Nebraska Methodist College (NMC) strives to create a respectful, safe, and non-threatening environment for its students, faculty, staff, administrators and visitors. This policy sets forth the resources available to students, describes prohibited conduct, and establishes procedures for responding to sexual misconduct incidents that includes sexual harassment, sexual assault, domestic violence, dating violence, stalking and other unwelcome behaviors as explained below.

**POLICY:**

NMC prohibits discrimination, which can include disparate treatment directed toward individuals or group of individuals on race, ethnicity, sex, color, religion, national origin, physical or mental disability, age (40 and over), marital status, sexual orientation, pregnancy, gender identity, status as a U.S. Veteran (disabled, Vietnam, or other), or other protected class, that adversely affects their employment or education. For religion or disability, the law allows employees and students to request reasonable accommodation to continue their work or studies.

NMC also prohibits sexual misconduct in any form, including sexual assault or abuse, sexual harassment, sexual violence, stalking, dating violence, domestic violence and any other forms of unwelcome conduct of a sexual nature, all of which can be forms of sexual discrimination. Members of the NMC community should be able to live, study, and work in an environment free from sexual misconduct.
It is the position of NMC that sexual misconduct in any form will not be excused or tolerated. It is the College’s goal to prevent the occurrence of discriminatory and harassing activity and to promptly stop such conduct. While grounded in state and federal non-discrimination laws, this policy may cover those activities which, although not severe, persistent, or pervasive enough to meet the legal definition of harassment, are unacceptable and not tolerated in an educational or work environment.

All members of the administration, faculty, staff and student will be subject to NMC’s disciplinary process for violation of this policy. Persons engaged in prohibited conduct may also be subject to criminal and civil procedures at state and/or federal levels. NMC is committed to fair and prompt procedures to investigate and adjudicate reports of sexual misconduct and to the education of the NMC community about the importance of responding to all forms of sexual misconduct. Special emphasis is placed on the rights, needs and privacy of the person with a complaint, as well as the rights of the accused. At the same time, NMC adheres to all federal, state, and local requirements for intervention and crime reporting related to sexual misconduct.

SCOPE and JURISDICTION:

Scope:
This policy includes all NMC students, administrators, faculty, staff, visitors, and applicants for employment or admission.

Jurisdiction:
In accordance with Section 2 of NMC’s Code of Conduct, this policy shall cover both on-campus and off-campus conduct, as defined herein.

**On-Campus Violations:** This campus includes the geographic confines of NMC, including its land, institutional roads and buildings; its leased premises, common areas of leased premises, student housing and alumni center.

**Off-Campus Violations:** Students should be aware that off-campus violations having the effect of excluding participation in, denying the benefit of, or subjecting a student or employee to educational program or activities on the basis of sex are subject to disciplinary sanctions. As a non-exhaustive list of examples, sexual misconduct, sexual harassment, sexual violence, dating violence, domestic violence and stalking are within NMC’s interests when the behavior:
1. Involves conduct directed at or by an NMC student or other member of the College community, as defined in NMC’s Code of Conduct, Section 1.5, (e.g., private house party, outside employment);
2. Occurs during NMC-sponsored events (e.g., field trips, social or educational functions, College-related travel, student recruitment activities, clinical or practicum experiences);
3. Occurs during the events of organizations affiliated with NMC, including, but not limited to, student organization events; or
4. Poses a disruption or threat to the NMC community.

Confidentiality:
NMC is committed to creating an environment that encourages reporting any form of sexual misconduct. If you are the victim of a crime and do not want to pursue action within the College system or the criminal justice system, you may still want to consider making a confidential report. However, while the College will work to safeguard the identity and privacy of the victim, NMC cannot guarantee complete confidentiality. NMC will make all reasonable efforts to disclose only to select officials who have an essential need to know in order to carry out their College responsibilities. As is the case with any educational institution, NMC must balance the needs of the individual with its obligation to protect the safety and well being of the community at large. Therefore, depending on the seriousness of the alleged incident, further action may be necessary, including a campus security alert. The alert, however, would never contain any information identifying the individual who brought the complaint.

Bystanders Intervention:
A bystander is someone who observes problematic behavior or a dangerous situation and has the opportunity to intervene. If you see something, say something. Contact campus security or other authorities, provide the victim with support, or report to campus or local counseling/crisis center for support and options.

DEFINITIONS:

Sexual Harassment is defined as any unwelcome conduct of a sexual nature and can include unwanted or unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, such as sexual assault or sexual violence. Determination as to whether the alleged conduct constitutes sexual harassment should take into consideration the totality of the circumstances, including whether it has the purpose or effect of unreasonably interfering with an individual's
personal, educational or work experience or creating an intimidating, hostile or offensive work environment.

Under this policy, sexual harassment can be verbal, visual or physical. It can be overt, as in the suggestion that a person could get a higher grade or a raise in salary by submitting to sexual advances. The suggestion or the advance need not be direct or explicit; it can be implied from the conduct, circumstances and relationships of the persons involved. Sexual harassment can also consist of persistent, unwelcome attempts to change a professional or academic relationship to a personal one. It can range from unwelcome sexual flirtations and inappropriate put-downs of individual persons or classes of people to serious physical abuses such as sexual assault.

Examples could include, but are not limited to, unwelcome sexual advances; repeated and unwelcome sexually-oriented bullying, teasing, joking, or flirting; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess, or sexual deficiencies; derogatory or demeaning comments about women or men in general, whether sexual or not; leering, touching, pinching, or brushing against another's body; or displaying objects or pictures, including electronic images, which are sexual in nature and which create a hostile or offensive work, education or living environment.

**Sexual Assault** is defined as a severe form of sexual harassment, including physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent due to use of drugs and/or alcohol or to an intellectual or other disability. Examples of sexual violence include rape, sexual assault, sexual battery and sexual coercion. See also Neb. Rev. Stat. § 28-319 for degrees of sexual assault and corresponding penalties.

**Dating Violence** is defined as violence committed against a person a) who is or has been in a social relationship of a romantic or intimate nature with the victim and b) where the existence of such relationship shall be determined based on a consideration of (i) the length of the relationship, (ii) the type of relationship and (iii) the frequency of interaction between the persons involved in the relationship.

**Domestic Violence** is defined as felony or misdemeanor crimes of violence committed by current or former spouse of the victim, by a person with whom the victim shared a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other persons against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of Nebraska.
Stalking is defined as 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 other or suffer substantial emotional distress. Such conduct may include, but are not limited to, the following:

- Non-consensual communication, including face-to-face communication, telephone calls, voice messages, e-mails, text messages, written letters, unwanted gifts, etc.;
- Cyber stalking—Use of online, electronic, or digital technologies, including:
  - Posting of pictures or information in chat rooms or on websites;
  - 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; and
- Defamation – lying to others about the victim.

See also Neb. Rev. Stat. §§ 28-311.02 – 28-311.05.

Conduct constituting sexual misconduct, as defined herein, toward another person of the same or opposite sex is prohibited by this policy.

Consent is informed and freely and actively given. Consent is communicated through mutually understandable words or actions that indicate willingness by all of the involved parties to engage in the same sexual activity, at the same time, and in the same way. Clear and open communication is an essential element to conveying and understanding consent. Any person who contemplates initiating any form of sexual activity is strongly encouraged to talk with all involved parties before engaging in such activity. While it is the responsibility of the initiator of a specific sexual activity to obtain consent, individuals
should communicate as clearly and verbally as possible with all parties about what they do and do not want.

REPORTING SEXUAL MISCONDUCT:

**STEP ONE: Initiating a Complaint**

Where to File/Report a Complaint

Prompt reporting of a complaint is strongly encouraged as it allows for rapid response to and resolution of objectionable behavior. Contact 911 if you are in immediate danger. In addition, to reporting to law enforcement, victims also have the option to seek protective or disciplinary action directly with NMC. NMC encourages anyone who believes that he or she has been subjected to sexual misconduct, or any prohibited discrimination as set forth in this policy, to immediately file a complaint with Title IX Coordinator, any other member of the College community, including a College Counselor, Program Director, Academic Dean, College Administrator or Campus Security (collectively “Responsible Party”), or with local law enforcement. Any of the foregoing NMC parties who receive a complaint or initiate a complaint, are responsible for reporting the incident to the Title IX Coordinator.

The Title IX Coordinators for NMC are Molly Atherton, Dean of Students, and Lindsay Hanzlik, Education Compliance Director. Molly Atherton can be reached at (402) 354-7213 and Lindsay Hanzlik can be reached at (402) 354-7259. Offices for both Title IX Coordinators are located at 720 North 87th Street, Omaha, Nebraska. After normal business hours, please contact Campus Security at (402) 354-7002. In an emergency, call 9-6911 for Campus Security or 9-911 for local authorities from any NMC phone.

Molly Atherton will facilitate responsibilities relating to implementation and administration of the grievance process, including but not limited to, providing consultation and information regarding Title IX requirements to potential complainants, and initial and ongoing education for NMC students. Lindsay Hanzlik will be responsible for implementation, administration and review of the College’s Title IX policies and procedures, initial and ongoing education for NMC employees as well as overseeing the grievance procedures, including but not limited to, monitoring compliance of all requirements and time-lines specified in the grievance procedures.

Students, faculty, staff, and visitors who witness or are aware of suspected incidents of sexual harassment, sexual misconduct, or any prohibited discrimination set forth in this policy, are encouraged to immediately report the incident to Campus Security, the Title IX Coordinator, or any other member of the College community, including a NMC Administrator, Academic Dean, Program Director or Counselor.
If a member of the NMC community observes a violation of this Sexual Misconduct Policy wherein a minor (an individual under the age of nineteen (19) years of age) is involved, Nebraska law requires them to report it to the proper law enforcement agency or Department of Health and Human Services. See Neb. Rev. Stat. § 28-711. A report should also be made to Campus Security, if the victim is facing immediate danger. (Please refer to the policy "Minors Involved in Nebraska Methodist College Programs" for additional guidance).

Any member of the NMC community who receives a complaint of sexual discrimination or harassment from a student, College employee, or third-party against the Title IX Coordinator should report the complaint to the NMC President and/or Human Resources. The NMC President will designate an appropriate person to conduct the investigation required by informal or formal resolution procedures. The written report of the investigation shall be presented to the President, who will prepare and issue the written determination. The determination is subject to appeal.

**Victims’ Rights**
In 2013, The Violence Against Women Reauthorization Act imposed new obligations on colleges under the Campus Sexual Violence Act (“Campus SaVE Act”) provision. In accordance with the Campus SaVE Act, students or employees reporting victimization of domestic or dating violence, sexual assault, and stalking, will be provided, upon request, their written rights, which are:

(i) To be assisted by campus authorities if reporting a crime to local law enforcement;
(ii) Change academic, living, transportation, or working situations to avoid a hostile environment;
(iii) Obtain or enforce a no contact directive or restraining order;
(iv) Have a clear description of NMC’s disciplinary process and know the range of possible sanctions; and
(v) Receive contact information about existing counseling, health, mental health, victim advocacy, legal assistance, and other services available both on-campus and community.

NMC will provide written notice of these rights when a student or employee reports their victimization. Producing this statement in written format to the victim shall meet the requirement of providing the victim of their rights.

- **Local Law Enforcement:**
Notwithstanding the victim’s ability to file/report a complaint with NMC, the victim may also file a report with local law enforcement. College personnel will assist the victim in
reporting the alleged offense to the local police if the victim requests such assistance. In addition, the importance of preserving evidence for proof of a criminal offense is conveyed to the victim at the time of first reporting.

College action against violators of this policy does not in any way preclude the possibility of criminal action by civil authorities, should the victim wish to pursue this course of action.

To the greatest extent possible, reports of sexual harassment brought anonymously or brought by third parties not directly involved in the harassment will be responded to. The response to such reports may be limited if information contained in the report cannot be verified by independent facts.

- **Office for Civil Rights:**
  An individual to whom this policy applies may also file a complaint with the Office for Civil Rights (OCR); however, NMC encourages you, but does not require you to, to first file/report any sexual harassment, assault, or violence complaint with any of the NMC parties named herein. For more information and/or to file a complaint with OCR, please go to: [http://www2.ed.gov/about/offices/list/ocr/qa-complaints.html](http://www2.ed.gov/about/offices/list/ocr/qa-complaints.html).

- **Methodist Health System Compliance Reporting:**
  Any member of the NMC community may also file a complaint of sexual harassment, assault, or violence by using the Methodist Health System Compliance Reporting website: [https://nmhs.alertline.com/gcs/welcome](https://nmhs.alertline.com/gcs/welcome). Please be advised this site is not an emergency service.

**Estimated Timelines**

At the initial meeting with the person reporting the complaint, the Responsible Party will explain the **informal** and **formal** resolution procedures that are identified below to the victim. The timelines offered in this policy are intended to assist with a prompt and equitable resolution of complaints. However, during winter breaks and summer sessions, when witnesses may not be available, the timelines may be adjusted to accommodate these circumstances. Nevertheless, it is NMC’s intention to proceed as expeditiously as possible. The estimated timeline for informal resolution is fifteen (15) business days from receipt of informal complaint by a Responsible Party. The estimated timeline for formal resolution is forty-five (45) business days from receipt of formal complaint by a Responsible Party. If a complaint is referred to a disciplinary process, the estimated timeline for completion of these procedures is thirty (30) business days from the date of the disciplinary referral. Where an estimated timeline cannot be
adhered to, the Responsible Party will notify the parties and provide an anticipated completion date.

**STEP TWO: Resolution Process**

Both the Complainant and Respondent shall be simultaneously informed, in writing of:

1. The outcome of any institutional disciplinary proceeding;
2. The procedures for the Respondent and the Complainant to appeal the result of the proceeding;
3. Any change to the results before it becomes final; and
4. When such results become final.

And, whether through an informal or formal process, which shall be conducted by NMC officials who receive annual training on issues related to domestic and dating violence, sexual assault/harassment, and stalking along with how to conduct an investigation and hearing process that protects the safety of the victim(s) and promotes accountability, NMC will provide a prompt, fair and impartial investigation and resolution.

**Informal Process**

NMC has adopted an informal process through which non-student harassment and discrimination complaints may be resolved promptly and discreetly, often through communication, education, and/or mutual agreement. Participating in the informal resolution process is optional and voluntary. The Complainant can end the informal process at any time and begin the formal resolution process. The goal of informal resolution is to resolve concerns at the earliest stage possible, with the cooperation of the parties involved. Efforts for early resolution will be flexible and encompass a full range of possible outcomes, including, but limited to addressing the Respondent participating in mediation (which may be ended at anytime by either party in favor of the formal process), or arranging a remedy for the Complainant and/or agreement by the accused to accept a disciplinary sanction. The informal resolution process could include by way of example: separating the parties; referring the parties to counseling; conducting targeted educational and training programs; or providing remedies for the individual harmed by the alleged discrimination.

**Mediation will not be used to resolve alleged sexual assault complaints.**

If the matter is resolved informally to the satisfaction of all parties, the Title IX Coordinator will maintain a record of the complaint and its resolution.
If informal resolution is not possible, the Title IX Coordinator will proceed to formal resolution of the complaint.

**Formal Process—Investigation and Resolution**

If early resolution is unsuccessful, inappropriate (e.g. when facts are in serious dispute, reports involve a pattern of behavior or allege serious misconduct such as sexual assault) or if the Complainant requests a formal procedure, a formal written complaint may be filed with a Responsible Party.

**Reporting and Investigation**

Reporting a sexual assault may help to prevent another assault. Reporting the incident does not mean the victim must proceed with a prosecution. Immediately following the incident, the victim should try and write down everything he/she remembers about the incident.

In order to initiate, if necessary, an investigation process, the Complainant should submit a signed, written statement, including the Complainant’s name, signature, contact information; the name of the person directly responsible for the alleged violation; a detailed description of the conduct or event that is the basis of the alleged violation; the date(s) and location(s) of the occurrence(s); the names of any witnesses to the occurrence(s); the resolution sought; and any documents or information that is relevant to the complaint. While an investigation may begin on the basis of an oral complaint, the Complainant is strongly encouraged to file a written complaint. If either party is an employee of MHS, the Title IX Coordinator may collaborate with MHS.

When a Responsible Party receives a complaint with a written statement, the individual receiving the complaint shall immediately notify the Title IX Coordinator. Once a complaint is filed with the Title IX Coordinator, it will be assessed and, if an investigation is warranted, the case will be assigned for investigation to a staff member or designee.

In the event the Title IX Coordinator finds an investigation may not be warranted, he/she may also dismiss the complaint if the facts alleged in the complaint, even if taken as true, do not constitute prohibited harassment or discrimination; the complaints fails to allege any facts that suggest prohibited harassment or discrimination occurred or the appropriate resolution or remedy has already been achieved, or have been offered and rejected. If it is determined that a complaint will not be investigated, the Title IX Coordinator will contact the Complainant and/or send the Complainant a notification letter explaining the reason for the dismissal and informing the Complainant that, within fifteen (15) work days of the notification, he or she may appeal the decision not to proceed with a complaint investigation to the President of NMC. The written appeal
must explain why the decision to dismiss the complaint was in error. The President of NMC will respond within twenty (20) work days of receipt of the appeal. The NMC President’s decision is final. If the decision to dismiss is overturned, the complaint is sent back to the Title IX Coordinator for investigation in accordance with the procedures outlined herein.

If the Title IX Coordinator finds an investigation is warranted, he/she will provide the Respondent with a copy of the complaint and allegations within ten (10) working days of the Title IX Coordinator’s receipt of the written complaint. If Respondent cannot be located, attempts of notification will be documented. Respondent will have ten (10) working days to respond in writing. Respondent’s statement must contain full and specific responses to each claim or complaint, admitting, denying or explaining the Complainant’s allegations. Respondent must sign his or her response which will then be appended to the original complaint. Within five (5) business days of the Respondent’s response, the Title IX Coordinator will forward both statements to the Complainant, Respondent, and the Methodist Health System’s Human Resources Department (“MHS”), if either party is employed by MHS. If Respondent fails to respond within time noted above, the Title IX Coordinator may proceed with scheduling a hearing in accordance with Section 9 of the College Code of Conduct.

During the investigation, and depending on the nature of the allegations, the party assigned to investigate the complaint, in his or her discretion, may interview Complainant, Respondent and/or witnesses; review written documentation and relevant policies; and take other necessary steps to thoroughly investigate the allegations. Interviews with the Complainant and Respondent will occur separately. NMC will ensure that both the Complainant and Respondent are afforded equal opportunities to present relevant witnesses and other evidence.

Disclosure of facts to witnesses and parties is limited to what is reasonably necessary to conduct a fair and thorough investigation. Participants in an investigation are advised that maintaining confidentiality is essential to protect the integrity of the investigation.

Both the Complainant and Respondent have the opportunity to be accompanied by an advisor of their choice to any meeting or proceeding related to the incident.

During the investigation, the party assigned to investigate the incident may take appropriate interim measures to ensure safety and non-retaliation for all parties. Examples of interim measures include, but are not limited to, separation of parties, no contact directives, and alternative academic or housing arrangements.
Investigation Findings
Upon completion of the investigation, a written report will be issued to the Title IX Coordinator. The report shall include: a recommendation of whether a violation of the policy occurred, an analysis of the facts discovered during the investigation, any relevant evidence, recommended disciplinary action if a violation of this policy occurred, and any recommended remedial action. Factual conclusions shall be based upon a preponderance of the evidence standard (e.g., more likely than not).

A copy of the report will be provided to the Complainant, the Respondent, and the Vice President for Enrollment and Student Success, who will be the final arbitrator, if the Respondent is a student. NMC defers employment related matters of faculty and staff to MHS. Communication of outcome does not constitute a violation of the Family Educational Rights and Privacy Act of 1974 (FERPA) (20 U.S.C. 1232g). The Complainant will be informed of the findings and of actions taken or recommended to resolve the complaint. The Complainant may be notified generally that the matter has been referred for disciplinary action but will not be informed of the details of the recommended disciplinary action without the consent of Respondent. Notwithstanding the foregoing, NMC may permit the disclosure to the victim of the final results.

The Respondent shall be informed of the findings and of actions taken or recommended to resolve the complaint and shall be notified generally of referrals and/or recommendation for disciplinary action.

The Complainant and the Respondent may request a copy of the investigative report. The report will be amended to protect the privacy of personal and confidential information regarding all individuals other than the individual requesting the report in accordance with College policy. Copies of the investigative report will be provided to College administrators and other College leaders who are directly responsible for implementing measures to correct and prevent discriminatory or harassing conditions.

Policy Violation Finding
If the Vice President for Enrollment and Student Success determines that this policy was violated, he or she will refer the matter for disciplinary action in accordance with the College’s applicable disciplinary procedures, which can be found in the College Code of Conduct. If the Respondent is an employee of NMC, the matter will be referred to MHS who will handle it in accordance with its policy and procedures for discipline and dismissal of employees.
The Complainant and Respondent will be provided with a written copy of the outcome of the disciplinary proceedings. However, if the complaint is filed against a student, information sent to the Complainant will be in compliance with FERPA.

Possible Disciplinary Sanctions
The purpose of disciplinary sanctions for violations of this policy is to educate students about responsible behavior as members of the NMC community, to maintain order, and to protect the rights of others. There is no set sanction for any of the offenses provided in this policy, with the exception of automatic expulsion for a felony conviction. Sanctions will be determined individually and will reflect the nature and severity of the offense. Notwithstanding NMC's right to impose a sanction under this policy, students may also be subject to penalties at the local, state, and federal level.

The College reserves the right to apply any sanction for a violation of the College Code of Conduct that, in its sole discretion, appropriately addresses the gravity and frequency of the offense. One or more sanctions may be imposed for any offense. Prior offenses are cumulative and any student found in violation of the same offense or a second offense of equal or greater magnitude, may be suspended or expelled from the College. However, evidence of prior violations of the College Code of Conduct may be considered after a determination of “Responsible” has been made as part of the process of determining sanctions.

For a list of disciplinary sanctions, please see the “College Code of Conduct.”

Appeals Process
Once written notification of the resolution has been provided, either the Complainant or Respondent will be afforded the opportunity to appeal any disciplinary action imposed. NMC will follow the appellate process found in the College Code of Conduct, Section 16.

Retaliation
An individual who is subjected to retaliation (e.g., threats, intimidation, reprisals, adverse employment or educational actions) for having reported sexual harassment in good faith, who assisted someone with a report of sexual harassment, or who participated in any manner in an investigation or resolution of a report of sexual harassment, may make a report of retaliation under these procedures. The report of retaliation will be treated as a report of sexual harassment and will be subject to the same procedures.
Assurance to Prevent Reoccurrence
The law requires the College to ensure a work and educational environment free from discriminatory harassment and sexual harassment. The College will take all reasonable steps to prevent the reoccurrence of any harassment, and to correct its discriminatory effect on the Complainant and others, if appropriate under the circumstances.

Sexual Harassment/Assault Prevention Programs and Resources
Nebraska Methodist College offers different programs and resources in an effort to prevent and/or remedy occurrences of sexual harassment/assault on its campus or College-sponsored activities. In the month of April each year as part of Sexual Assault Awareness month, the College dedicates one week wherein it holds activities to inform and educate students on topics related to sexual harassment/assault awareness. The College also encourages students who may need to discuss issues relating to sexual harassment/assault to contact the College Counselor. As an affiliate of Methodist Health System, the College may also refer the student to the Heidi Wilke/SANE SART Survivor Program, where specifically-trained on-call staff respond and care for the specific needs of sexual assault patients. Please note, however, that students who believe they are victims of a sexual harassment/assault incident or perceive/observe such an incident, are encouraged to first report it to the Title IX Coordinator or the appropriate authority listed in the “Reporting” paragraph.