within its jurisdiction. To promote public safety, Hastings College also alerts the campus community to incidents and trends of immediate concern. Nebraska statutes require any person who is aware of or suspects child abuse or neglect (a child is defined as under 19), including sexual abuse and sexual assault, to report it to law enforcement. Also, Nebraska statutes require that every person engaged in the practice of medicine and surgery shall report to law enforcement in every case in which he is consulted for treatment or treats a wound or injury of violence which appears to have been received in connection with the commission of a criminal offense.

C. Files on Sexual Misconduct Incidents
All reports of sexual misconduct, including a copy of the report and a written summary of the College’s response will be given to or be maintained by the College’s Chief Compliance Officer with a copy to the President of Hastings College. A copy of files pertaining to students will also be maintained in the Student Affairs Office.
Hastings College Sexual Misconduct Report Form

Hastings College will work to keep this form as confidential as possible. The degree to which confidentiality can be protected depends upon whether Hastings College has a legal duty to respond to and/or investigate the allegations and the professional role of the person consulted. The scope of confidentiality should be addressed by that professional person before specific facts are disclosed. See Hastings College Sexual Misconduct and Sexual Violence Policy, Section III, Confidentiality of Information.

Date of this report: __________________

Printed Name of Person Making This Report: ________________________________________

Signature of Person Making This Report: ____________________________________________

Address: ____________________________ Cell Phone Number: _______________________

Information on the Victim (herein “Survivor”)

Name of the Survivor: _______________________________________________

Residence of the Survivor:

____ Hastings College housing (specify _________________________)

____ off-campus house or rented apartment  ____ with parent or guardian

Survivor’s Sex  ____ female  ____ male

Survivor’s Affiliation with Hastings College

____ undergraduate student  ____ faculty

____ graduate student  ____ staff

____ not affiliated  ____ do not know

Medical Attention Sought by Survivor?  ____ yes  ____ no  ____ do not know

Counseling Sought by Survivor?  ____ yes  ____ no  ____ do not know

Information on the Misconduct

Date of the Misconduct: __________

Approximate Time: __________

Misconduct Occurred:

____ at an On-Campus Location

____ at an Off-Campus Location

Specific Location of Occurrence (This information is not required, but it is helpful to know the building location, room number and/or address.)

_____________________________________________
Sexual Misconduct Report Form

Describe the Sexual Misconduct (use the back of this sheet as needed):

___________________________________________________________________
___________________________________________________________________

Reported to the police?  ____ Yes  ____ No

Information on the Accused

Name of the Accused: _______________________________________________

Residence of the Accused:

____ Hastings College housing (specify _________________________)
____ off-campus house or rented apartment  ____ with parent or guardian

Was the Accused  ____ an acquaintance?  ____ a stranger?

Sex of the Accused  ____ female  ____ male

Affiliation of the Accused with Hastings College

____ undergraduate student  ____ faculty
____ graduate student  ____ staff
____ not affiliated  ____ do not know

Please Include Below Any Other Relevant Information

This form should be delivered to the Associate Vice President for Student Affairs (or in their absence, the Vice President for Student Affairs) or in that person’s absence the Chief Compliance Officer. During weekends or when college administrative offices are closed, contact Hastings College Public Safety (402) 984-8064 or (402) 461-7334. Remember that a survivor is encouraged to seek immediate medical attention and to contact the police.