

Rights and Options

Regarding Nebraska Wesleyan University's Sexual Harassment and Sexual Misconduct Resolution Processes

The following information provides a summary of rights and options following a report or a complaint of an alleged violation of Nebraska Wesleyan University's policies regarding sexual harassment and sexual misconduct. Please contact the Title IX Coordinator if you have any questions about this information.

Rights:

- 1) To report a sexual harassment and/or sexual misconduct concern to anyone.
 - a) Two main categories of resources on the Nebraska Wesleyan campus include:
 - i) Confidential Resources (University Minister, Campus Advocate, NWU Counselor, and Employee Assistance Program): Confidential Resources are not required to report to the Title IX Office.
 - ii) Campus Security Authority (Employees or officials identified by the University): Campus Security Authorities are required to report disclosures to the Title IX Office.

For clarification about the difference between confidentiality and privacy, please refer to Section IV of NWU's policies regarding Sexual Harassment and Sexual Misconduct:

Sexual Harassment and Sexual Misconduct Policy addressed under the 2020 Final Rule for Federal Title IX Regulations: https://www.nebrwesleyan.edu/sites/default/files/inline-files/sexual_harassment_and_sexual_misconduct_policy_addressed_under_the_2020_final_rule_for_federal_title_ix_regulations_1.pdf

Sexual Harassment and Sexual Misconduct Policy Outside of the 2020 Final Rule for Federal Title IX Regulations: https://www.nebrwesleyan.edu/sites/default/files/inline-files/sexual_harassment_and_sexual_misconduct_policy_outside_of_the_2020_final_rule_for_federal_title_ix_regulations.pdf

- 2) To be treated with appropriate compassion and respect, and in a manner considerate of your privacy.

As noted above, confidentiality cannot be guaranteed unless disclosing to a confidential resource.

- 3) To a prompt and efficient processing of all reports and complaints received by NWU's Title IX Office, in accordance with NWU's procedures.
- 4) To be informed of a Formal Complaint, and the alleged misconduct on which the complaint is based, if you are the Complainant or the Respondent.
- 5) To decide whether or not to participate in the resolution process.

Please note, if a Formal complaint is filed and either party chooses not to participate or chooses not to answer certain questions during the resolution process, the process will continue nonetheless. Decisions will be made without that party's participation.

- 6) To request reasonable accommodations, including but not limited to language translation or interpretation services, in order to allow for participation in the Title IX reporting and resolution process.
- 7) To be supported by a Support Person, at your own expense, during any part of the reporting, assessment, or resolution process. The Support Person may speak only to the individual being supported.
 - a) When the Support Person is an attorney, the administrator hosting the meeting must be given two days advance notice.
 - b) If you desire the support of a Support Person, but cannot find someone that you are comfortable with, please contact a Title IX Coordinator, at titleIX@nebrwesleyan.edu.
- 8) To be advised by an Advisor of Choice during any part of the reporting, assessment, or resolution process. The Advisor of Choice may only speak to the individual being advised and may only ask relevant questions to involved parties during cross-examination.
 - a) When the Advisor of Choice is an attorney, the administrator hosting the meeting must be given two days advance notice.
 - b) An Advisor of Choice will be provided for the Title IX Hearing for the purpose of cross-examination if the involved party has not appointed one for themselves.
- 9) To request the recusal of any member of the reporting and resolution process because of potential bias.
- 10) To be advised of the determination of the resolution process.
- 11) To appeal the findings if there are grounds for an appeal.

Options:

- 1) To request that the Title IX Coordinator assists victims in contacting local Law Enforcement regarding incidents that are considered a criminal offense. The Title IX Coordinator will follow mandatory reporting laws involving abuse or neglect of a minor by an adult.
- 2) To request that the Title IX Coordinator assist complainants or respondents in contacting resources that may provide legal advice.
- 3) To request that Nebraska Wesleyan University provides supportive measures for the parties or witnesses involved in order to ensure equal access to NWU's educational programs and activities.
 - a) Restraining Orders: If you have obtained or obtain a temporary restraining order, or other no contact order, against the alleged perpetrator from a criminal, civil, or tribunal court, please provide that information to the Title IX Coordinator. Nebraska Wesleyan University will take all reasonable action to implement the order.
 - b) Supportive Measures: facilitation of connections to on- and off-campus resources, issuance of a No Contact/Limited Contact Order, change of work or class assignment/location/schedule, change of living space, change of class schedule, and/or security escort.

Other Considerations:

- 1) Preservation of Evidence: It is important that you consider the preservation of evidence. Please see the Medical Care and Evidence Collection document for information on how to protect physical evidence <https://www.nebrwesleyan.edu/sites/default/files/inline-files/medical-care-collection-evidence-7-18-19.pdf>

Evidence in all electronic formats should also be retained (e.g. text messages, emails, photos, social media posts, screenshots, etc.).

- 2) Retaliation: NWU prohibits retaliation by any party against Respondents, Complainants, witnesses, reporters, or anyone involved in or participating in a resolution process. Engaging in retaliation is a separate violation of our University policy and can result in disciplinary action regardless of the outcome of the investigation and resolution of the initial complaint.