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2 REPORTING O

Contact a Responsible Employee

For purposes of Title IX and other applicable laws, the College has determined that all harassment, that employee is expected to promptly contact the Title IX Coordinator, or another campus administrator, who will promptly notify the Title IX Coordinator of the report.

Please note that when initially reporting an incident of alleged sexual harassment, a College employee may omit personally identifiable information (e.g. the name of the alleged victim, the name of the accused individual, and other identifying details about

accommodations or protective measures provided to the Complainant. The Title IX
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3 DEFINITIONS

Actual notice notice of sexual harassment or allegations of sexual harassment to the Title IX Coordinator or any employee of the College who is a responsible employee. This does not include when the only employee with knowledge of the alleged harassment is the Respondent.

Complainant any person or group who submits a charge alleging that a student violated College policy

Conduct Committee A committee comprised of no fewer than three (3) College employees to oversee a live hearing following the filing of a formal complaint;

4 *INVESTIGATING ALLEGATIONS OF SEXUAL HARASSMENT*

A. Notice to the College & Preliminary Inquiry

When the College receives actual notice of sexual harassment or alleged sexual harassment in an education program or activity, it will engage in a preliminary inquiry, lasting no more than 1-3 (one to three)

programs or activities, SCC must:

1. Undertake an individualized safety and risk analysis;
2. Determine that an immediate threat to the physical health or safety of any student or other person arising from the allegations of sexual harassment justifies removal, and;
3. Provide the Respondent with notice of the removal and an opportunity to challenge the decision immediately following the removal;

Further, the College may place a non-student employee on administrative leave during the pendency of a complaint.

5 *INFORMAL RESOLUTION PROCESS*

Upon receipt of a formal complaint of sexual harassment, and up to any time prior to reaching a determination of responsibility, the College may provide an informal resolution process to the parties. Participation in the informal resolution process is optional with respect to all parties, and may be terminated at any time. If terminated, the College will resume the grievance process regarding the formal complaint.

Informal resolution is not available unless a formal complaint is filed.

SCC provides an informal process through the Office of Access/Equity/Diversity as a mechanism to resolve formal complaints of sexual harassment. The Title IX Coordinator, or their designee, will oversee the informal resolution process. Please note that informal resolution

6 FORMAL GRIEVANCE PROCESS

A. Objective Evaluation of Evidence

The College aims to bring all allegations of sexual harassment to a resolution within sixty (60) days of receiving notice of such a report.

The College requires an objective evaluation of all relevant evidence, including both inculpatory and exculpatory evidence. Credibility determinations may not be made on the basis of

B. Conflicts of Interest & Training Requirements

All persons designated by the College as a Title IX Coordinator, investigator, decision-maker, or any person designated to facilitate an informal resolution process, are prohibited from having a conflict of interest or bias for, or against, Complainants or

D. Standard of Evidence

The standard of evidence for determining responsibility of a Respondent for alleged harassment is a preponderance of the evidence standard, or whether it is more likely than not that harassment occurred.

The same standard applies to all formal complaints against students, as well as employees, including faculty.

E. Formal Complaint Requirements

A formal complaint is a document filed by a complainant, or signed by the Title IX Coordinator, alleging sexual harassment against a respondent and requesting that the College investigate the allegation of sexual harassment.

At the time of filing a formal complaint, the complainant must be participating in or attempting to participate in the education program or activity of SCC. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information listed in Section 2 of this document, or any other method designated in Section 2 of this document.

A document filed with the Title IX Coordinator must have the complainant's signature, or otherwise indicate that the complainant is the person filing the formal complaint.

Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party to the action.

F. Notice of Allegations

Upon receipt of a formal complaint, SCC will provide the following written notice to all known parties, which must include:

- 1.

If, during the course of an investigation, the College decides to investigate allegations about the Complainant or Respondent that are not included in the Notice of Allegations, SCC must provide notice of the additional allegations to the parties whose identities are known.

G. Dismissal of a Formal Complaint

The College will investigate formal complaints of sexual harassment. If the conduct alleged in the formal complaint does not constitute sexual harassment as defined in 34 C.F.R. § 106.30(a), even if proved, activities, then the College must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under Title IX, or 34 C.F.R. 106.45(3).

Such a dismissal does not preclude action under another provision of the or other applicable SCC policy, including other forms of sexual harassment.

The College may also dismiss a formal complaint, or any allegations therein, if at any time during the investigation or hearing:

1. The Complainant notifies the Title IX Coordinator in writing that they would like to withdraw the formal complaint, or any allegations therein;
2. The Respondent is no longer enrolled or employed by the College; or
3. Specific circumstances prevent the College from gathering sufficient evidence to reach a determination as to the formal complaint or allegations therein.

Upon such required or permissive dismissal, SCC must promptly send written notice of the dismissal and the reason(s) why, simultaneously, to both parties.

H. Consolidation of Formal Complaints

The College may consolidate formal complaints as to allegations of sexual harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

I. Concurrent Investigations

or criminal charges involving the same incident have been filed or that charges have been reduced or dismissed. However, the College may undertake a short delay (several days to weeks) in its investigation or resolution process to comply with a law enforcement request for cooperation (e.g. to allow for criminal evidence collection) when criminal charges based on the same behaviors that invoke this process are being investigated. The College will promptly resume its investigation and processes once notified by law enforcement that their process is complete.

J. Investigating a Formal Complaint

When investigating a formal complaint, the burden of proof and the burden of gathering the evidence sufficient to reach a determination regarding responsibility rests on the

College and not the parties involved, provided that SCC cannot access, consider, disclose, psychologist or other recognized professional or paraprofessional acting in the made and maintained in connection with the provision of treatment to the party, unless >> normal grievance process.

While investigations can vary in length from several days to several weeks, depending on the nature and complexity of the allegations, the College commonly aims for a 10-14 (ten

Advisors may not present on behalf of their advisee in a meeting, interview, or hearing, and should request or wait for a break in the proceeding to interact with campus officials;

Advisors may confer quietly with their advisees as necessary, as long as they do not disrupt the process. For longer or more involved discussions, the parties and their advisors should ask for breaks or step out of meetings to allow for private conversation;

Advisors will typically be given a timely opportunity to meet in advance of any interview or hearing with the Title IX Coordinator regarding that interview or meeting. This pre-meeting will allow advisors to clarify any questions they may have, and allows the College an opportunity to clarify the role the advisor is expected to take.

Advisors are expected to refrain from interference with the College investigation and resolution.

Any advisor who steps out of their role in any meeting under the campus resolution process will receive a warning;

If the advisor continues to disrupt or otherwise fails to respect the limits of the advisor role, the advisor will be required to leave the meeting and may be escorted out of the meeting by SCC Safety/Security staff;

When an advisor is removed from a meeting, that meeting will typically continue without the advisor present;

Subsequently, the Title IX Coordinator or their designee may determine whether the advisor may be reinstated, be replaced by a different advisor, or whether the party will forfeit the right to an advisor for the remainder of the process.

The parties must advise the College of the identity of their advisor at least two (2) business days before the date of their first meeting with investigators. The parties must provide subsequent timely notice to the investigators if they change advisors at any time. No audio or video recording of any kind other than as required by institutional procedure is permitted by any party during meetings with campus officials.

3. Inspection and Review of Evidence

Both parties shall have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the recipient does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence, whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.

Prior to completion of the investigative report, the College must send to each party and their advisors a copy of the report for comment and review in an electronic format or a hard copy, and the parties must have at least ten (10) days to submit a written response, which the investigator will consider prior to completion of the investigative report.

The College must make all such evidence available at any hearing to give each party an equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

4. Investigative Report & Notice of Outcome

The College must create an investigative report that fairly summarizes relevant evidence and, at least ten (10) days prior to a hearing, or other time of determination regarding responsibility, send to each party and the party an investigative report in an electronic format or a hard copy, for their review and response.

The investigative report will provide notice of the outcome to both parties, including any findings, any recommended sanctions, and the rationale for the decision. The notification will also include appeals options and procedures for both the Complainant and the Respondent.

5. Outcomes & Appeals

The following options describe how a party may proceed depending on whether the responding student is found responsible and whether the Respondent accepts or rejects the findings and/or the sanctions in the investigative report either in whole or in part.

timely notify the parties orally, as well as in writing. An appeal of sanction(s) may be filed by any party to the complaint as detailed below.

Student will be required to complete a specific supervised College service or activity including, but not limited to, community service, seeking academic counseling or substance abuse screening, writing a letter of apology, taking a course, etc.

The student will be denied specified privileges for a designated period.

Requirement to attend, present and/or participate in a program related to the violation. It may also be a requirement to sponsor or assist with a program for others on campus to aid them in learning about a

prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence the Respondent and are offered to prove consent.

C. Alternative Testimony Options

8 APPEALS

Any Complainant or Respondent may request an appeal from a determination regarding responsibility, or dismissal of a formal complaint or any allegations therein.

A. Bases for Appeal

Appeal requests are limited to the following grounds:

1. A procedural irregularity occurred that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
 - a. Failure to provide information during, or participate in, an investigation or a hearing, even resulting from concern over pending criminal or civil hearing.
3. The Title IX Coordinator, investigator(s), or decision-makers(s) had a conflict of interest or bias for or against Complainants or Respondents generally, or the individual Complainants or Respondents, that affected the outcome of the matter; or
4. The sanctions imposed are excessive for the type of offenses involved, or the cumulative conduct record of the Respondent.

Appeals must be submitted, in writing, to the Vice President of Student Services or their designee within three (3) business days of receiving the notice of the 6BT/F411.04 TfBT/F4pla3(ice(he)5(r

APPENDIX A – SEXUAL HARASSMENT DEFINED

As noted above, sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the recipient conditioning the provision of an aid, benefit, or conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe,

The FBI Uniform Crime Reporting Program defines statutory rape and incest as nonforcible

APPENDIX B – SAFETY & SECURITY AND LAW ENFORCEMENT CONTACTS

Complainants are encouraged to immediately report all sex offenses to local law enforcement officials. For emergency situations, please call 911.

SCC Campus Safety & Security Contacts

Non-emergency line: (402) 437-2800

Adam Bales
Public Safety Officer
Lincoln Campus V122
(402) 437-2072
abales@southeast.edu

Allen Allsman (Beatrice/Milford Campuses)
Safety & Security Specialist
Beatrice Kennedy Bldg. Room K335
(402) 228-8231
aallsman@southeast.edu

Juan Palacios Padilla (Milford Campus)
Public Safety Officer
Milford-Eicher Bldg., Room 100R
(402) 761-8266
jpalacios@southeast.edu

Mark Meints
Campus Safety & Security Coordinator
Beatrice-Kennedy Bldg., Room K123
(402) 228-8279
mmeints@southeast.edu

Sonia Garcia
Public Safety Officer
CEC Room 105
(402) 437-2506
sgarcia@southeast.edu

Sam Loos (Lincoln Campuses)
Safety & Security Coordinator
Lincoln Campus
(402) 437-2408
sloos@southeast.edu

Law Enforcement Contacts

Lincoln
Lincoln Police Department

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Falls City

Falls City Police Department

2307 Barada Street, Falls City, NE 68355
(402) 245-4422

65086 706 Trail, Falls City, NE 68355
(402) 245-2479

Nebraska City

Nebraska City Police Department

1518 Central Ave, Nebraska City, NE 68410
(402) 873-6666

1021 Central Ave, Nebraska City, NE 68410
(402) 873-9560

Plattsmouth

Plattsmouth Police Department

336 Main Street, Plattsmouth, NE 68048
(402) 296-3311

336 Main Street, Plattsmouth, NE 68048
(402) 296-9370

Wahoo

Wahoo Police Department

605 N Broadway Street, Wahoo, NE 68066
(402) 443-4155

387 N Chestnut St, Ste 3, Wahoo, NE 68066
(402) 443-3718

York

York Police Department

315 N Grant Ave, York, NE 68467
(402) 363-2640

510 N Lincoln Ave, York, NE 68467
(402) 362-4927

Hebron

324 Olive Ave, Hebron, NE 68370
(402) 768-6139

APPENDIX C – SUPPORTIVE MEASURES³

A number of local and national resources are available to provide information and assistance:

Nebraska Coalition to End Sexual and Domestic Violence: Nebraska has a network of domestic violence and sexual assault programs ensure that a safety net of services are available across our state 24-hours a day. www.nebraskacoalition.org/

- **Voices of Hope (Lancaster county)**
24-Hour Crisis Line: (402) 475-7273
Email Address: info@voicesofhopelincn.org
Mailing Address: 2545 N St., Lincoln, NE 68510
Website: www.voicesofhopelincn.org
- **Hope Crisis Center** (York, Seward, Fillmore, Saline, Gage, Thayer & Jefferson counties)
24-Hour Crisis Line: 877-388-HOPE (4673)
Website: www.hopecrisiscenter.org
- **The Bridge** Saunders county)
24-Hour Crisis Line: 888-721-4340; 402-727-7777
Website: www.bridgefromviolence.com
- **Project Response** (Otoe, Johnson, Nemaha, Pawnee, & Richardson counties)
24-Hour Crisis Line: 800-456-5764
Website: www.projectresponseinc.org

Lincoln Police Department's Victim Witness Unit: provides information and support services to victims and witnesses of crime

- (402) 441-7181

Friendship Home: provides shelter and support for battered women and their children

- (402) 437-9302

National Sexual Assault Hotline: provides free, confidential counseling 24 hours a day from a national (not a local) service provider, that can help connect to local providers

- On-line, 24-hour chat with a trained professional: online.rainn.org
- 24-Hour Crisis Line: (800) 656-HOPE (4673)

Medical Treatment:

- Beatrice Comm. Hospital and Health Ctr; 4800 Hospital Pkwy; (402) 228-3344
- Bryan LGH East Campus; 1600 S. 48th St., Lincoln, NE; (402) 481-1111
- Bryan LGH West Campus; 2300 S. 16th St., Lincoln, NE; (402) 481-1111
- CHI Health St. Elizabeth Medical Regional Ctr; 555 S. 70th St., Lincoln, NE; (402) 219-8000
- Memorial Health Care Center; 300 North Columbia, Seward, NE; (402) 643-2971

Counseling, Mental Health, and Other Services

Every fall, in addition to the Annual Notifications of [Consumer Information](#) and [Student Right to Know](#), SCC provides information to students, staff, faculty and the general public information on how to report incidents of sexual assault, domestic violence, dating violence, and stalking with written notification of their rights and options, including the options for assistance.

