



**A RESOURCE GUIDE FOR STUDENT & EMPLOYEES ON SEXUAL MISCONDUCT:
CAMPUS POLICIES, PROCEDURES AND VICTIM SERVICES**

IF YOU HAVE EXPERIENCED SEXUAL MISCONDUCT

1. Go to a safe location as soon as you are able.
2. Seek immediate medical attention if you are willing. Medical attention would ensure help with injuries and/or risk reduction from possible STI exposure or pregnancy.
3. Contact any of the following for immediate assistance:
 - a. Title IX Coordinator at 402-562-1284. Regular business hours, M-F.
 - b. Counseling Services at 402-562-1244. 8am – 5pm, M-F.*
 - c. National Sexual Assault Hotline at 1-800-656-4673. 24 hours/7 days a week.*
 - d. National Domestic Violence Hotline at 1-800-799-7233. 24 hours/7 days a week.*
 - e. Línea de Crisis en Español: 1-877-215-0167. 24 hours/7 days a week.*

Columbus

- f. Campus Security at 402-910-6665. 24 hours/7 days a week.
- g. Center for Survivors, College Advocate at 402-942-3653.
- h. Center for Survivors at 1-800-788-1326. 24 hours/7 days a week.*

Grand Island

- i. Campus Security at 308-258-4342. 24 hours/7 days a week.
- j. Crisis Center at 308-381-0555. 24 hours/7 days a week.* Willow Rising 1 866-995-4422

Hastings

- k. Campus Security at 402-705-1389. 24 hours/7 days a week.
- l. Encourage Advocacy Center at 877-322-7272. 24 hours/7 days a week.*

Holdrege/Kearney

- m. S.A.F.E. Center at 877-237-2513. 24 hours/7 days a week.*

Lexington

- n. Sheltering Hands at 1-800-215-3040. 24 hours/7 days a week.
- o. Línea de Crisis en Español: 1-866-351-9594

Ord

- p. Healing Hearts and Families at 800-942-4040

If you are off-campus and experiencing an emergency situation, you can call local police by dialing 911. You may also call the local police department's non-emergency line at:

- a. Columbus Police Department: 402-564-3201
 - b. Grand Island Police Department: 308-385-5400
 - c. Hastings Police Department: 402-461-2380
 - d. Holdrege Police Department: 308-995-4407
 - e. Kearney Police Department: 308-237-2104
 - f. Lexington Police Department: 308-324-2341
 - g. Ord Police Department: 308-728-5771
4. It is important to preserve physical evidence that may include tissue and fluid samples, evidence of violence, sheets, towels, clothing, etc. You may choose to avoid washing, bathing, urinating, etc., until after being examined at the hospital. Because evidence of a sexual assault can deteriorate quickly, you may choose to seek a medical exam as soon as possible. Evidence collection should be completed within 120 hours of an assault, but fluids, hair samples, and DNA can be collected for a long time thereafter. Even if you have washed, evidence can often still be obtained. After 120 hours, it may still be helpful to have medical attention, even if you are not trying to obtain evidence of an assault. Sexual assault nurse examiners (SANE) are trained in the collection of forensic evidence, and can check for injuries or exposure to sexually transmitted diseases. If you are still wearing any clothes worn during the assault, wear them to the hospital, but bring a change of clothes, as the hospital will keep the clothes you are wearing as evidence. If you have changed clothes, bring the ones you were wearing during the assault to the hospital in a clean paper (not plastic) bag or wrapped in a clean sheet. Leave sheets/towels at the scene of the assault. Police will collect them. Typically, police will be called to the hospital to take custody of the sexual assault kit, but it is up to you whether you wish to speak with them or file a criminal complaint.
 5. Choose how to proceed. You have options, and are encouraged to contact the Title IX Coordinator to discuss your options:
 - a. Do nothing until you are ready;
 - b. Pursue resolution by the College; and/or
 - c. Initiate criminal proceedings; and/or
 - d. Initiate a civil process against the perpetrator.
 6. You may pursue whatever combination of options is best for you. If you wish to have an incident investigated and resolved by the College, students and employees should contact the Title IX Coordinator. College procedures will be explained. Those who wish incidents to be handled criminally should contact local police where the assault occurred. A campus official is available to accompany students in making such reports, if desired. Contact the Title IX Coordinator for more information.

Note that campus officials may contact on-call staff from other departments when their offices are closed or they are otherwise unavailable to assist immediately.

** Denotes that this resource is confidential.*

KEY CONTACTS

Title IX Coordinator

402-562-1284
titleixcoordinator@cccneb.edu

Title IX Deputy Coordinators

Athletic Director
402-562-1492

Senior Director of Human Resources
308-398-7325

ABOUT CONFIDENTIALITY

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

CONFIDENTIAL REPORTING

If reporting students wish that details of an incident be kept confidential, they should speak with campus mental health practitioners CCC counseling services. Employees that wish to report confidentiality should contact the Employee Assistance Program. Members of the clergy, chaplains, and off-campus sexual assault crisis center staff can maintain confidentiality and have no duty to report your information to the College.

MANDATED REPORTING

All College employees are mandated reporters for all the details of which they are aware about an incident. They share this information with the Title IX Coordinator. Incidents of sexual misconduct will be taken seriously by the college. Such incidents of sexual misconduct will be investigated and resolved in a prompt and equitable manner under the College's resolution procedures, which are discussed in a later section of this brochure.



INCIDENTS INVOLVING MINORS

Please be aware that institutional duties with respect to minors (those under the age of 19) may require reporting sexual misconduct incidents to state agencies and/or local law enforcement. As a result, confidentiality cannot be guaranteed in sexual misconduct incidents involving minors.

POLICY

Sexual misconduct, including sexual harassment, sexual violence, sexual exploitation, intimate partner violence, and stalking are violations of the College's Civil Rights Policies and Procedures and its sexual misconduct policy. A number of federal laws and regulations, including Title IX, the Violence Against Women Act, and the Clery Act mandate how institutions respond to such allegations. Many types of sexual misconduct also constitute violations of Nebraska law.

Members of the campus community, guests, and visitors have a right to be free from sexual misconduct. All members of the community must conduct themselves in a way that does not infringe upon the rights of others. The College's policy is intended to define expectations for appropriate conduct and outline resolution processes to address conduct that does not

meet these expectations. When individuals accused of sexual misconduct are found to be in violation of the policy, the College will impose sanctions, as noted on the next page.

All members of the campus community, guests, and visitors are protected by this policy regardless of their sexual orientation or gender identity. The College has jurisdiction over all acts of sexual misconduct involving members of the campus community. For more details on this policy, please visit www.cccneb.edu/What-is-Title-IX

Additional information about campus crime, state laws, and disclosures related to sexual misconduct can be found online in the campus Annual Security Report. Access it here www.cccneb.edu/StudentPoliciesandProcedures

SEXUAL MISCONDUCT VIOLATIONS

Sexual Harassment, as an umbrella category, includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking, and is defined as:

QUID PRO QUO:

- an employee of the Central Community College,
- conditions the provision of an aid, benefit, or service of the Central Community College,
- on an individual's participation in unwelcome sexual conduct; and/or

SEXUAL HARASSMENT:

- unwelcome conduct,
- determined by a reasonable person,
- to be so severe, and
- pervasive, and,
- objectively offensive,
- that it effectively denies a person equal access to Central Community College's education program or activity

SEXUAL ASSAULT

Sexual assault is defined as:

1. Sex Offenses, Forcible:
 - a. Any sexual act directed against another person,
 - b. without the consent of the Complainant,
 - c. including instances in which the Complainant is incapable of giving consent.
2. Forcible Rape:
 - a. Penetration,
 - b. no matter how slight,
 - c. of the vagina or anus with any body part or object, or
 - d. oral penetration by a sex organ of another person,
 - e. without the consent of the Complainant.
3. Forcible Sodomy:
 - a. Oral or anal sexual intercourse with another person,
 - b. forcibly,
 - c. and/or against that person's will (non-consensually), or
 - d. not forcibly or against the person's will in instances

in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

4. Sexual Assault with an Object:

- a. The use of an object or instrument to penetrate,
- b. however slightly,
- c. the genital or anal opening of the body of another person,
- d. forcibly,
- e. and/or against that person's will (non-consensually),
- f. or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

5. Forcible Fondling:

- a. The touching of the private body parts of another person (buttocks, groin, breasts),
- b. for the purpose of sexual gratification,
- c. forcibly,
- d. and/or against that person's will (non-consensually),
- e. or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

6. Sex Offenses, Non-forcible:

- a. Incest:
 - i. Non-forcible sexual intercourse,
 - ii. between persons who are related to each other,
 - iii. within the degrees wherein marriage is prohibited by Nebraska law.

7. Statutory Rape:

- i. Non-forcible sexual intercourse,
- ii. with a person who is under the statutory age of consent of 16 years old, per Nebraska law.

DATING VIOLENCE

Dating Violence is defined as:

1. violence,
2. on the basis of sex,
3. committed by a person,
4. who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.
 - c. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition—
 - d. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - e. Dating violence does not include acts covered under the definition of domestic violence.

DOMESTIC VIOLENCE

Domestic Violence is defined as:

1. violence,
2. on the basis of sex,
3. committed by a current or former spouse or intimate partner of the Complainant,
4. by a person with whom the Complainant shares a child in common, or
5. by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or
6. by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Nebraska.

**To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more*

than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

STALKING

Stalking is defined as:

1. engaging in a course of conduct,
2. on the basis of sex,
3. directed at a specific person, that
 - a. would cause a reasonable person to fear for the person's safety, or
 - b. the safety of others; or
 - c. Suffer substantial emotional distress.

For the purposes of this definition—

- i. Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- ii. Reasonable person means a reasonable person under similar circumstances
- iii. and with similar identities to the Complainant.
- iv. Substantial emotional distress means significant mental suffering or
- v. anguish that may but does not necessarily require medical or other professional
- vi. treatment or counseling.

RETALIATION

Retaliation is:

1. any adverse action,
2. taken against a person participating in a protected activity,
3. because of their participation in that protected activity
 - d. subject to limitations imposed by the First Amendment and/or academic freedom.

Sanctions range from warning through expulsion/termination.

CONSENT

Consent is knowing, and voluntary, and clear permission by word or action to engage in sexual activity.

Since individuals may experience the same interaction in different ways, it is the responsibility of each party to determine that the other has consented before engaging in the activity.

If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.

For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be implied. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain their consent to being kissed back.

Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, that sexual activity should cease within a reasonable time.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse).

A current or previous intimate relationship is not sufficient to constitute consent.

Proof of consent or non-consent is not a burden placed on either party involved in an incident. Instead, the burden remains on the Central Community College to determine whether its policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

Consent in relationships must also be considered in context. When parties consent to BDSM or other forms of kink, non-consent may be shown by the use of a safe word. Resistance, force, violence, or even saying “no” may be part of the kink and thus consensual, so Central Community College’s evaluation of communication in kink situations will be guided by reasonableness, rather than strict adherence to policy that assumes non-kink relationships as a default.

FORCE

Force is the use of physical violence and/or physical imposition to gain sexual access.

Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., “Have sex with me or I’ll hit you,” “Okay, don’t hit me, I’ll do what you want.”).

Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.



INCAPACITATION

A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep, or unconscious, for any reason, including by alcohol or other drugs. As stated above, a Respondent violates this policy if they engage in sexual activity with someone who is incapable of giving consent.

It is a defense to a sexual assault policy violation that the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated. "Should have known" is an objective, reasonable person standard which assumes that a reasonable person is both sober and exercising sound judgment.

Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the

capacity to give knowing/informed consent (e.g., to understand the "who, what, when, where, why, or how" of their sexual interaction).

Incapacitation is determined through consideration of all relevant indicators of an individual's state and is not synonymous with intoxication, impairment, blackout, and/or being drunk.

This policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs.

FALSE ALLEGATIONS AND EVIDENCE

Deliberately false and/or malicious accusations under this policy, as opposed to allegations which, even if erroneous, are made in good faith, are a serious offense and will be subject to appropriate disciplinary action.

Additionally, witnesses and parties knowingly providing false evidence, tampering with or destroying evidence after being directed to preserve such evidence, or deliberately misleading an official conducting an investigation can be subject to discipline under Central Community College policy.



YOUR RIGHTS

The College strives to provide members of the campus community with fair and equitable resolution processes that include both formal and informal options.

FAIRNESS

- All members of the campus community have the right to have reported incidents addressed according to the published College procedures.
- All parties have equal opportunities to have a support person of their choosing or offered by the institution present throughout all resolution proceedings (including intake, interviews, etc.). This person can be an advisor, advocate, attorney, family member, friend, faculty member, etc.
- All parties have the right to written notice of allegations, notice of investigation and notice of the outcome of sexual misconduct resolution proceedings.
- All parties have the right to receive clear and consistent due process protections consistent with CCC policy & procedure and federal & state law.
- Reporting parties and witnesses will receive amnesty for minor infractions (e.g. alcohol and drug violations) that are secondary to incidents of sexual misconduct.
- All parties have a right to be free from retaliation.

SUPPORT

- Students and employees have a right to be notified of their ability to access counseling and health services.
- Students and employees have a right to be notified of on- and off-campus supportive resources.
- All parties involved in sexual misconduct allegations will receive the information and assistance needed to effectively participate in all proceedings.
- All parties have the right to seek orders of protection, no-contact orders, restraining orders, or similar lawful orders issued by criminal, civil, or tribal courts, and may seek the help of Campus Security in requesting and/or enforcing.



SUPPORTIVE MEASURES

Central Community College will offer and implement appropriate and reasonable supportive measures to the parties upon notice of alleged harassment, discrimination, and/or retaliation.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties to restore or preserve access to the Central Community College's education program or activity, including measures designed to protect the safety of all parties or the Central Community College's educational environment, and/or deter harassment, discrimination, and/or retaliation.

The Title IX Coordinator promptly makes supportive measures available to the parties upon receiving notice or a complaint. At the time that supportive measures are offered, Central Community College will inform the Complainant, in writing, that they may file a formal complaint with Central Community College either at that time or in the future, if they have not done so already. The Title IX Coordinator or designee works with the Complainant to ensure that their wishes are taken into account with respect to the supportive measures that are planned and implemented.

Central Community College will maintain the privacy of the supportive measures, provided that privacy does not impair Central Community College's ability to provide the supportive measures. Central Community College will act to ensure as minimal an academic impact on the parties as possible. Central Community College will implement measures in a way that does not unreasonably burden the other party.

These actions may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services
- Referral to the Employee Assistance Program (EAP)
- Referral to community-based service providers
- Visa and immigration assistance
- Student financial aid counseling
- Education to the community or community subgroup(s)
- Altering campus housing assignment(s)
- Altering work arrangements for employees or student-employees
- Safety planning
- Providing campus safety escorts
- Implementing contact limitations (no contact orders) between the parties
- Academic support, extensions of deadlines, or other course/program-related adjustments
- Trespass, Persona Non Grata (PNG), or Be-On-the-Lookout (BOLO) orders
- Timely Warnings
- Class schedule modifications, withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of the campus
- Any other actions deemed appropriate by the Title IX Coordinator

Violations of no contact orders will be referred to appropriate student or employee conduct processes for enforcement.

PROCEDURES

The College's procedures are detailed fully at: www.cccneb.edu/What-is-Title-IX

NOTICE/COMPLAINT

A College official will assist the reporting party with making choices and accessing resources. Assuming the reporting party chooses to move forward with a campus resolution, the next step is a preliminary inquiry.

All resolutions will be conducted by campus officials who receive annual training on issues related to sexual harassment, intimate partner violence, dating violence, sexual assault, and stalking. This training also includes how to conduct an investigation that protects the safety of all parties and promotes accountability and due process.

The institution will protect the confidentiality of victims, consistent with federal law. Title IX-related resolutions are not subject to publicly available record keeping provisions. Any release of information about a resolution will be accomplished without the inclusion of identifying information about the victim, to the extent permissible by law.

PRELIMINARY INQUIRY

An initial assessment is conducted by the Title IX Coordinator of the alleged policy violations to determine the next steps the college needs to take. These three responses will be considered if there is a likelihood of policy violation:

- Offer support measures because complainant doesn't wish to proceed
- Informal resolution
- Formal grievance process including an investigation and live hearing

INFORMAL RESOLUTION

- Parties agree to resolve issue through an alternate resolution mechanism (i.e. mediation)
- Respondent accepts responsibilities for policy violations and accepts sanction
- Title IX Coordinator can solve informally through providing support measures to remedy the situation.

INVESTIGATIONS

An investigative model is used to resolve allegations that are rendered to the formal grievance process. Trained investigators will provide an investigation that is prompt, thorough, reliable, equitable, fair, and impartial. They will interview the complainant, respondent and witnesses, gather any available evidence and prepare reports with their findings. Both parties will have full access to review the investigators final report.

STANDARD OF EVIDENCE

The College uses a preponderance of evidence standard. Decision-makers consider whether, given the available credible evidence, it is more likely than not that a violation occurred.

HEARING

After parties have had the opportunity to review and respond to the investigators report, it will be referred on to a three person hearing panel. The live hearing will allow for indirect cross examination. The hearing panel will make findings and sanctioning determinations. Parties will be notified in writing without significant delay between parties.

PROGRAMS

PRIMARY PREVENTION

The college offers students educational opportunities and training on awareness and risk reduction of sexual violence, dating violence, intimate partner violence, stalking and consent in compliance with the Violence Against Women Act and the Clery Act.

BYSTANDER INTERVENTION

The College offers bystander intervention programming in an effort to ensure that each member of the campus community is invested in creating a safe campus environment for themselves and others. Program participants are instructed on safe options for preventing harm and intervening when a risk of sexual misconduct exists.

ONGOING CAMPAIGNS

Ongoing awareness and prevention campaigns are provided throughout the school year to students, faculty, and staff.

FINAL DETERMINATION

This notice will include the procedures for appealing the decision, any change to the results that occurs prior to the time that such results become final, and when results are considered to be final.

APPEALS

Students involved in sexual misconduct proceedings may appeal decisions. All parties are included in any appeal reconsideration and have equal rights of participation. CCC utilizes a one person appellate process.



REDUCE YOUR RISK

While victim-blaming is never appropriate and Central Community College fully recognizes that only those who commit sexual misconduct are responsible for their actions, CCC provides the suggestions that follow to help individuals reduce their risk of being victimized and their risk of committing acts of sexual misconduct.

BYSTANDERS

- ✓ Don't mind your own business
- ✓ Explore the following types of abuse so you can better identify it: emotional, verbal, stalking, financial, physical, sexual, and digital abuse
- ✓ Look for warning signs of abuse
- ✓ Err on the side of caution
- ✓ Alert authority figure/police as needed
- ✓ Put yourself in their shoes
- ✓ Reach out, be supportive, listen & acknowledge their feelings
- ✓ Connect them with resources

VICTIMS

- ✓ Create a safety plan www.loveisrespect.org/for-yourself/safety-planning/
- ✓ Build a support system at home, work, school, and your community
- ✓ Know your social networks
- ✓ Update your privacy settings
- ✓ Set boundaries
- ✓ Recognize the cycle of violence: *tension > incident > reconciliation > calm > tension*
- ✓ Keep detailed documentation
- ✓ Explore the following types of abuse so you can better identify it: emotional, verbal, stalking, financial, physical, sexual, and digital abuse

ABUSERS

- ✓ Explore the following types of abuse so you can better identify it: emotional, verbal, stalking, financial, physical, sexual, and digital abuse
- ✓ Recognize the cycle of violence: *tension > incident > reconciliation > calm > tension*
- ✓ Admit the behavior is wrong
- ✓ Take responsibility for the problem and get help
- ✓ With help, you can learn how to treat others with respect
- ✓ Always ask for consent

RELATIONSHIP RIGHTS

- ✓ Right to live free from violence & abuse
- ✓ Right to feel safe and respected
- ✓ Right to say NO
- ✓ Right to privacy, online and offline
- ✓ Right to do things you enjoy
- ✓ Right to end a relationship

OBSTACLES TO SEEKING HELP

Shame, embarrassment, fear, believing abuse is normal, low self-esteem, lack of money, nowhere to go, pregnancy/parenting, distrust of police, language barriers/immigration status, social/peer pressure, and cultural/religious reasons.

Central Community College (CCC) does not discriminate on the basis of race, color, ethnicity, religion, sex, age, marital status, national origin, veteran status, sexual orientation, disability, or other factors prohibited by law, in matters of employment, admissions, financial aid, or other activities and opportunities as set forth in compliance with federal and state statutes and regulations.

Any person having inquiries concerning Central Community College compliance with Title II, Title IV, Title VI, Title IX, the Age Discrimination Act, and/or Section 504 should contact: Vice President of Student Success and Enrollment Management, 4500 63rd St., PO Box 1027, Columbus, NE 68602, 402-562-1284, titleixcoordinator@cccneb.edu

Persons seeking further information concerning career and technical education offerings at Central Community College and any specific pre-requisite criteria for the various programs of study should contact the College Communications department at 3134 W Highway 34, PO Box 4903, Grand Island NE 68802-4903, 308 398 4222, prdirector@cccneb.edu.