If You Have Experienced Sexual Misconduct

Immediate Steps:
- Go to a safe location as soon as you are able.
- Call someone you trust. A friend, family member, or victim advocates are good resources. You do not have to go through this alone.
- Preserve evidence. After sexual violence, do not shower until you have considered whether to have a no-cost forensic sexual assault examination at Mary Lanning Healthcare. After sexual violence, relationship violence, and/or stalking, save the clothes you were wearing (unwashed) in a paper or cloth bag. Take photos of any damage or injury, and keep communication records. Evidence collection should be completed within 72 hours of incident, but fluids, hair samples, and DNA can be collected for a long time thereafter. Even if you have washed, evidence can often still be obtained.

Within 24 hours:
- Contact any of the following for assistance:
  a. Title IX Coordinator at (402) 461-7704
  b. Public Safety at (402) 984-8064
  c. Office of Counseling Services at (402) 461-7424*
  d. Office of the Chaplain at (402) 461-7705
  e. Office of Student Life at (402) 461-7769
  f. Office of Health Services at (402) 461-7372
  g. Spouse Abuse Sexual Assault (SASA) Crisis Center at (402) 462-5810; Confidential 24-hour Hotline, (402) 463-4677*

*Denotes that this resource is confidential. They will talk with you confidentially about your options for additional support services and reporting.

If you are off-campus and experiencing an emergency situation, you can call the Hastings Police department by dialing 911 or the non-emergency line at (402) 461-2380.

- After unwanted physical contact, get medical attention. A medical provider can check for and treat physical injury, sexually transmitted infections or diseases, and pregnancy. You do not need to make a formal report or press charges to receive medical care.

At any time:
- Consider making a formal report and choose how to proceed. You have options, and are encouraged to contact the Office of Counseling Services to discuss your options: 1) Do nothing until you are ready; 2) Pursue resolution by Hastings College; and/or 3) Initiate criminal proceedings; and/or 4) Initiate a civil process against the perpetrator. You may pursue whatever combination of options is best for you. If you wish to have an incident investigated and resolved by Hastings College, students and employees should contact the Title IX Coordinator in the Office of Student Life or employees can also contact the Title IX Deputy Coordinator in the Office of Human Resources. Hastings College procedures will be explained. Those who wish incidents to be handled criminally should contact the Hastings Police Department. A campus official is available to accompany students in making such reports, if desired. Contact the Title IX Coordinator for more information.

Remedies:
Hastings College may take whatever steps are deemed necessary to appropriately respond to allegations of sexual misconduct. Measures include, but are not limited to:
- Referring to counseling and health services.
- Providing education to the community.
- Altering the housing situation of the reporting or responding party.
- Issuing interim suspensions pending a hearing.
- Referring to the Employee Assistance Program.
- Referring to counseling and health services.
- Altering work arrangements for College employees.
- Altering the housing situation of the reporting or responding party.
- Traffic enforcement or employee investigations.
- Implementing contact limitations between the parties (no contact order).
- Offering adjustments to academic course schedules, etc.

These measures are available regardless of whether a reporting party seeks formal resolution through Hastings College or makes a report through the Hastings Police Department.
POlICY & DEFINITIONS

HC Cares Policy
Hastings College (HC) is committed to fairness and equity in all aspects of the educational experience and, therefore, prohibits sex/gender-based harassment, discrimination, and sexual misconduct. The full policy can be found at www.hastings.edu/hccares. 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.

• Sexual Harassment is unwelcome, sexual, sex-based, and/or gender-based verbal, written, online, and/or physical conduct.

• Sexual Misconduct: Non-consensual sexual contact is any intentional sexual touching, however slight, with any object, by a person upon another person that is without consent and/or by force.

• Sexual Misconduct: Non-consensual sexual intercourse is any sexual intercourse or penetration, however slight, with any object, by a person upon another person that is without consent and/or by force.

• Intimate partner violence is violence or emotional and/or psychological abuse between those in an intimate relationship toward each other, including Dating and Domestic Violence.

• Stalking is a course of conduct that involves any behaviors or activities occurring on more than one occasion that collectively instill fear in the victim and/or threaten their safety, mental health, and/or physical health. Examples include: non-consensual communications (in person, text, phone, social media, email), surveillance, or showing up at the targeted person’s classroom or workplace.

• Retaliation is any adverse action, against another person for reporting an incident, filing a complaint or participating in an investigation pertaining to an alleged violation of HC Cares Policy, which includes any act of sex/gender based harassment, discrimination or sexual misconduct.

Sanctions for violations of the HC Cares Policy range from warning and loss of privileges to suspension or expulsion/termination.

WHAT IS CONSENT?

Consent is a knowing, voluntary, and clear permission, through word or action, to engage in mutually agreed upon sexual activity or contact. Consent to some forms of sexual activity (i.e., kissing, fondling, etc.) should not be construed as consent for other kinds of sexual activities (i.e., intercourse). Previous consent to sexual activity does not imply consent to sexual activity in the future. A person may withdraw consent at any time during sexual activity or contact through words or actions. If that happens, the other party must immediately cease the activity or contact. Pressuring another person into sexual activity can constitute coercion, which is also considered to be sexual misconduct. Silence or the absence of resistance alone does not constitute consent. A victim is not required to resist or say “no” for an offense to be proven.

Force is defined as the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation and coercion that overcome free will or resistance. Force or threat of force, express or implied at any time invalidates consent.

Incapacitation is defined as a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (understanding the “who, what, when, where, why or how” of a situation or interaction). A person whose incapacity results from a mental or other disability, sleep, unconsciousness, or interaction). A person whose incapacity results from a mental or other disability, sleep, unconsciousness, or involuntary physical restraint or from taking/using drugs or alcohol prevents the student from having the capacity to give consent.

YOUR RIGHTS

HC procedures are detailed in full in the HC Cares policy at www.hastings.edu/hccares. The resolution process is confidential & includes these steps:

• Intake Assessment & Preliminary Inquiry
• Investigation
• Disciplinary Findings/Sanction Meeting
• Final Determination
• Appeal Procedure

HC uses a preponderance of evidence standard, which means it is more likely than not that a violation occurred.

Hastings College strives to provide the entire campus community with fair and equitable resolution process that include both informal and formal options.

REPORTING

• Reporting parties have the right to notify the Hastings Police Department (HPD) of incidents and to receive assistance from campus personnel in doing so.

• Reporting parties may decline to report to HPD if they so wish.

• Reporting parties have the right to have their allegations investigated and resolved by Hastings College.

FAIRNESS

• All members of the campus community have the right to have reported incidents addressed according to the published HC Cares policy and procedures.

• All parties have equal opportunities to have an advisor/support person of their choosing present throughout all resolution proceedings (including intake, interviews, sanctioning, etc.).

• All parties have the right to written notice of the outcome of sexual misconduct resolution proceedings.

• Reporting parties and witnesses will receive amnesty for minor infractions (i.e., alcohol and drug violations) that are secondary to the reporting incidents of sexual misconduct.

• Reporting parties, their supporters, and witnesses have a right to be free from retaliation.

SUPPORT

• Students and employees have a right to be notified of their ability to access campus counseling and health services.

• Students and employees have a right to be notified of on and off campus support resources.

• All parties involved in sexual misconduct allegations will receive the information and assistance needed to effectively participate in all proceedings.

• Reporting parties have the right to seek orders of protection, no-contact orders, restraining orders, or similar lawful orders issued by criminal, civil, or tribal courts, and may seek the help of Hastings College in requesting and/or enforcing.

ABOUT CONFIDENTIALITY

To make informed choices, all parties should be aware of confidentiality & privacy issues, as well as institutional mandatory reporting requirements.

CONFIDENTIAL REPORTING: If reporting students wish that details of an incident be kept confidential, they should speak with a campus mental health counselor, the chaplain and/or a member of our health service staff. All of these College services are free of charge and they can maintain confidentiality. There are also local resources in the Hastings community which include private mental health counselors or the SASA Crisis Center. These resources are confidential and have no duty to report your information to Hastings College.

MANDATED REPORTING: Many Hastings College employees who are not designated above as confidential are considered responsible to report all the details of which they are aware about in regards to a sexual misconduct incident (see specific list in the HC Cares Policy). They share this information with the Title IX Coordinator.

You may request confidentiality to the Title IX Coordinator or Deputy Title IX Coordinator. They will weigh your request against the HC Cares policy, and the need to address and remedy discrimination under Title IX. Generally, Hastings College will be able to respect your wishes, unless it believes there is a threat to the community based on the use of weapons, violence, pattern, predation, or threatening conduct by the person being accused.

INCIDENTS INVOLVING MINORS: Hastings College’s institutional duties with respect to minors (those under the age of 19), require reporting of sexual misconduct incidents to local law enforcement. As a result, confidentiality cannot be guaranteed in sexual misconduct incidents involving minors.