

## **Sexual Misconduct Reporting and Resolution Procedures**

### ***Introduction***

The University is committed to providing a learning, working, and living environment that promotes integrity, civility, and mutual respect in an environment free from sexual misconduct as provided in Title IX and other applicable laws. The University believes in a zero tolerance procedure for sexual misconduct. Members of the University community, guests and visitors have the right to be free from sexual misconduct. When an allegation of sexual misconduct is brought to the administration, and a respondent is found to be in violation, the University will take prompt and appropriate action to investigate and effectively discipline those found responsible for such conduct in a manner consistent with the law and due process. All members of the community are expected to conduct themselves in a manner that does not infringe upon the rights of others. The University Sexual Misconduct Reporting and Resolution Procedure has been developed to reaffirm these principles, prevent acts of sexual misconduct and to provide recourse for those individuals whose rights have been violated. This procedure has dual purposes. It serves as a measure for us to determine, after the fact, if behaviors trespass on the rights of others. It also should serve as a guide for you on the expectations we have, preventatively, for sexual communication, sexual responsibility and sexual respect. UNO shall ensure that our policies and procedures do not infringe on any form of speech or conduct that is protected by the First Amendment.

### ***OVERVIEW OF EXPECTATIONS***

While the information below is quite detailed and specific, the expectations of this community can be summarized in this simple sentence:

*In order for individuals to engage in sexual activity of any type with each other, there must be clear consent.*

In campus proceedings, legal ideas like guilt and innocence are not applicable; rest assured that University will never assume a student is in violation of university procedure. In fact, campus proceedings are conducted to take into account the totality of all evidence available, from all relevant sources. In such procedures, a preponderance of the evidence standard will be used in making a determination that sexual misconduct did or did not occur.

The university reserves the right to take whatever measures it deems necessary in response to an allegation of sexual misconduct in order to protect students' rights and personal safety. Such measures include, but are not limited to, modification of living arrangements, modification of living arrangements, and interim suspension from campus pending the results of an investigation and resolution, and reporting to the local police. Not all forms of sexual misconduct will be deemed to be equally serious offenses, and the university reserves the right to impose differing sanctions, ranging from warning to expulsion, depending on the severity of the offense. The university will consider the concerns and rights of both the complainant and respondent.

These policies and procedures are intended/ designed to prevent acts of sexual misconduct in compliance with the Board of Regents Policy and applicable federal and state laws and regulations:

\* Title IX of the 1972 Education Amendments which (i) prohibits discrimination on the basis of sex in educational institutions and (ii) requires colleges and universities receiving federal funding to combat

gender-based violence and harassment, and respond to survivors' needs in order to ensure that all students have equal access to education;

\* The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), which requires (i) policies and procedures for sexual assault and (ii) requires timely warning and external reporting of crimes; and

\* Section 304 of the Violence against Women Reauthorization Act of 2013 (VAWA), which extends the Clery Act to include dating violence, domestic violence and stalking.

\* Act 172 of 2015 or any other applicable state laws.

**Prevention and Awareness Programs** – UNO encourages students to participate in education and prevention programs that include, but are not limited to: (a) awareness programs; (b) bystander intervention programs; (c) ongoing prevention and awareness campaigns; (d) primary prevention programs; and (e) education on risk reduction. Students are encouraged to participate in the annual climate survey. UNO has also established a task force to address sexual misconduct. Information regarding the Task Force can be acquired through the student body government.

Students are encouraged to report sexual misconduct and any student who, in good faith, reports sexual violence to UNO shall not be sanctioned by UNO for the nonviolent student code of conduct violation, such as underage drinking, that is revealed in the course of such a report.

### ***Definitions***

#### **Amnesty for Victims and Witnesses**

The university community encourages the reporting of misconduct and crimes by victims and witnesses. Sometimes, victims or witnesses are hesitant to report to university officials or participate in resolution processes because they fear that they themselves may be respondent of policy violations, such as underage drinking at the time of the incident. It is in the best interests of this community that as many victims as possible choose to report to university officials, and that witnesses come forward to share what they know. To encourage reporting, the university pursues a policy of offering victims of misconduct and witnesses amnesty from minor policy violations related to the incident.

Sometimes, students are hesitant to offer assistance to others for fear that they may get themselves in trouble (for example, a student who has been drinking underage might hesitate to help take a sexual misconduct victim to the Campus Police). The university pursues a policy of amnesty for students who offer help to others in need. While policy violations cannot be overlooked, the university will provide educational options, rather than punishment, to those who offer their assistance to others in need.

The amnesty provision aims to remove the barriers that may prevent any student from seeking emergency medical attention by providing an opportunity for the University to intervene in a caring and non-punitive manner. The goal is to reduce the potential risk of alcohol and/or drug-related injuries or deaths, and increase the likelihood that students will seek medical attention in crisis situations.

A student who seeks emergency medical attention (or who has emergency medical attention sought on his/her behalf) for drug or alcohol related consumption, will not be sanctioned for violating drug and alcohol consumption prohibitions found in the Student Code of Conduct related to that incident, as long as the student completes the following requirements:

a) Participates in an initial meeting with the Vice President for Student Affairs, or designee, and

- b) Completes all recommendations from the Vice President for Student Affairs, or designee, and
- c) Submits proof of completion of all recommendations, within the time frame designated by the Vice President for Student Affairs, or designee, at the initial meeting.

A bystander student who has engaged in drug or alcohol consumption and who seeks emergency medical attention for someone else or tries to actively engage in assistance for someone else for that person's drug or alcohol related consumption, will not be sanctioned for violating drug and alcohol consumption prohibitions found in the Student Code of Conduct related to his/her own consumption, but will be invited to meet with the Vice President for Student Affairs.

The University will not pursue any disciplinary action related to any drug or alcohol consumption against any student who has been sexually assaulted or sexually harassed for their use of drugs or alcohol at the time of the sexual assault or sexual harassment.

This policy will only apply to a student who seeks emergency medical attention before police or University employees or agents take any official action or intervention related to the drug or alcohol consumption. The policy does not preclude disciplinary action regarding other violations of the Student Code of Conduct. The policy only applies to the university's student disciplinary system for violations of the Student Code of Conduct. This policy does not apply to any criminal, civil or other legal consequence for violations under Federal, State or local law.

The policy is not designed to protect or shield those students who repeatedly violate the Student Code of Conduct. Each situation will be assessed on a case-by-case basis, denying the safeguards of the Amnesty Policy if serious or repeated incidents prompt a higher degree of concern or response, which may include disciplinary action under the Student Code of Conduct.

**Coercion:** The use of express or implied threats, intimidation, or physical force which places an individual in fear of immediate harm or physical injury or causes a person to engage in unwelcome sexual activity. Coercion also includes administering a drug, intoxicant, or similar substance with the intent to impair that person's ability to Consent prior to engaging in sexual activity.

**Complainant** - an individual whose report of sexual misconduct has not yet been investigated and validated.

**Confidential Advisors:** Designated individuals to serve as confidential advisors who shall, to the extent authorized under law, provide confidential services to students involved in a sexual misconduct complaint in the resolution process.

- a. The confidential advisor may, as appropriate, serve as a liaison between an alleged victim and the institution or local law enforcement when directed to do so in writing by an alleged victim who has been fully and accurately informed about what procedures shall occur if information is shared, and assist an alleged victim in contacting and reporting to a responsible employee or local law enforcement.
- b. The confidential advisor must be authorized by the institution to liaise with appropriate staff at the institution to arrange reasonable interim measures through the institution to allow the alleged victim to change living arrangements or class schedules, obtain accessibility services, or arrange other interim measures. The same interim measures that are offered to the alleged victim may be offered to the accused. Any requests for interim measures shall not trigger an investigation by the institution.
- c. The confidential advisor shall be authorized to accompany the alleged victim, when requested to do so by the alleged victim, to interviews and other proceedings of a campus investigation and institutional disciplinary

proceedings.

d. The confidential advisor shall be authorized to advise the alleged victim of, and provide written information regarding, both the alleged victim's rights and the institution's responsibilities regarding orders of protection, no-contact orders, restraining orders, or similar lawful orders issued by a court of competent jurisdiction or by the institution.

e. The confidential advisor shall not be obligated to report crimes to the institution or law enforcement in a way that identifies an alleged victim or an accused individual, unless otherwise required to do so by law.

f. Those individuals designated as confidential advisors shall complete online training developed by the Attorney General in collaboration with the Board of Regents.

**Consent:** Consent to engage in sexual activity must exist from beginning to end of each instance of sexual activity. Consent is demonstrated through mutually understandable words and/or actions that clearly indicate a willingness to engage in a specific sexual activity. Silence alone, without actions evidencing permission, does not demonstrate Consent. Consent must be knowing and voluntary. To give Consent, a person must be of legal age. Assent does not constitute Consent if obtained through coercion or from an individual whom the Alleged Offender knows or reasonably should know is incapacitated. The responsibility of obtaining Consent rests with the person initiating sexual activity. Use of alcohol or drugs does not diminish one's responsibility to obtain Consent. Consent to engage in sexual activity may be withdrawn by any person at any time. Once withdrawal of Consent has been expressed, the sexual activity must cease. Consent is automatically withdrawn by a person who is no longer capable of giving Consent. A current or previous consensual dating or sexual relationship between the Parties does not itself imply Consent or preclude a finding of responsibility.

**Dating Violence definition in Clery Act:** Violence including, but not limited to, sexual or physical abuse or the threat of such abuse, committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Alleged Victim. The existence of such a relationship will be determined based on a consideration of the length and type of relationship and the frequency of interaction.

**Dating Violence definition in Louisiana law:** "Dating violence" includes, but is not limited to, physical or sexual abuse and any offense against the person as defined in the Criminal Code of Louisiana, except negligent injury and defamation, committed by one dating partner against the other. La. RS § 46.2151(C) For purposes of this Section, "dating partner" means any 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:

- (1) The length of the relationship.
- (2) The type of relationship.
- (3) The frequency of interaction between the persons involved in the relationship.

**Domestic Violence definition in Clery Act:** Violence, including but not limited to, sexual or physical abuse or the threat of such abuse committed by a current or former spouse or intimate partner or any other person from whom the Alleged Victim is protected under federal or Louisiana law. Felony or misdemeanor crime 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 in which the crime of violence occurred; 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 in which the crime of violence occurred.

**Family violence definition in Louisiana law:** Means any assault, battery, or other physical abuse which occurs between family or household members who reside together or who formerly resided together. La. RS § 46.2121.1(2)

**Incapacitation:** An individual is considered to be incapacitated if, by reason of mental or physical condition, the individual is manifestly unable to make a knowing and deliberate choice to engage in sexual activity. Being drunk or intoxicated can lead to Incapacitation; however, someone who is drunk or intoxicated is not necessarily incapacitated, as Incapacitation is a state beyond drunkenness or intoxication. Individuals who are asleep, unresponsive or unconscious are incapacitated. Other indicators that an individual may be incapacitated include, but are not limited to, inability to communicate coherently, inability to dress/undress without assistance, inability to walk without assistance, slurred speech, loss of coordination, vomiting, or inability to perform other physical or cognitive tasks without assistance.

**Interim Measures:** The institution will offer assistance to complainants and respondents of sexual misconduct, including but not limited to, reasonably available options for changing academic, campus transportation, housing or working situations as well as honoring lawful protective or temporary restraining orders.

**Perpetrator** - an individual found guilty of sexual misconduct.

**Respondent** - an individual against whom a sexual misconduct complaint is brought, which complaint has not yet been validated through investigation and/or adjudication.

**Responsible Employee:** Employees who have the authority to take action to redress sexual violence and have been given the duty of reporting incidents of sexual violence or any other misconduct by students to the Title IX Coordinator or other appropriate school designee.

**Retaliation:** Acts or attempted acts for the purpose of interfering with any report, investigation, or proceeding under this Policy, or as retribution or revenge against anyone who has reported Sexual Misconduct or Relationship Violence or who has participated (or is expected to participate) in any manner in an investigation, or proceeding under this Policy. Prohibited retaliatory acts include, but are not limited to, intimidation, threats, coercion, or discrimination. Title IX prohibits Retaliation. For purposes of this Policy, an attempt requires a substantial step towards committing a violation.

**Sexual Assault as defined by the Clery Act:** An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's UCR program.

**Sexual Assault as defined by Louisiana State Law:**

**Non-Consensual Sexual Intercourse:** Having or attempting to have sexual intercourse, cunnilingus, or fellatio without Consent. Sexual intercourse is defined as anal or vaginal penetration by a penis, tongue, finger, or inanimate object.

**Non-Consensual Sexual Contact:** Any intentional sexual touching, or attempted sexual touching, without Consent.

**Sexual Exploitation:** An act attempted or committed by a person for sexual gratification, financial gain, or other advancement through the abuse or exploitation of another person's sexuality. Examples of sexual exploitation include, but are not limited to, non-consensual observation of individuals who are undressed or engaging in sexual acts, non-consensual audio- or videotaping of sexual activity, prostituting another person, allowing others to observe a personal consensual sexual act without the knowledge or consent of all involved parties, and knowingly exposing an individual to a sexually transmitted infection without that individual's knowledge.

**Sexual Harassment:** Unwelcome conduct of a sexual nature when i) submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment or education; ii) submission to or rejection of such conduct by a person is used as the basis for a decision affecting that person's employment or education; or iii) such conduct has the purpose or effect of unreasonably interfering with a person's employment or education, or creating an intimidating, hostile, or offensive employment or educational environment, and has no legitimate relationship to the subject matter of a course or academic research. Sexual Harassment also includes non-sexual harassment or discrimination of a person because of the person's sex and/or gender, including harassment based on the person's nonconformity with gender stereotypes. For purposes of this Policy, the various forms of prohibited Sexual Harassment are referred to as "Sexual Misconduct."

**Sexual Misconduct** is a sexual act or contact of a sexual nature that occurs, regardless of personal relationship, without the consent of the other person(s), or that occurs when the person(s) is unable to give consent or whose consent is coerced or obtained in a fraudulent manner. For the purpose of this Policy, sexual misconduct includes, but is not limited to, sexual assault, sexual abuse, violence of a sexual nature, sexual harassment, non-consensual sexual intercourse, sexual exploitation, video voyeurism, contact of a sexual nature with an object, or the obtaining, posting or disclosure of intimate descriptions, photos, or videos without the express consent of the persons depicted therein, as well as dating violence, domestic violence and stalking.

**Sexually Oriented Criminal Offense:** Any sexual assault offense as defined in La. R.S. 44:51 and any sexual abuse offense as defined in R.S. 14:403

**Stalking as defined by Clery Act:** Intentional and repeated following OR harassing that would cause a reasonable person to feel alarmed OR that would cause a reasonable person to suffer emotional distress OR 2. Intentional and repeated uninvited presence at another person's: home, work place, school, or any other place which would cause a reasonable person to be alarmed OR would cause a reasonable person to suffer emotional distress as a result of verbal or behaviorally implied threats of death, bodily injury, sexual assault, kidnapping or any other statutory criminal act to the victim OR any member of the victim's family OR any person with whom the victim is acquainted 34 CFR 668.46(a)(ii)

**Stalking as defined by Louisiana state law:** Stalking is the intentional and repeated following or harassing of another person that would cause a reasonable person to feel alarmed or to suffer emotional distress. Stalking shall include but not be limited to the intentional and repeated uninvited presence of the perpetrator at another person's home, workplace, school, or any place which would cause a reasonable person to be alarmed, or to suffer emotional distress as a result of verbal, written or behaviorally implied threats of death, bodily injury, sexual

assault, kidnaping, or any other statutory criminal act to himself or any member of his family or any person with whom he is acquainted. La. RS § 14:40.2(A) "Harassing" means the repeated pattern of verbal communications or nonverbal behavior without invitation which includes but is not limited to making telephone calls, transmitting electronic mail, sending messages via a third party, or sending letters or pictures. "Pattern of conduct" means a series of acts over a period of time, however short, evidencing an intent to inflict a continuity of emotional distress upon the person. Constitutionally protected activity is not included within the meaning of pattern of conduct. La. RS § 14:40.2(C)

### **MANDATORY STATE REQUIREMENTS**

In addition to compliance with federal and state laws and regulations, including those listed above, UNO will implement the following measures to prevent and address campus sexual misconduct:

#### **Campus Climate Survey**

To adequately assess perceptions and behaviors of sexual misconduct on each campus, UNO will administer the statewide campus climate survey to our students within 120 days of the adoption of a statewide survey. Each institution is encouraged to supplement the statewide survey by collecting additional information that can be utilized to develop prevention and intervention strategies appropriate for that institution. Such a survey must be voluntary and administered to student who choose to participate allowing students to decline to participate.

The UNO specific results of the statewide survey must be reported to the UL Board of Regents.

In the event that no funding is provided by the state for a statewide climate survey, each institution is encouraged to administer such a survey on its own initiative.

UNO has implemented a **Title IX Task Force** with diverse representation from faculty, staff and students. Student Task Force Members will not serve in investigations nor disciplinary proceedings. Individuals who are involved in implementing institution's student grievance procedures, including each individual who is responsible for resolving complaints of reported sex offenses or sexual misconduct policy violations, and each employee who has responsibility for conducting an interview with an alleged victim of a sexually-oriented criminal offense will receive annual training developed by the Board of Regents/Attorney General starting with the beginning of the 2016-2017 school year.

#### **Prevention and Awareness Programs:**

UNO will annually offer education and prevention programs that include, but are not limited to: (a) awareness programs; (b) bystander intervention programs; (c) ongoing prevention and awareness campaigns; (d) primary prevention programs; and (e) education on risk reduction. Each institution must provide and document all training programs.

**Awareness Programs:** Awareness programs consist of community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce sexual misconduct.

**Bystander Intervention:** Bystander intervention consists of safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. It also includes recognizing situations of potential harm, understanding institutional

structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

**Ongoing Prevention and Awareness Campaigns:** Ongoing prevention and awareness campaigns must consist of programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to, and skills for addressing, dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the institution.

**Prevention Programs:** Primary prevention programs must consist of initiatives and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.

**Risk Reduction:** Risk reduction consists of options designed to decrease perpetration and bystander inaction and to increase empowerment for victims to promote safety and to help individuals and communities address conditions that facilitate violence. Additional options may include designation and publication of “red zones” (i.e., times and places of high incidence of crimes, including sexual violence).

#### **COORDINATION WITH LOCAL LAW ENFORCEMENT**

UNO has a Memorandum of Understanding (“MOU”) with local law enforcement and criminal justice agency located within the parish and other organizations such as crisis centers regarding the coordination its efforts with those of local law enforcement agencies and other organizations such as crisis centers as appropriate to clearly delineate responsibilities and share information in accordance with applicable federal and state confidentiality laws, including but not limited to trends about sexually-oriented criminal offenses occurring against students of the institution and This MOU will be updated at least every two years.

#### **INVESTIGATION PROCEDURES AND PROTOCOLS**

##### **CONFIDENTIALITY AND REPORTING PROCEDURE**

Different people on campus have different reporting responsibilities, and different abilities to maintain your confidentiality, depending on their roles at the university. Students are encouraged to report instances of sexual misconduct as soon as possible, but there is no time limit within which allegations of sexual misconduct must be reported. All reports will be investigated although it is easier to investigate allegations that occur close in time to the alleged offense.

When consulting campus resources, victims should be aware of confidentiality and mandatory reporting, in order to make informed choices. On campus, some resources may maintain your complete confidentiality, offering you options and advice without any obligation to tell anyone, unless you want them to. Other resources are expressly there for you to report crimes and procedure violations, and they will take action when you report your victimization to them. Most resources on campus fall in the middle of these two extremes. Neither the university nor the law requires them to divulge private information that you share with them, except in extremely rare circumstances, described below. You may seek assistance from them without starting a chain of events that takes things out of your control, or violates your privacy.

**Complainant May or May Not Choose to Report.** Institutions must allow complainants to file both informal and formal complaints against the respondent. If the complainant chooses to file an informal complaint, the

complainant must be notified of the right to end the informal process at any time and the right to pursue a formal complaint and/or take legal action. The institution may provide an online reporting system to collect anonymous disclosures of crimes and track patterns of crimes on campus. An individual may submit a confidential report about a specific crime to the institution using the online reporting system. If an online reporting system is used, it should include information regarding how to report a crime to a responsible employee and/or law enforcement as well as how to contact a confidential advisor.

### ***To Report Confidentially***

If you desire that details of the incident be kept confidential, you should speak with on-campus mental health counselors, campus health service providers or off-campus rape crisis resources. While there are exceptions to confidentiality, in general, medical and mental health professionals are required to keep patient/client information confidential unless explicit (usually written) permission is given to release information. Among the exceptions to confidentiality are a court-ordered release of client records. Another example of an exception is when a patient/client poses a danger to him/herself or someone else, in which case the medical/mental health professional is required by law to break confidentiality and do what is necessary to ensure the safety and wellbeing of those in danger. Counseling Services is available to help you during regular office hours and prioritizes crisis situations to ensure timely access to services. In addition, you may speak with on and off-campus with members of the clergy and chaplains, who will also keep reports made to them confidential within the limits of applicable laws. The contact information for the UNO Counseling Center is:

226 University Center  
504-280-6683

***The university also has designated individuals to serve as “Confidential Advisors.” These individuals primarily serve to aid a student involved in a sexual misconduct complaint in the resolution process as a confidential resource. AS suggested by the term “confidential advisor,” confidential communications with the advisor will be kept confidential in all circumstances except where the institution or advisor may be required to disclose the communications under state or federal laws. For example, an institution may be compelled by law to disclose communications between the student and his/her confidential advisor if directed by the court in civil litigation. UNO has designated the following individuals to serve as Confidential Advisors:***

Candace Stanton, M.A.  
Student Success Counselor, First Year Experience  
[castanto@uno.edu](mailto:castanto@uno.edu), 504-280-7465, PEC 117-F

### ***Quasi-Confidential Reporting***

You can seek advice from certain resources who are not required to tell anyone else your private, personally identifiable information unless there is cause for fear for your safety, or the safety of others. These resources include those without supervisory responsibility or remedial authority to address sexual misconduct, such as RAs, faculty members, advisors to student organizations, career services staff, admissions officers, student activities personnel, and many others. If you are unsure of someone’s duties and ability to maintain your privacy, ask them before you talk to them. They will be able to tell you, and help you make decisions about who can help you best. Some of these resources, such as RAs, are instructed to share incident reports with their supervisors, but they do not have to share any personally identifiable information about your report unless you give permission, except in the rare event that the incident reveals a need to protect you or other members of the community. If your personally identifiable information is shared, it will be shared with as few people as

possible, and all efforts will be made to protect your confidentiality to the greatest extent.

### ***Non-Confidential Reporting Options***

You are encouraged to speak to officials of the institution to make formal reports of incidents (deans, vice presidents, or other administrators with supervisory responsibilities, campus security, and human resources). These individuals within the UNO community have considered Responsible Employees for purposes of reporting. You have the right and can expect to have incidents of sexual misconduct to be taken seriously by the university when formally reported, and to have those incidents investigated and properly resolved through administrative procedures. Formal reporting does not mean that your report won't be confidential, but it does mean that people who need to know will be told, and information will be shared as necessary with investigators, witnesses, and the accused. You may also contact the Title IX Coordinators to report sexual misconduct:

Dr. Brett E. Kemker, PhD

[bkemker@uno.edu](mailto:bkemker@uno.edu)

504-280-6620

UC 248

Amy King

[aaking@uno.edu](mailto:aaking@uno.edu)

504-280-6222

UC 248

You may also contact the Office of Civil Rights regarding sexual misconduct:

Office of Civil Rights:

[OCR@ed.gov](mailto:OCR@ed.gov) or 800-421-3481, TDD 800-877-8339.

The circle of people will be kept as tight as possible, to preserve your rights and privacy. All individuals who are involved in implementing UNO's student grievance procedures, including each individual who is responsible for resolving complaints of reported sex offense or sexual misconduct policy violations, and each employee who has responsibility for conducting an interview with an alleged victim of a sexually oriented criminal offense will receive annual training as required by the Board of Regents.

**The UNO Website at <http://www.uno.edu/student-affairs-enrollment-management/> contains information regarding how to obtain a confidential advisor as well as other required information:**

- Reporting options for alleged victims of a sexually-oriented criminal offense
- The process of investigation and disciplinary proceedings of the institution
- The process of the investigation and adjudication of the criminal justice system
- Potential reasonable accommodations that the institution may provide to an alleged victim
- The telephone number and website address for a local, state, or national hotline providing information to sexual violence victims, which shall be updated on a timely basis.

- The name and location of the nearest medical facility where an individual may have a rape kit administered by an individual trained in sexual assault forensic medical examination and evidence collection, and information on transportation options and available reimbursement for a visit to such facility.

## **RIGHTS OF COMPLAINANT**

Throughout the investigative process, the complainant maintains certain rights to ensure fairness and safety. Some of those rights are outlined below:

### **Interim Measures:**

To bring an advisor of the complainant's choice including an attorney may be present and/or a confidential advisor designated by the university, but may not actively participate.

To have an Administrative Directive sent immediately to the accused that forbids him/her from contacting you by any method, including through friends or acquaintances. If an Administrative Directive is violated the accused may receive an Interim Expulsion. Protective orders and other no contact orders acquired through the court system shall also be honored by UNO.

To be relocated within the residence halls if a threat is present or in some cases to have the accused relocated. Other reasonably available options for changing academic, campus transportation, housing or working situations as well as honoring lawful protective or temporary restraining orders can be discussed with the Title IX Coordinator or a Confidential Advisor.

To receive information regarding support services, including medical and mental health services in the community such as local advocacy, counseling, health and mental health services, as needed.

### **Complaints:**

To file either informal or formal complaints against the respondent.

If you choose to file an informal complaint, you may end it at any time and have the right to pursue a formal complaint and/or take legal action.

### **Investigation Process:**

To have the institution take prompt and appropriate action to investigate and effectively discipline those found responsible for such conduct in a manner consistent with the law and due process.

### **Complaint Resolution:**

To hear the outcome of the discipline process.

To appeal the outcome of the discipline process

In the event of a hearing:

To present testimony either in person or by phone.

To be questioned and provide responses to the accused through a third party.

If presenting testimony in person, the option to observe the entire hearing.

To meet with the presenter prior to and during the hearing to develop questions.

To submit a victim impact statement to be considered by the Hearing Board before a sanction is assigned.

### **RIGHTS OF THE RESPONDENT**

Throughout the process, the accused student/respondent maintains certain rights to ensure fairness. In order for the victim/complainant to have as much information as possible concerning the process, some of those rights in reference to a discipline hearing are outlined below:

To be informed in writing of all charges at least five (5) business days before any hearing. This right may be waived by the respondent.

To decline to testify or answer questions.

To question witnesses that appear in person or by telephone at any hearing and to present witnesses of fact although the complainant will not be asked questions directly by the respondent.

To appeal the decision.

To bring an advisor of the respondent's choice including an attorney may be present and/or a confidential advisor designated by the university, but may not actively participate.

### **INVESTIGATION AND RESOLUTION**

The Title IX Coordinator and/or the investigator will provide information on the investigation and resolution process outlined in the policy to the complainants and respondents. The process will be fair and timely, regardless of whether it is an informal administrative resolution phase or a formal adjudication, for complainants and respondents.

Disciplinary proceedings following the completion of an investigation will be conducted by the Title IX Coordinator

and will use the preponderance of the evidence standard in making a determination concerning the alleged sexual misconduct. Both the complainant and respondent are entitled to be accompanied to any meeting or proceeding relating to the allegation of such sexual misconduct by an advisor or support person of their choice, provided the involvement of such advisor or support person does not result in the postponement or delay of such meeting as scheduled, and each shall have the opportunity to present evidence and witnesses on their behalf during any disciplinary proceeding. Both the complainant and respondent are entitled to be informed in writing of the results of any disciplinary proceeding not later than ten (10) business days after the resolution. Sanctions may range from a warning to expulsion, depending upon the behavior and its severity.

### ***SANCTION STATEMENT***

Any student found responsible for Non-Consensual Sexual Contact (where no intercourse has occurred) will likely receive a sanction ranging from conduct admonition to expulsion, depending on the severity of the incident, and taking into account any previous campus conduct code violations.\*

Any student found responsible for Non-Consensual Sexual Intercourse will likely face a recommended sanction of suspension or expulsion.\*

Any student found responsible for sexual exploitation or sexual harassment will likely receive a recommended sanction ranging from a conduct admonition to expulsion, depending on the severity of the incident, and taking into account any previous campus conduct code violations.\*

The transcript of any student who is accused of a sexually oriented criminal offense and withdraws pending disciplinary action shall be withheld until investigation and adjudication of the matter is completed.

If a student is found responsible for a sexually-oriented criminal offense upon the completion of such investigation and/or adjudication and seeks to transfer to another public higher education institution, UNO is required to communicate such a violation with the institution(s) to which the student seeks to transfer or has transferred when UNO becomes aware of the student's attempt to transfer.

\*The University reserves the right to broaden or lessen any range of recommended sanctions in the complaint of serious mitigating circumstances or egregiously offensive behavior. Neither a Board of Review nor any appeals body or officer will deviate from the range of recommended sanctions unless compelling justification exists to do so. Sanctions will be decided on a case by case basis.

\*In instances where the UNO Sexual Misconduct Policy conflicts with the Student Code of Conduct and disciplinary sanctions are being sought through the Student Code of Conduct, the Sexual Misconduct Policy supersedes the Student Code of Conduct.