

THE POWER OF

IX

**A RESOURCE
GUIDE ON SEXUAL
MISCONDUCT:
CAMPUS POLICIES,
PROCEDURES, AND
VICTIM SERVICES**

UNIVERSITY OF
Nebraska
Omaha



ABOUT TITLE IX

Title IX of the Education Amendments of 1972 stated the following:

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

Beginning with the University of Nebraska charter in 1869, Nebraska law has provided that no person shall be deprived of the privileges of this institution because of sex. Discrimination on the basis of sex is also prohibited by federal law. All members of the University community are expected to conduct themselves in a manner that maintains an environment free from sexual misconduct. Sexual misconduct, which includes domestic violence, dating violence, sexual harassment, sexual assault, sexual exploitation, and stalking, is unacceptable behavior under University of Nebraska policy and against the law.

The University of Nebraska has programs to promote awareness of and to help prevent sexual misconduct, and to assist members of the university community who are affected by such behavior. Members of the University community are offered education and training regarding awareness and risk reduction of sexual violence, dating violence, stalking, and consent in compliance with Title IX, Clery Act, and the Violence Against Women Act (VAWA).

Title IX prohibits sex discrimination in educational institutions that receive federal funding.



The ban includes sexual harassment, sexual assault, sexual exploitation, domestic violence, dating violence, and stalking.

Applies to students, faculty, staff, or anyone present on campus regardless of sexual orientation, immigration status, gender identity, or disability status.



Retaliation for reporting is prohibited by law and covered under Title IX.

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HOW TO REPORT SEXUAL MISCONDUCT

Those who have been subjected to sexual misconduct are encouraged to report and may utilize any or all of the following options:

- Make a formal complaint to the Title IX Coordinator. This begins an administrative process that could result in university-related sanctions. This is not a criminal process.
- Make a report to the appropriate law enforcement agency. This could result in criminal action being taken, such as criminal charges.
- Engage with confidential resources such as advocacy and counseling. This will not result in any criminal charges or university-related sanctions. This does not limit your ability to report to law enforcement or Title IX in the future.

Confidentiality & Disclosure

If reporting parties wish that the details of an incident be kept confidential, they should speak with resources that can maintain confidentiality. This typically includes victim and survivor advocates, counseling, health service providers, clergy, chaplains, and rape crisis center staff. These individuals have no duty to report your information to UNO.

Employees of the university are expected to report disclosures of sexual misconduct to the Title IX Coordinator. Upon receiving notice of sexual misconduct, the Title IX Office will provide resources, reporting options, and offer support.

While a reporting party may request confidentiality or anonymity with the Title IX Office at UNO, the university may be obligated to pursue an investigation depending on the circumstances. In addition, the decision to remain anonymous may limit or hinder the university's response to any allegations of sexual misconduct.

Disclosure of unreported abuse or neglect of a minor (someone younger than 19) will result in a call to the Department of Health and Human Services as a part of Nebraska's mandatory reporting law (Statute 28-711).

Non-Discrimination Statement

The University of Nebraska does not discriminate based on race, color, ethnicity, national origin, sex, pregnancy, sexual orientation, gender identity, religion, disability, age, genetic information, veteran status, marital status, and/or political affiliation in its programs, activities, or employment.

PROCESS & PROCEDURES

1. Title IX Office receives report.
2. Title IX Office reaches out to impacted party with resources and reporting options.
3. If requested or needed, Title IX Coordinator implements supportive measures.
4. If impacted party is interested in filing a formal complaint, the Title IX Coordinator will assign the case to an investigator.
5. A Notice of Investigation and Allegations (NOIA) is sent to the impacted party (now called complainant) as well as the respondent. If dismissed under Title IX, both parties have a chance to appeal. If still being investigated under a different policy, information regarding the investigation will be included in this NOIA.
6. The investigator will conduct interviews with the complainant, respondent, and any witnesses. After the interview, the interviewee has the opportunity to review the interview summary from the investigator and give feedback if they feel any corrections are needed.
7. The investigator will provide the evidence collected to the complainant and respondent. Both will have 10 university days to review and provide feedback or responses.
8. The investigator will write an Investigative Report utilizing the relevant information obtained as part of the investigation.
9. Once this is complete, the investigator will turn all evidence, including the executive summary, to the Title IX Coordinator and the Hearing Officer.
10. A pre-hearing meeting will be conducted with advisors, the hearing board, investigator, and all parties.
11. A hearing will be held in which parties and witnesses will be questioned as part of the process.
12. A Hearing Board/Hearing Officer will make a determination as to responsibility, as well as recommended sanctions if applicable.

Further detail regarding the procedures, as well as appeals, can be obtained by visiting the UNO Title IX webpage. Procedures are separated by “Procedures for Sexual Misconduct Complaints Against Students” or “Procedures for Sexual Misconduct Complaints Against Employees.”

[[ABOUT.UNOMAHA.EDU/TITLEIX](https://about.unomaha.edu/titleix)]

DEFINITIONS TO KNOW

The following are the definitions of sexual misconduct as provided by University Board of Regent’s Policy in RP2.1.8

SEXUAL MISCONDUCT

“Sexual misconduct” includes dating violence, domestic violence, rape, sexual assault, sexual harassment, sexual exploitation, and stalking.

SEXUAL HARASSMENT

“Sexual harassment” means conduct on the basis of sex that satisfies one or more of the following:

- An employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual’s participation in unwelcome sexual conduct;
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University’s education program or activity;

It also includes: Sexual assault (see definition herein); Dating violence (see definition herein); Domestic violence (see definition herein); or Stalking (see definition herein).

To be considered sexual harassment for the purposes of Title IX, the conduct must meet the additional requirements of occurring in the University’s education program or activity and against a person in the United States.

For employees, sexual harassment also means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when this conduct explicitly or implicitly affects an individual’s employment, unreasonably interferes with an individual’s work performance, or creates an intimidating, hostile, or offensive work environment, sufficiently severe or pervasive to alter the conditions of the individual’s employment and create an abusive working environment.

DATING VIOLENCE

“Dating violence” means violence committed by a person—who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:

- The length of the relationship.
- The type of relationship.
- The frequency of interaction between the persons involved in the relationship.

DOMESTIC VIOLENCE

“Domestic violence” includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, 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 person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

Domestic violence includes domestic assault. Under Nebraska law, a person commits domestic assault if the person (i) intentionally and knowingly causes bodily injury to their intimate partner; (ii) threatens an intimate partner with imminent bodily injury; or (iii) threatens an intimate partner in a menacing manner.

Under Nebraska law an “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.

STALKING

“Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others; or suffer substantial emotional distress.

SEXUAL EXPLOITATION

“Sexual exploitation” includes, but is not limited to: prostituting another person; non-consensual visual or audio recording of sexual activity; non-consensual display or distribution of photos, images or information of an individual’s sexual activity or intimate body parts; non-consensual voyeurism; coercing someone against their will to engage in sexual activity, or; knowingly transmitting sexually transmitted disease (STD) without disclosing STD status.

INCAPACITATION

An individual is unable to understand the facts, nature, extent or implications of the situation due to drugs, alcohol, a mental disability, being asleep, unconscious or in any other state where the individual is unaware that sexual contact is occurring, or based on their age (pursuant to Nebraska law). With respect to alcohol and drugs, intoxication and/or impairment is not presumptively equivalent to incapacitation. Consent does not exist when the individual initiating sexual activity knew or should have known of the other individual’s incapacitation.

There are some persons who Nebraska law presumes are incapable of consenting to sexual contact or penetration as defined by Nebraska law by an actor by reason of their age. Under Nebraska law an actor nineteen years of age or older may not subject a person under the age of sixteen years of age to sexual penetration, or a person under fifteen years of age to sexual contact.

SEXUAL ASSAULT

“Sexual assault” means an offense that meets the definition of rape, fondling, incest or statutory rape as used in the FBI’s Uniform Crime Reporting system. A sex offense is any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

- **Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of the victim’s age or because of the victim’s temporary or permanent mental incapacity.
- **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.

RETALIATION

“Retaliation” means intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by this Policy or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy.

CONSENT

“Consent” is a freely and affirmatively communicated willingness to participate in particular sexual activity or behavior, expressed either by words or clear, unambiguous actions.

Consent can be withdrawn at any time, as long as the withdrawal of consent is clearly communicated by words or actions.

Consent cannot be coerced or compelled by force, threat, deception, or intimidation.

Consent cannot be given by someone who is incapacitated or does not have the legal capacity to consent, as defined below in the definition of “incapacitated”.

Consent cannot be assumed based on silence, the absence of “no” or “stop,” the existence of a prior or current relationship, or prior sexual activity.

There are some persons who Nebraska law presumes are incapable of consenting to sexual contact or penetration as defined by Nebraska law by an actor by reason of their age. Under Nebraska law an actor nineteen years of age or older may not subject a person under the age of sixteen years of age to sexual penetration, or a person under fifteen years of age to sexual contact.

ADDITIONAL INFORMATION

Rights

As part of the process, you have the following rights:

- Be treated with respect and dignity by University officials
- Have your complaint resolved in accordance with the procedures outlined in University policy and by the utilization of the preponderance of evidence standard
- Have the ability to access campus support resources (e.g. Survivor/Advocates, Counseling and Psychological Services, Accessibility Services Center, etc.)
- Be able to request protective measures be put in place during the course of the resolution process
- Have the right to consult with advisors of your choice throughout the resolution process (including accompaniment to all interviews, meetings, and proceedings)
- Have the ability to provide information to the investigative team both in person (interview) and in written form (statement)
- Have the ability to provide relevant evidence and the names of potential witnesses to the investigative team
- Be allowed to review and respond to the evidence and information gathered by the investigative team prior to the conclusion of the investigation and the completion of the investigative report
- Be informed in writing of the findings, rationale, and sanctions resulting
- Have the ability to review the entire investigative report from the Title IX Investigator
- Have the ability to appeal the findings determined by a hearing panel
- Be protected, by UNO policy, from retaliation related to your report and participation in the investigative process
- Be able to report to law enforcement or other agencies outside of UNO should you choose to do so, including but not limited to requesting harassment or protection orders
- Be able to experience a prompt, fair, and impartial process conducted by officials that receive annual training on topics related to sexual misconduct and how to investigate

Amnesty for Reports of Sexual Misconduct

To encourage reporting, and except as provided within policy, an individual who makes a good faith report of sexual misconduct and/or participates in an investigation will not be subject to disciplinary action for a policy violation related to consuming unauthorized alcohol or using illegal drugs or unauthorized prescription drugs.

Preserving Evidence

Individuals involved in a report of sexual misconduct should preserve evidence to the extent possible, as it may assist the University or law enforcement in making factual determinations about the reported violence or misconduct, or might be helpful to a court's determination regarding the issuance of a Personal Protection Order. The University encourages individuals to go to the police or another resource in order to assist in the preservation of evidence.

Supportive Measures

"Supportive measures" means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to the University's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University's educational environment, or deter sexual harassment. Supportive measures or remedies may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The University will maintain as confidential any supportive measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the supportive measures. A party should contact the Title IX Coordinator if they are interested in supportive measures. Supportive measures may be provided even if the reporting party does not want to file a formal complaint.

Sanctions

If a respondent is found responsible for a violation sanctions may be imposed. Institutional sanctions that may be imposed against students for sexual misconduct range from warning to expulsion. Institutional sanctions against employees range from warning to termination. Institutional sanctions against third parties range from loss of privileges to trespass exclusion orders.

Confidentiality

The University shall keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a Formal Complaint of sexual misconduct, any complainant, any respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act (FERPA) or as required by law, or to carry out the purposes of Title IX, including conducting any investigation, hearing, or judicial proceeding arising thereunder. The University may be required to share information with other individuals in accordance with FERPA, Title IX, or other applicable law, including lawfully issued subpoenas in criminal, administrative, and civil matters.

TITLE IX CONTACT INFORMATION & RESOURCES

Title IX Contact Information

TITLE IX COORDINATOR

equity@unomaha.edu

TITLE IX COORDINATOR

Sarah Weil | sweil@unomaha.edu
211 EAB | 402.554.2120

TITLE IX INVESTIGATOR/EDUCATION COORDINATOR

Scott Seeba | sseeba@unomaha.edu
211 EAB | 402.554.3985

On Campus Resources

PUBLIC SAFETY

402.554.2911

NEBRASKA MEDICINE – UNO HEALTH CENTER

102 H&K | healthservices.unomaha.edu | 402.554.2374

REQUEST AN ESCORT

To arrange an escort between classes or to and from your vehicle.
Main UNO Public Safety | 402.554.2648

On Campus Confidential Support Services

UNO'S VICTIM/SURVIVOR ADVOCACY SERVICES

A confidential resource available to assist victims in explaining the different options available to them.
124 MBSC | gsrc.unomaha.edu | 402.554.2890

GENDER AND SEXUALITY RESOURCE CENTER

124 MBSC | gsrc.unomaha.edu | 402.554.2890

UNO COUNSELING AND PSYCHOLOGICAL SERVICES

101 H&K | caps.unomaha.edu | 402.554.2409 (ext. 2 after hours)

STUDENT LEGAL SERVICES

211 Hayden House | studentsafety.unomaha.edu/legal | 402.554.4859

Relevant University Policies

SEXUAL MISCONDUCT POLICY

Official documentation of the University of Nebraska Board of Regents Sexual Misconduct Policy and Procedures for Sexual Misconduct Complaints Against Students can be found at: about.unomaha.edu/titleix



In Case of Emergency

If you have experienced sexual or domestic violence, get to a safe place and seek medical attention at the nearest hospital.

On Campus dial: 402.554.2911 | Off Campus dial: 911

Local Off Campus Resources

POLICE

Omaha Police Department | 402.444.5600 or 911

CONFIDENTIAL SUPPORT AND ADVOCACY

An advocate from the Women's Center for Advancement (WCA) would also be able to help you complete a protection order request. There is also an advocate at the court house in the protection order office.

Women's Center for Advancement (WCA) | 402.345.6555

WCA 24-Hour Crisis Line (Se Habla Español) | 402.345.7273

MEDICAL/MENTAL HEALTH

Methodist Hospital | 8303 Dodge Street | 402.345.4000

Methodist Women's Hospital | 707 N. 190th Plz. | 402.815.4000

Methodist Hospital Sexual Assault and Domestic Violence Hotline | 402.354.4424

Available 24 hours per day, 7 days per week.

PROTECTION ORDER OFFICE

Douglas County Court House | 402.444.4350

LEGAL

Nebraska Legal Aid | 402.348.1069

Lawyer Referral Service | 402.280.3603

FINANCIAL

Nebraska Crime Victim's Compensation | 402.471.2828

NATIONAL SUPPORT SERVICES

National Domestic Violence Hotline | 1.800.799.SAFE (7233)

National Sexual Assault Hotline | 1.800.656.HOPE (4673)

National Teen Dating Abuse Hotline | 1.866.331.9474

We encourage survivors or witnesses to report misconduct online.

[ABOUT.UNOMAHA.EDU/TITLEIX]



UNO IS A PLACE OF RESPECT AND SAFETY.

The University of Nebraska at Omaha is committed to providing an environment that is free of discrimination and safe for all members of our campus community.

Know your IX

Title IX is not limited to athletics.


Where to Report Incidents


UNO responds to all complaints involving discrimination and harassment, and has dedicated administrators to handle Title IX concerns.


UNIVERSITY OF
Nebraska
Omaha





Connect with the Office of Civil Rights Compliance

 211 Eppley Administration Building

 6001 Dodge Street, Omaha, NE 68132

 about.unomaha.edu/titleix

 equity@unomaha.edu

 402.554.2120

The University of Nebraska does not discriminate based on race, color, ethnicity, national origin, sex, pregnancy, sexual orientation, gender identity, religion, disability, age, genetic information, veteran status, marital status, and/or political affiliation in its education programs or activities, including admissions and employment. The University prohibits any form of retaliation being taken against anyone for reporting discrimination, harassment, or retaliation for otherwise engaging in protected activity. 1394BRODEAI0823