

SUBJECT:	Sexual Misconduct (Title IX) Policy
REVIEWED/REVISED:	10/13; 11/13; 9/14; 2/15; 10/15; 4/16; 9/17; 7/18; 8/20
RELATED POLICY:	Minors Involved in NMC Programs; College Code of Conduct
PURPOSE:	To provide the NMC community (faculty, staff, administrators and students) and members of the public visiting a work place and educational environment free of harassment, interference and intimidation, NMC has adopted and published the following policy and grievance procedures for complaints under Title IX.
POLICY OWNER:	Vice President of Institutional Effectiveness

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 based 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 NMC's position 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:

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 (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.

Active Bystander 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.

Be careful not to put yourself in harm's way. However, bystanders play a critical role in the prevention of sexual and relationship violence. As an active bystander, you are not directly involved but have the choice to intervene, speak up, or do something about it.

NMC wants to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. Below is a list of some ways to be an active bystander. If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

- Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
- Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.
- Speak up when someone discusses plans to take advantage of another person.
- Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
- Refer people to on-campus or community resources listed in this document for support in health, counseling, or with legal assistance.

DEFINITIONS

Sexual Harassment is defined as any unwelcome conduct of a sexual nature. Conduct is considered "unwelcome" if the person did not request or invite it and considered the conduct to be undesirable or offensive. Unwelcome conduct can occur in various forms including name calling, graphic/written statements, physically threatening, harmful, and humiliating. The conduct need not include intent to harm, specific target or be repeated. And too, failure to complain does not equal welcomeness and welcoming some conduct does not welcome all conduct.

Sexual harassment 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 denies or limits the person's ability to participate in or to receive benefits, services, or opportunities in the College's programs and 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.

In determining whether sex-based harassment has created a hostile environment, the following factors related to the severity, persistence or pervasiveness of the sex-based harassment includes:

- Type, frequency and duration of the conduct;
- Identity and relationships of the persons involved;
- Number of individuals involved;
- Location of the conduct and the context in which it occurred; and
- Degree to which the conduct affected one or more student's education.

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; gender harassment/stereotyping; 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.

Gender-based Harassment is unwelcome conduct of a nonsexual nature based on a student's actual or perceived sex, including conduct based on gender identity, gender expression and nonconformity with gender stereotypes.

Sexual Assault is a severe form of sexual harassment. Sexual assault is actual or attempted sexual contact with another person without that person's consent, including but not limited to, 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 assault include rape, sexual battery and sexual coercion. Sexual assault is an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting program. 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. In Nebraska, see Domestic Violence (Domestic Assault) definition.

Domestic Violence (Domestic Assault) is crimes of violence committed by an intimate partner on the other intimate partner. Intimate partner means a spouse; a former spouse; persons who have a child in common whether or not they have been married or lived together at any time; and persons who are or were involved in a dating relationship. Dating relationship means frequent, intimate associations primarily characterized by the expectation of affection or sexual involvement, but does not include a casual relationship or an ordinary association between persons in a business or social context.

A person commits the offense of domestic assault in the third degree if he or she: (a) intentionally and knowingly causes bodily injury to his or her intimate partner; (b) threatens an intimate partner with imminent bodily injury; or (c) threatens an intimate partner in a menacing manner.

A person commits the offense of domestic assault in the second degree if he or she intentionally and knowingly causes bodily injury to his or her intimate partner with a dangerous instrument.

A person commits the offense of domestic assault in the first degree if he or she intentionally and knowingly causes serious bodily injury to his or her intimate partner.

See Neb. Rev. Stat. § 28-323.

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.

Consent is not present when one is incapable of consent, by reason of intoxication or incapacitation due to drugs or alcohol, when subject to coercion or threat of coercion, or subject to force. Consent to conduct does not occur when a person is incapable of evaluating the nature of the conduct, incapable of declining participation in, or communicating unwillingness to engage in, a sexual act or other acts. Submission to conduct does not mean the conduct was welcome or consensual; in other words, the absence of “no” does not mean “yes.”

“Consent” is not defined by the Nebraska Criminal Code. Rather, the criminal laws dealing with sexual assault offenses, including what is commonly referred to as rape, defines what “without consent” means. Neb. Rev. Stat. § 28-318.

REPORTING SEXUAL MISCONDUCT

STEP ONE: Initiating a Complaint and 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, Program Director, Academic Dean, College Administrator, Resident Advisor or Campus Security (collectively “Responsible Party”), or with local law enforcement or at the following link:

https://publicdocs.maxient.com/reportingform.php?MethodistCollege&layout_id=4.

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.

Any Responsible Party informed of an allegation of sex and gender-based misconduct involving students or other members of the College community is **required** to file a report with the Title IX Coordinator. Certain college officers who are serving in a privileged professional capacity (e.g., College counselor, clergy, rape crisis advocates, and student medical provider) are not bound by this expectation, except as required by law.

Title IX Coordinator Information:

The Title IX Lead Coordinator for NMC is Lindsay Snipes, Vice President of Institutional Effectiveness. She can be reached at (402) 354-7259 or lindsay.snipes@methodistcollege.edu. 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.

As Title IX Lead Coordinator, Lindsay Snipes 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 timelines specified in the grievance procedures. A Title IX Deputy Coordinator may be appointed and 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 reporting parties, and initial and ongoing education for NMC students. A Title IX Deputy Coordinator will be appointed and assume the Title IX Lead Coordinator’s role in the Lead Coordinator’s absence.

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 “responsible party” of the College community, including a NMC Administrator, Academic Dean, Program Director or Resident Advisor. [A complaint filed here.](#) Please be advised this site is **not** an emergency service.

Sexual Misconduct Involving Title IX Coordinator:

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 MHS 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.

Sexual Misconduct Involving a Minor:

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).

Victims’ Rights:

Students or employees reporting victimization of domestic or dating violence, sexual assault, and stalking, will be provided their written rights, which are:

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

Medical Attention/Preservation of Evidence:

For your safety and well-being, immediate medical attention is encouraged. In the case of rape or sexual assault, getting immediate medical attention is crucial so you can be evaluated for physical damage as well as collect any physical evidence. To keep evidence viable, do not change clothes, bathe, shower, use the restroom or cleanse in any way prior to your examination. If you have physical injuries, have them photographed with a date stamp on the photo. Try to memorize details and record those details. Getting medical attention does not require you to report to anyone.

➤ 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 first file/report any sexual misconduct complaint with any of the NMC parties named herein. For more information and/or to file a complaint with OCR, please go to <https://ocrcas.ed.gov/>.

➤ **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](#). Please be advised this site is **not** an emergency service.

Estimated Timelines

At the initial meeting with the person reporting the complaint, the Title IX Coordinator will explain the **informal** and **formal** resolution procedures that are identified below to the reporting party. 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 the Title IX Coordinator. The estimated timeline for formal resolution is sixty (60) business days from receipt of formal complaint by the Title IX Coordinator. Where an estimated timeline cannot be adhered to, the Title IX Coordinator will notify the parties involved and provide an anticipated completion date.

STEP TWO: Resolution Process

Both the Reporting party and Responding party (accused) shall be simultaneously informed in writing of:

1. The outcome of the investigation and resulting sanctions;
2. The procedures for the Responding party and the Reporting party to appeal the result of the proceeding;
3. Any change to the results before it becomes final; and
4. When such results become final.

Whether through an informal or formal process, NMC will provide a prompt, fair and impartial investigation and resolution conducted by NMC employees (Title IX Investigators) who receive annual training.

Informal Process:

NMC has adopted an informal process through which 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 Reporting party 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 not limited to addressing the Responding party, participating in mediation (which may be ended at any time by either party in favor of the formal process), or arranging a remedy for the Reporting party and/or agreement by the Responding party 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 Reporting party requests a formal procedure, a formal written complaint may be filed with the Title IX Coordinators.

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, the investigation process, the Reporting party should submit a signed, written statement, including the Reporting Party'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 based on an oral complaint, the Reporting party is strongly encouraged to [file a written complaint with the Title IX Coordinator here](#). If either party is an employee of MHS, the Title IX Coordinator may collaborate with MHS Human Resource Department.

When a Responsible party has knowledge of or receives a complaint of sexual misconduct, the individual receiving the complaint shall immediately notify the Title IX Coordinator. Once a written complaint is filed with the Title IX Coordinator, the complaint will be assessed, and if warranted, will be assigned for investigation to a Title IX Investigator.

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 Reporting party and/or send the Reporting party a notification letter explaining the reason for the dismissal and informing the Reporting party that, within fifteen (15) business 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 will respond within twenty (20) business 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 Responding party with a copy of the complaint and allegations, as well as notice to his/her right to an advisor within ten (10) business days of the Title IX Coordinator's receipt of the written complaint. If Responding party cannot be located, attempts of notification will be documented. Responding party will have ten (10) business days to respond in writing. Responding party's statement must contain full and specific responses to each claim or complaint, admitting, denying or explaining the Reporting party's allegations. Responding party must sign his or her response, which will be appended to the original complaint. Within five (5) business days of the Responding party's response, the Title IX Coordinator will forward both statements to the Reporting party, Responding party, and the Methodist Health System's Human Resources Department ("MHS"), if either party is employed by MHS. If Responding party fails to respond within time noted above, the Title IX Coordinator may proceed with investigation and determination of sanctions.

During the investigation, and depending on the nature of the allegations, the Title IX Investigator, in his or her discretion, may interview Reporting party, Responding party and/or witnesses; review written documentation and relevant policies; and take other necessary steps to thoroughly investigate the allegations. Interviews with the Reporting party and Responding party will occur separately. Participants in an investigation are advised that maintaining confidentiality is essential to protect the integrity of the investigation.

During the investigation, the Title IX Investigator in communication with the Title IX Coordinator 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.

Live Hearing & Findings Report:

Upon completion of the investigation, the Title IX Investigator will issue a written investigative report to the Title IX Coordinator and Chief Student Officer/Dean of Students. The Chief Student Officer/Dean of Students will be the final arbitrator at a live hearing if the Responding party is a student. NMC will ensure that both the Reporting party and Responding party are afforded equal opportunities to present relevant witnesses and evidence and cross examine and challenge evidence. Disclosure of facts to witnesses and parties is limited to what is reasonably necessary to conduct a fair and thorough hearing. Both the Reporting party and Responding party have the opportunity to be accompanied by a support person of their choice to any meeting or proceeding related to the incident.

Upon completion of the live hearing, the Chief Student Officer/Dean of Student shall issue a written findings report to the Title IX Coordinator. The report will include a recommendation of whether a violation of the policy occurred, an analysis of the facts discovered during the investigation and live hearing, 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).

NMC defers employment related matters of faculty and staff to MHS Human Resources Department.

The Reporting party will be informed of the findings and of actions taken or recommended to resolve the complaint. The Reporting party 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 Responding party. Notwithstanding the foregoing, NMC may permit the disclosure to the Reporting party of the results. Communication of the outcome does not constitute a violation of the Family Educational Rights and Privacy Act of 1974 (FERPA) (20 U.S.C. 1232g).

The Responding party 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 Reporting party and the Responding party may request a copy of the findings 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. Copies of the findings report may 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 Chief Student Officer/Dean of Students determines that a policy violation occurred, he or she will refer the matter for disciplinary action in accordance with the College's applicable disciplinary procedures outlined in this policy as well as those found within the College Code of Conduct policy. If the Responding party is an employee of NMC, the matter will be referred to MHS Human Resources Department who will handle it in accordance with its policy and procedures for discipline and dismissal of employees.

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 this policy and the College Code of Conduct policy 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. The failure to comply with an imposed sanction, as directed, can lead to the imposition of more severe sanctions, up to and including suspension or expulsion. The identified sanctions represent a full range of sanctions which may be imposed against a student found in violation of the Title IX—Sexual Misconduct policy.

a. Disciplinary Warning or Reprimand - A disciplinary warning or reprimand is an official written statement of censure. It is used when a student's behavior is unacceptable, but is considered to be minor and/or unintended. It includes a warning that any additional violation(s) of the Title IX policy or Code of Conduct may result in more severe disciplinary actions. The written statement shall be delivered to the student via mail or the student's College e-mail account.

b. Letter of Apology to the Aggrieved Party - A student may be required to write a letter of apology to the aggrieved party. A draft copy of the letter must be provided to the Dean of Students for prior approval.

c. Requirement to Seek Counseling - The student shall be required to provide evidence to the Dean of Students of attendance and completion of counseling by a qualified professional.

d. Participation In, or Conducting, Special Workshops, Classes or Seminars - A student may be required to participate in, or to develop, advertise and present special workshops or seminars related to a Title IX and Code of Conduct violation. In such a case, the student may be required to present a typed summary of the activity to the Dean of Students.

e. Research Assignments - A student may be required to complete a research assignment on a topic related to the Title IX and Code of Conduct violation within a specified deadline.

f. Community Service - A student may be required to perform work assignments at the College or in the local community.

g. Parent Consultation - Parent/guardian may be contacted when a student's behavior causes alarm, serious disruption, or is a health or safety concern.

h. Persona Non Gratis - Prohibiting entry into a specific building on campus for a specific amount of time due to interference with the community.

i. Termination of Residency - Loss of on-campus housing, without refund, and/or dining privileges, permanently or for a specified period of time.

j. Fine - A monetary sanction issued in the form of a charge to a student account.

k. No Contact Order - Prohibits contact between students when there exists a reasonable concern that physical or psychological harm may result from such contact.

l. Withholding of an Official Transcript - May be imposed upon a student who fails to fulfill sanction requirements for a violation.

m. Delay in Awarding Degrees - The College reserves the right to delay the awarding of any degree.

n. Bar Against Re-Enrollment - May be imposed on a student who has a disciplinary case pending.

o. Restitution - Restitution is reimbursement to compensate for personal injury, property damage, or misappropriation of College or other personal property. It may be in the form of money or services, subject to the discretion of the Dean of Students.

p. Disciplinary Probation - Disciplinary probation may be imposed for a specified period of time. A student may not represent the College in any public function, participate in clinical rotations or hold office in a student organization. Notification of disciplinary probation may be provided to the parents of the student if the College first receives the student's written consent or a FERPA exception applies.

Students receiving scholarships for any activities enumerated above may have that scholarship suspended or terminated. Decisions regarding scholarships will be made by the VPES.

q. Limited Term Suspension - Suspension is appropriate in cases of serious sexual misconduct, in cases when a student has violated a condition of disciplinary probation, or has failed to meet the stipulations of lesser sanctions. A student may be suspended from the College for the remainder of the semester, or summer session, in which the sanction is applied, or any portion thereof, for the next semester, or for any other additional periods determined appropriate by the College. Suspensions are recorded on the student's permanent record (official transcript). Students suspended from the College are required to return their student identification cards, apartment keys and other College property and shall be barred from the campus for the duration of their suspension. Exceptions may be granted to this prohibition by the Dean of Students, if it is determined that the barred student must enter College property for the purpose of conducting official business. If a student returns to the campus without permission during the period of suspension, his or her eligibility to be re-admitted to Nebraska Methodist College is jeopardized and such persons may also be charged with unlawful entry and, thereby, made subject to arrest.

r. Indefinite Suspension - Indefinite suspension provides for all conditions described in Limited Term Suspensions, but does not give a specific date for the consideration of readmission of the suspended student. This sanction is used in cases of extremely serious misconduct when evidence of rehabilitation must be presented by the student and accepted by the VPAA before the student is readmitted to the College.

s. Expulsion - Expulsion is the most severe sanction that the College may impose. Expulsion is permanent dismissal from the College. In addition, the student is not eligible for readmission to the College and permanently barred from Nebraska Methodist College owned or operated property and from all College-sponsored events. Students expelled from the College are required to return any student identification cards, apartment keys, and other College property and must leave campus immediately upon notification of being expelled. If an expelled student returns to the campus, he or she will be charged with unlawful entry and may be arrested. An expelled student's relationship with the College is severed permanently.

t. Other sanctions as deemed appropriate by the Chief Student Officer/Dean of Students.

Full disciplinary action may be imposed following the final determination of an institutional disciplinary proceeding regarding domestic violence, dating violence, sexual assault, stalking or any other sex offense. Further, based upon the circumstances following a final determination of domestic violence, dating violence, sexual assault, stalking or any other sex offense, NMC will make reasonable attempts to change to the affected student's academic, clinical and living situations if options are reasonably available.

Appeals Process:

The Responding party and Reporting party may request an appeal of the decision and sanctions rendered by the Chief Student Officer/Dean of Students. The three grounds upon which an appeal of the decision or sanctions may be made are:

1. The party believes a procedural error occurred, which the party feels may change or affect the outcome of the decision.

2. The party has substantive new evidence that was not available to the investigator at the time of the decision and that may change the outcome of the decision.
3. The party feels that the severity of the sanction is inappropriate given the details of the case.

Disagreement with the finding or sanctions is not, by itself, grounds for appeals. The request for an appeal, including the grounds upon which the request is based, should be submitted in writing to the Title IX Coordinator within five (5) business days following the date on the outcome letter. Each party will be notified if an appeal request will be considered and be provided the opportunity to respond.

The College President determines whether a change in the Chief Student Officer's decision is warranted. The President will conduct an appeal in an impartial manner. The President's decision is final. Appeals decisions will be rendered within ten (10) business days after the receipt of the formal appeal request. Both parties will be notified in writing of the appeal outcome.

Retaliation

Retaliation against an individual who reported sexual misconduct in good faith, assisted someone with a report of sexual misconduct, or participated in any manner in an investigation or resolution of a report of sexual misconduct, is prohibited at NMC. An individual who is subjected to retaliation (e.g., threats, intimidation, reprisals, adverse employment or educational actions) for having reported sexual misconduct in good faith, assisted someone with a report of sexual misconduct, or participated in any manner in an investigation or resolution of a report of sexual misconduct, may make a report of retaliation under these procedures. The report of retaliation will be treated as a report of sexual misconduct 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 Reporting party 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 and 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.