Sexual Misconduct Awareness and Prevention Training

Title IX
Sexual Misconduct Awareness and Prevention Training Program

As required by federal statutes and administrative regulations, the Office of the President and each Chancellor, or their designee, shall publicize and conduct ongoing programs for new students, employees, and other members of the University community to promote awareness of sexual misconduct and to help prevent and attempt to reduce the risk of the occurrence of sexual misconduct. It is the expectation that all students and employees complete the University of Nebraska’s sexual misconduct awareness and prevention training program. {NU Board of Regents Policy 2.1.8}

Note About Course Content
The information contained in this course includes information on sexual and relationship violence and harassment. If you are sensitive to this content and would like alternative options to complete this course, please contact Carmen Sirizzotti, Title IX Coordinator at csirizzotti@unmc.edu or at 402.559.2710
Welcome

I'm Ted Carter, President of the University of Nebraska.

Thank you for taking the time to participate in this training course on understanding and preventing sexual misconduct. The safety, well-being, and equitable treatment of our students, faculty, and staff is an important priority of the University of Nebraska.

Discrimination based on sex in our education programs, employment, and activities is not only unlawful, but also violates our core values as an educational institution.

This training is part of our ongoing efforts to increase awareness on our campuses and to prevent and address sexual misconduct. We appreciate your participation in and completion of this course--and as a member of our University community, your vital support.
Now, more than ever, we must be more inclusive, not less. And universities should lead the way.

Our pledge to you is that the University of Nebraska will keep working every day to be the kind of place where all feel welcome, valued and safe.

- Ted Carter, President, University of Nebraska
- Ronnie Green, Chancellor, University of Nebraska-Lincoln
- Jeffrey Gold, Chancellor, University of Nebraska Medical Center
- Doug Kristensen, Chancellor, University of Nebraska at Kearney
- Joanne Li, University of Nebraska at Omaha
Hello, and thank you for starting this training. We're your student regents.

- My name is Batool Ibrahim, and I represent UNL.
- I'm Taylor Kratochvil, and I represent UNMC.
- I'm Noah Limbach, and I represent UNK.
- And I'm Maeve Hemmer, and I represent UNO.

You may be saying to yourself right now, “I shouldn’t have to take this training”

But this information is important for everyone on campus.
Student Regents Call to Action (continued)

We want each of you to listen and learn about your rights and responsibilities.

Each of us has the ability to positively impact the culture at the University of Nebraska. How do we do that? We learn about sexual misconduct. We learn to be better at responding. And we learn how to support the members of our community who are affected by sexual misconduct.

So, thanks UNMC for taking part in our training. Thanks again Huskers and Go Big Red. Thank you and Go Lopers. And finally Go Mavs.
Non Discrimination & Title IX

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 the education program or activity that the University operates.

The University complies with all local, state and federal laws prohibiting discrimination, including Title IX, which prohibits discrimination on the basis of sex.

Title IX of the Education Amendments of 1972 (20 U.S.C. .1681 et seq.) states: “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.”

Sexual harassment of students and employees which includes acts of sexual violence, is a form of sex discrimination prohibited by Title IX.
Sexual Misconduct Policy

The Sexual Misconduct Policy applies to all members of the University of Nebraska community regardless of sexual orientation or gender identity, and to all education programs and activities under the jurisdiction of the University of Nebraska.

For the purposes of complaints alleging discrimination under Title IX, education program or activity includes:

• Locations, events, or circumstances over which the University exercises substantial control over both the Respondent and the context in which the sexual harassment occurs, and

• Any building owned or controlled by a student organization that is officially recognized by a postsecondary institution.
Sexual Misconduct & Domestic Violence definitions

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

“Domestic Violence” includes felony or misdemeanor crimes of violence committed by
• a current or former spouse
• an intimate partner of the victim
• a person with whom the victim shares a child in common
• a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner
• a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies
• 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 Assault & Dating Violence definitions

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.

“Dating Violence” means violence committed by 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 a relationship shall be determined based on a consideration of the following factors:
   i. The length of the relationship;
   ii. The type of relationship; and
   iii. The frequency of interaction between the persons involved in the relationship.
Sexual Harassment (definition)

Sexual harassment, a type of sex discrimination, is specifically prohibited by the University as well as federal laws such as Title VII of the Civil Rights Act of 1964 (Title VII) and Title IX.

a. Under Title IX, sexual harassment means conduct on the basis of sex that satisfies one or more of the following:
   i. 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;
Sexual Harassment (continued)

ii. 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; or

b. **Under Title VII**, which applies to employees only, 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.
Sexual Harassment (continued)

c. Sexual assault;
d. Dating violence;
e. Domestic violence; or
f. Stalking.

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.
Sexual Assault (definition)

“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.

a. 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.

b. 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.

c. Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

d. Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.
“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.
Stalking (definition)

“Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

a. fear for their safety or the safety of others 
or
b. suffer substantial emotional distress.
Actual Notice & Officials with Authority

The University will only have actual notice of sexual misconduct if an individual reports to an Official with Authority.

The following individuals are Officials with Authority:

- President, Chancellors;
- Provost/Vice Presidents and Vice Chancellors; and
- UNCA and Campus Title IX Coordinators
Reporting Sexual Misconduct

All individuals are expected to promptly report conduct that may violate the University’s Sexual Misconduct Policy to the University. Although the University does not limit the time frame for reporting sexual misconduct to promote timely and effective review, the University strongly encourages individuals to report possible sexual misconduct within one hundred and eighty (180) calendar days of the last occurrence of the concerning conduct. A report made after one hundred and eighty (180) days may make it more difficult to gather relevant and reliable information.

In addition, all individuals are expected to report conduct that may also violate criminal law to both the Title IX Coordinator and to local law enforcement. These processes are not mutually exclusive and both may happen simultaneously or at different times.
1. Any University student, employee, or other individual who seeks to report may contact the:
   a. Title IX Coordinator:
      Carmen Sirizzotti
      University of Nebraska Medical Center
      2010 Administrative Center
      (402) 559.2710
      csirizzotti@unmc.edu
Reporting Sexual Misconduct (continued)

b. University Police or Public Safety for assisting in filing a criminal complaint and preserving physical evidence;
   Public Safety/Campus Security
   4215 Emile Street
   (402) 559.5111
   unmcsecoffice@unmc.edu

and/or

c. Local law enforcement to file a criminal complaint
d. The University of Nebraska hotline is available for online reporting at
   •  https://secure.ethicspoint.com/domain/media/en/gui/52126/index.html or
   •  by phone at 1.844.348.9584.

2. Additionally, reports may be made to the Department of Education's Office for Civil Rights regarding an alleged violation of Title IX by:
   •  Visiting https://www2.ed.gov/about/offices/list/ocr/complaintintro.html or
   •  Calling 1.800.421.3481
Anonymous Reports

Any individual may make a report of sexual misconduct to the University, and if preferred, may do so without disclosing one’s name. Depending on the level of information available about the incident or the individuals involved, the University’s ability to respond to an anonymous report may be limited.

Anonymous Reports may be made via the University of Nebraska hotline at https://secure.ethicspoint.com/domain/media/en/gui/52126/index.html or by phone at 1.844.348.9584.
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.
Formal Complaint

1. A Complainant may file, or a Title IX Coordinator may sign, a Formal Complaint against a Respondent requesting that the University investigate an allegation of sexual misconduct.

Filing a Formal Complaint is the first step of a grievance process that determines whether the Respondent is responsible for violating the Policy.

Unless a Formal Complaint is dismissed or resolved during one of the steps of the grievance process, the grievance process will include a preliminary review of the Formal Complaint, an investigation, a hearing, and the opportunity to challenge certain decisions through an appeal.

Additionally, an informal resolution process may be available at any time prior to reaching a University determination regarding responsibility. If applicable, the University may initiate informal resolution or either party may request informal resolution.
2. If the Respondent is no longer a student, employee, or participant in any University-related program or activity at the time of the report, or if the conduct does not fall within the scope of the Policy, the Formal Complaint may be dismissed. The University will, however, help a Complainant identify reporting options outside the University and provide supportive measures.

3. A Respondent is presumed not responsible for the alleged conduct unless a determination regarding responsibility by a preponderance of the evidence is made at the conclusion of the grievance process by the decision maker(s).
4. Where a determination of responsibility for sexual misconduct has been made against the Respondent, the University must provide or give the Complainant remedies.

5. 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.
Supportive Measures

The University will offer supportive measures to Complainants whether or not a Formal Complaint is filed. Supportive measures are available for both the Complainant and Respondent.

Examples of some supportive measures are:

- Change of an on-campus student’s housing to a different campus location.
- Taking an incomplete in a class.
- Alternative course completion options.
- Change in work stations.
- Change is work schedules.
- Request a no contact order.
- Rescheduling an exam, paper or assignment.
Preliminary Review of Formal Complaint and Situation When A Formal Complaint Must or May Be Dismissed

When a Title IX Coordinator receives a Formal Complaint:

• The Title IX Coordinator or their designee will do a Preliminary Review of the Formal Complaint.
• The University will investigate the allegations in a Formal Complaint.
• However, there are certain circumstances when the University is either required to, or may, dismiss a Formal Complaint or an allegation within the Formal Complaint.
Preliminary Review of Formal Complaint and Situation When A Formal Complaint Must or May Be Dismissed (continued)

a. The University will dismiss an allegation of sexual harassment under Title IX in a Formal Complaint under the following circumstances:

   i. The conduct would not constitute sexual harassment as defined by the Sexual Misconduct Policy and Procedures, even if proved;
   ii. The conduct did not occur in the University’s education program or activity; or
   iii. The conduct did not occur against a person in the United States.

b. A dismissal of an allegation of sexual harassment under Title IX does not preclude action under another provision of the University’s Student/Employee Code of Conduct.
University Disciplinary Procedures

1. Investigations of allegations against students and employees will be addressed using:
   - Response to Allegations of Student Sexual Misconduct Procedures
   - Response to Allegations of Employee Sexual Misconduct Procedures

2. The University will follow procedures before imposing any disciplinary sanctions or other actions that are not supportive measures against Respondent for sexual harassment in violation of Title IX.

3. University internal investigations and any disciplinary or remedial actions are independent of any civil, criminal or external administrative investigation.
Prohibition of Retaliation

No member of the University community may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by the Sexual Misconduct 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 the Sexual Misconduct Policy.

Intimidation, threats, coercion, or discrimination, including charges against an individual for Student Code of Conduct violations that do not involve sex discrimination or sexual misconduct, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or Formal Complaint of sexual misconduct, for the purpose of interfering with any right or privilege secured by the Sexual Misconduct Policy, constitutes retaliation.
UNMC Policy and Procedures

UNMC Sexual Misconduct Policy
https://wiki.unmc.edu/index.php/Sexual_Misconduct

Response to Allegations of Student Sexual Misconduct
https://www.unmc.edu/titleix/_documents/Student-Sexual-Misconduct-Procedures.pdf

Response to Allegations of Employee Sexual Misconduct Procedures
UNMC Resources

Campus Resources

Students
Kearney
Lincoln
Norfolk
Omaha
Scottsbluff

Employees
Kearney
Lincoln
Norfolk
Omaha
Scottsbluff
Confidential UNMC Resources

Confidential Resources:
• Student Health Clinic
• Student Counseling
• Employee Counseling

Counselors and Healthcare Professionals are bound by professional rules that may preclude their reporting violations of University rules when they are acting within the scope of their counseling or professional responsibilities.

Student Health Clinic is required to report a sexual assault to the police if a student is coming in as a result of injury from a sexual assault.

[Campus Resources]
The Cycle of Violence

Domestic Assault can be thought of as a pattern of unhealthy behaviors. There is a cycle of events that keeps the abused person engaged in the relationship:

1. Tension builds up slowly...
2. ...and then an abusive event takes place.
3. This is then usually followed by the abusive partner making excuses and apologies.

This ‘making up’ part of the cycle mimics the early stages of a relationship when the partners want to spend every moment together. This happy period becomes addictive and keeps the abused partner hooked into the relationship.

As the pattern of tension building, bad event, and good period repeat the bad events become increasingly violent.
Relationship violence is more than just physical violence, in fact many of these relationships don’t experience any physical violence.

The abusive partner utilizes a number of manipulation and control tactics that work together to reduce the self-esteem of their partner; increase the dependence upon the abusive partner and install a fear of leaving the relationship:

- **Criticism**: Name calling, shaming the partner to feel worthless.
- **Stalking**: Constant calling, texting, showing up.
- **Threats and Anger**: Makes the partner feel afraid.
- **Pushing**: Makes the partner do things they don’t want to.
- **Blame**: “This is your fault”.
- **Jealousy**: Must prove love and faithfulness.
- **Isolation**: Time and communication with others is limited.
- **Control**: How to dress, what to eat, where to go.
Online Harassment

The experience of online harassment can be as detrimental as any other form of harassment.

Common online harassment experiences:

• **Denigration**: Name calling, shaming, the person to feel worthless.
• **Cyberstalking**: Constant calling, texting, messaging.
• **Exclusion**: Malicious rejection from online groups.
• **Pushing**: Makes the person do things they don’t want to.
• **Harassment**: Repeated offensive messaging.
• **Flaming**: Sends the person angry and/or obscene messages.
• **Masquerading**: They pretend to be someone else to lure the person.
• **Outing**: Publicizing the person personal information.
Street Harassment

According to the CDC “non-contact unwanted sexual experiences,” including street harassment, are the most prevalent form of sexual violence for both men and women in the United States.

Internationally, studies show that between 70-99% of women (stat from Stop Street Harassment) experience street harassment at some point during their lives. Comments from “You’d look good on me” to groping, flashing and assault are a daily, global reality for women and LGBTQI individuals, but street harassment is rarely reported, and culturally accepted as ‘the price you pay for being a woman or for being LGBTQI.

The long-term impacts include depression, anxiety, and post-traumatic stress disorder, as well as a reduced sense of safety that can limit earnings, decrease mobility, and interrupt their ability to fully engage with civic life.
Common Experiences of Stalking

Common experiences of stalking include:

• Fear of what the stalker will do
• Anxiety, depression, stress, irritability, confusion or feeling 'on edge'
• Trouble sleeping, appetite loss or overeating
• Not knowing who to trust

The important thing to understand about stalking is that it creates a situation in which the person feels frightened, threatened, or otherwise emotionally distressed. This fear and distress will persist while the behaviors of the perpetrator persist.
“Consent” is a freely and affirmatively communicated willingness to participate in particular sexual activity or behavior, expressed either by words or clear, unambiguous actions.

a. Consent can be withdrawn at any time, as long as the withdrawal of consent is clearly communicated by words or actions.
b. Consent cannot be coerced or compelled by force, threat, deception, or intimidation.
c. 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”.
d. 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.
Be an Active Bystander

UNMC encourages students and employees to be active bystanders. That means paying attention if it seems like someone needs help and being willing to be the person who can provide that help.

The bystander effect, or bystander apathy, is a social psychological phenomenon in which individuals are less likely to offer help to a victim when other people are present. The greater the number of bystanders, the less likely it is that any one of them will help.

UNMC strives to create an environment where employees and students feel a sense of responsibility to their fellow members of our campus community. Understanding the Bystander Effect is the first step in creating that community.

You can overcome the bystander effect by:
• Being observant
• Knowing what to do
• Seeing others as deserving of Help
IT’s On US

- To **RECOGNIZE** that non consensual sex is sexual assault.
- To **IDENTIFY** situations in which sexual assault may occur.
- To **INTERVENE** in situations where consent has not or cannot be given.
- To **CREATE** an environment in which sexual assault is unacceptable and survivors are supported.

Take the pledge at [istsonus.org](https://www.itsonus.org/)
IT’s On US
Title IX Office

Carmen Sirizzotti
Title IX Coordinator
Administrative Building, Office# 2010
(ADM – Corner of Dewey Street & 40th Street)
Telephone: 402.559.2710
csirizzotti@unmc.edu

Resources (confidential resources, campus resources, Off Campus resources, Hot Lines and National Websites resources):

- Campus Resources
- UNMC Title IX website
State of Nebraska Statutes

- **Statute 42-903** defines Family and household members as “spouses or former spouses, children, persons who are presently residing together or who have resided together in the past, persons who have a child in common whether or not they have been married or have lived together at any time, other persons related by consanguinity or affinity, and persons who are presently involved in a dating relationship. Statute 42-903 defines abuse as “Attempting to cause or intentionally and knowingly causing bodily injury with or without a dangerous instrument; or placing by means of credible threat, another person in fear of bodily injury.
  

- **Statute 28-323** defines Intimate relationship as “a spouse; 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.
  

- **Statute 28-311.01** – Terroristic Threats – Any person who threatens to commit any crime of violence with the intent to terrorize another acing by means of credible threat, another person in fear of bodily injury.
  
State of Nebraska Statutes

- **Statute 28-311.02** and 28-311.03 - Stalking and harassment - Any person who willfully harasses another person or a family or household member of such person with the intent to injure, terrify, threaten, or intimidate commits the offense of stalking.

- **Statute: 28-318** - Criminal laws dealing with sexual assault offenses (which include what is commonly referred to as rape) defines what “Without consent” means. Sexual Assault Terms, defined.

- **Statute 28-319** - Sexual Assault; first degree.

- **Statute 28-319.01** - Sexual Assault of a Child; first degree.

- **Statute 28-320** - Sexual Assault; second or third degree.
State of Nebraska Statutes

• **Statute 28-320.01** - Sexual Assault of a Child; second or third degree.

• **Statute 28-320.02** - Sexual Assault; Use of Electronic Communication Device.

• **Statute 28-703** - Incest.

**Harassment Protection Order – State of Nebraska.**

**Statute 28-311.09.** A court order restraining a subject from imposing any restraint upon another person to include harassing, threatening, assaulting, molesting, attacking or otherwise disturbing that persons peace.

Student Regents thank you for taking the time to learn about Sexual Misconduct and Prevention.