Title IX Administration and Compliance
Handbook for Employees
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Policy & Procedural Information
Concerning Title IX & Sexual Misconduct

“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.”

Title IX of the Education Amendments of 1972 - 32 C.F.R. § 106.31

1 INTRODUCTION

Southeast Community College (SCC) is committed to maintaining a positive and safe learning and working environment. SCC students and employees are responsible for ensuring that SCC maintains an environment for study and work free from sexual assault or misconduct. All members of the SCC community, including guests and visitors are expected to conduct themselves in a manner that ensures a safe environment for all.

Title IX of the Education Amendments of 1972 [http://www.justice.gov/crt/about/cor/cood/titleix.php] protects individuals from discrimination based on sex in any educational program or activity operated by recipients of federal financial assistance. Sexual harassment, which includes acts of sexual violence, is a form of sex discrimination prohibited by Title IX. The Access/Equity/Diversity Office has been designated as SCC’s Title IX administrative office and all questions, complaints, or concerns about Title IX may be addressed to the Title IX Coordinator, or to the Office of Civil Rights, U.S. Department of Education, 8930 Ward Parkway, Suite 2037, Kansas City MO 64114-3302, 816.268.0550, OCR.KansasCity@ed.gov.

1.1 E-3f(1) POLICY DISCRIMINATORY HARASSMENT PROHIBITED

Southeast Community College is committed to maintaining learning and working environments that are free from all forms of illegal harassment and discrimination. Accordingly, harassment based on an individual’s race, color, ethnicity, religion, sex, age, marital status, national origin, veteran status, sexual orientation, disability, or other factors prohibited by law is prohibited. The College will not tolerate harassment or retaliation in the workplace or educational environment whether committed by faculty, staff, or students, or by visitors to the College while they are on College property or at events conducted, sponsored or
sanctioned by the College. Each member of the College community is responsible for fostering civility, for being familiar with this policy, and for refraining from conduct that violates this policy. The College is further committed to providing its staff, faculty and students the opportunity to pursue excellence in their academic and professional endeavors. This opportunity can exist only when each member of our community is assured an atmosphere of mutual respect. The free and open exchange of ideas is fundamental to the College’s purpose. It is not the College’s intent in promulgating this policy to inhibit free speech or the free communication of ideas by members of the college community. Conduct that constitutes a protected exercise of an individual’s rights under the First Amendment to the United States Constitution shall not be deemed a violation of this policy. Adopted Date: 02/17/2009

1.2 E-3f(2) PROCEDURE DISCRIMINATORY HARASSMENT DEFINITION

**Discriminatory Harassment Defined**

Prohibited discriminatory harassment is defined as conduct that is sufficiently severe, pervasive, and objectively offensive as to substantially disrupt or undermine a person’s ability to participate in or to receive the benefits, services, or opportunities of the College, and/or has the effect of creating an intimidating, hostile, or offensive environment. Harassment when directed at an individual because of his/her race, color, ethnicity, religion, sex, age, marital status, national origin, veteran status, sexual orientation, disability, or other factors prohibited by law may include, but is not limited to: unwanted physical contact; use of epithets, inappropriate jokes, comments or innuendos; obscene or harassing telephone calls, e-mails, letters, notes or other forms of communication; and, any conduct that may create a hostile working or academic environment. Adopted Date: 02/17/2009

1.3 TITLE IX COORDINATOR

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Administrative Director of Compliance for Access/Equity/Diversity
Title IX Coordinator
Southeast Community College Area
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Lincoln, NE 68510
Phone: 402.323.3418
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bsimpson@southeast.edu
1.4 **SCC Responsibilities to Report and Respond**

1.4.1 **Title IX Coordinator**
The Title IX Coordinator is authorized by the College to receive and resolve reports of sexual harassment, sexual assault, dating violence, domestic violence, and stalking. As soon as practicable after receiving a report, the Title IX Coordinator will make an initial assessment of the report to determine whether (i) the report, on its face, alleges an act of prohibited conduct; and (ii) such conduct has a sufficient nexus with the college for it to intervene. The Title IX Coordinator may consult with appropriate academic officers for faculty and other academic appointees’ complaints, with Student Affairs Offices for student complaints, and with Human Resources for employee complaints. The Title IX Coordinator’s responsibilities include the following:

- Make an immediate assessment concerning the health and safety of the individual and the campus community;
- Have the authority to implement interim remedies deemed to be immediately necessary (including no contact directives);
- Ensure that the Reporting Party has received a written explanation of rights and reporting options (including the right to make reports to the police); and
- Provide information related to available resources on campus and in the community.

1.4.2 **Campus Community**
All members of the college community are expected to contact the Title IX Coordinator if they observe or encounter conduct by students, staff, faculty and third parties associated with SCC that may potentially be in violation of SCC policy. All managers/directors, supervisors, and responsible employees that receive reports of sexual harassment and/or sexual violence must:

- Report the names of individuals involved and details of the incident to the Title IX Officer as soon as possible;
- Provide the [SCC Sexual & Relationship Violence Rights & Reporting Options](#) handout to students or employees that report they are a victim of domestic violence, dating violence, sexual assault, or stalking, regardless of whether the offense occurred in connection with any college program;
- Submit an incident report via TIPS documenting the initial contact and steps taken.

1.4.3 **Reservation of Rights**
The College reserves the right to make changes to this document without prior notice as necessary and, once those changes are posted online, they are in effect. Students and employees of the College are encouraged to check online (e.g. The Hub or SCC website) for the updated versions of all policies and procedures.

If government regulations change in a way that substantially impacts this document, this document will be construed to comply with government regulations in their most recent form. Reports of misconduct made after the fact may raise issues of policy and procedural application if policies and procedures have changed. Unless the parties accept current
policies, all reports are governed by the policies that were in place at the time the alleged misconduct occurred. Procedures applicable are those that are in place at the time of resolution.

**NOTE:** This document does not create legally enforceable protections beyond the protection of the background state and federal laws, which frame such codes generally.

1.4.4 **CAMPUS REPORTING REQUIREMENTS**
The College hereby designates that the Assistant Campus Director/Dean of Students at each College campus location document all reports of incidents of sex discrimination, including sexual harassment, and provide copies of such reports to the Title IX Coordinator.

1.4.5 **RECORDKEEPING REQUIREMENTS**
The College must create records of the sexual harassment investigation. These records must be kept and made available to the complainant respondent for a period of no less than three (3) years. The records must contain the following:

- Any determination regarding responsibility, including any disciplinary sanctions imposed on the respondent;
- Remedies provided to the complainant;
- Any appeal and the result therefrom;
- Informal resolution, if any, and;
- All materials used to train coordinators, investigators, and decision-makers with regard to sexual harassment.
2 Definitions

2.1 General Definitions
Confidential Resources: Interns associated with the Counseling Assistance Program for Students (CAPS) (students only) and Continuum Employee Assistance Program (EAP) (employees only) any persons with a professional license requiring confidentiality, or someone who is supervised by such a person.

Preponderance of Evidence: A standard of proof that requires that a fact be found when its occurrence, based on evidence, is more likely than not.

Reporting Party: Any person who files a report of sexual violence or sexual harassment or other prohibited behavior or retaliation, or any person who has been the alleged subject such prohibited conduct or retaliation.

Respondent: A person alleged to have engaged in prohibited conduct and about whom a report of sexual violence, sexual harassment, or other prohibited behavior, or retaliation is made.

Responsible Employee/Mandatory Reporter: Any college employee who is not a Confidential Resource and who receives, during employment, information that a student (credit or non-credit) has experienced sexual violence, sexual harassment or other prohibited behavior. Responsible Employees must promptly notify the Title IX Office or Campus Administration of prohibited behavior.

Title IX Coordinator: The person who oversees the College's response to Title IX reports and complaints, monitors the investigatory/adjudication process, identifies and addresses any patterns of systemic problems revealed by such reports and complaints, oversees the College's sexual misconduct policies and procedures, and processes appeals.

Witness: Any person deemed to have relevant information by the Title IX Coordinator, investigator, or their designee.

2.2 Confidentiality
All actions taken to resolve grievances or complaints through this process will be conducted with as much privacy, discretion and confidentiality as possible without compromising the thoroughness, integrity, and fairness of the process. All persons involved in the process are expected to participate in a respectful and courteous manner in order to preserve the protocol and decorum of the meetings.

If an employee does not want to report a sexual misconduct incident to SCC Safety/Security Personnel, but wants to seek confidential assistance and advice, please refer to section 5 below.

If an employee decides not to pursue resolution of the incident with the College, SCC will honor their request if doing so does not impact the College’s ability to provide a safe and non-discriminatory environment for all members of the SCC community, including the reporting party. The Title IX Coordinator, in consultation with appropriate administrators, will evaluate and respond to requests for confidentiality.
Regardless of whether the reporting party requests confidentiality or decides not to pursue resolution, the Title IX Coordinator or designee will assist the reporting party with reasonably available support and assistance, which may include academic, housing, transportation, employment, and other accommodations. These accommodations will vary depending on the nature of the reported prohibited conduct, whether the reporting party is a student, faculty or staff member and the expectations of the reporting party regarding confidentiality. The Title IX Coordinator and designees will maintain as private any accommodations or protective measures provided to the reporting party. The Title IX Coordinator or designees may disclose to an appropriate college official only information that is necessary to provide the accommodations or protective measures in a timely manner.

The College recognizes that participants should be protected from unreasonable disclosure of their involvement in processes under any of the applicable procedures, and of any information, they reveal during their participation. However, the college also recognizes that there are legal mandates that govern disclosure and afford participants certain rights to disclose information related to matters under these procedures.

The College encourages parties not to reveal any information they learn in the course of their participation in processes set forth in the applicable procedures, other than for the purpose of consulting with advisors and attorneys, and incident to seeking support and advice from family, clergy, health professionals, and others playing a similar role. If a student is eighteen (18) years or older, no College office will contact their parents or other family members. Friends, faculty, coaches, supervisors, co-workers, etc. are not contacted either, unless they are witnesses or necessary to implement interim measures or resolution. Parties may choose whether to disclose or discuss with others the outcome of a sexual misconduct complaint. The College will complete publicly available recordkeeping, including Clery Act reporting and disclosures, without inclusion of personally identifying information about the victim.

For more information visit https://www.southeast.edu/rights-and-reporting-options/.

2.3 RESPONSIBLE EMPLOYEES

Responsible employees are individuals working at SCC who have an obligation and duty to inform the Title IX Coordinator of allegations of sex discrimination or sexual misconduct. **Responsible employees cannot keep reported concerns confidential.** If you talk to these individuals, your concerns will be reported and the College will follow up on your concerns. Faculty, staff, and student employees (including residence assistants) are considered mandatory reporters, or responsible employees. To the extent you want the College to take action, you need to report to a Responsible Employee, campus Safety & Security Specialist, Campus Security Authority, or the Title IX Coordinator (please refer to Section 1.3).

All employees of the College holding a designated supervisory position and others as specifically designated by the College shall have a duty to report to SCC’s Title IX Coordinator any suspected or reported Sexual Misconduct involving a student or employee of which they receive notice of a possible violation.
2.4 **Consent**

Consent is an important concept when it comes to sexual assault. Consent must be a willingness or agreement to engage in sexual activity that is freely given with full information of the facts and circumstances.

Under Neb. Rev. Stat. § 28-318, “without consent” is legally defined as:

(a) The victim was compelled to submit due to the use of force or threat of force or coercion, or (ii) the victim expressed a lack of consent through words, or (iii) the victim expressed a lack of consent through conduct, or (iv) the consent, if any was actually given, was the result of the actor’s deception as to the identity of the actor or the nature or purpose of the act on the part of the actor;

(b) The victim need only resist, either verbally or physically, so as to make the victim's refusal to consent genuine and real and so as to reasonably make known to the actor the victim's refusal to consent; and

(c) A victim need not resist verbally or physically where it would be useless or futile to do so; and

Force or threat of force is defined as (a) the use of physical force which overcomes the victim's resistance or (b) the threat of physical force, express or implied, against the victim or a third person that places the victim in fear of death or in fear of serious personal injury to the victim or a third person where the victim reasonably believes that the actor has the present or future ability to execute the threat.

Further, pursuant to Neb. Rev. Stat. § 28-319.01, a person is guilty of first-degree sexual assault of a child when a person:

(a) subjects another person under twelve years of age to sexual penetration and the actor is at least nineteen years of age or older; or

(b) When he or she subjects another person who is at least twelve years of age but less than sixteen years of age to sexual penetration and the actor is twenty-five years of age or older.

Under Neb. Rev. Stat. §28-320.01, a person is guilty of second or third degree sexual assault of a child when a person subjects another person fourteen years of age or younger to sexual contact and the actor is at least nineteen years of age or older.

Finally, according to Neb. Rev. Stat. § 28-320 a person is guilty of second or third degree assault when any person subjects another person to sexual contact:

(a) without consent of the victim, or

(b) who knew or should have known that the victim was physically or mentally incapable of resisting or appraising the nature of (their) conduct.

At the heart of consent is the concept that every person has a right to personal sovereignty: the right not to be acted upon by someone else in a sexual manner unless given clear permission to do so. Connected with this concept is the notion that consent may be broad or narrow and
can be limited. Consent to one form of sexual activity does not automatically imply consent to other forms of sexual activity.

Consent is given verbally or non-verbally, based on an active, informed, mindful, freely decided choice. Intoxication may make this legally impossible. Consent means that you cannot make assumptions about what your partner does or does not want. Absence of clear signals of consent is a signal to stop.

Consent eliminates the need to engage in force and resistance behaviors. There is no biological harm to either sex in stopping at any point. “NO” means “NO,” but inaction or no response can also mean no. Silence and passivity do not equal permission or consent.

**SUBMISSION DOES NOT EQUAL CONSENT!**

If a “no” is received and pressuring/continuing to interact sexually continues, this behavior is considered to be a coercive influence on the other party. **NOTE:** To be valid, consent must be given prior to or contemporaneously with sexual activity.

**SCC’S EXPECTATION:** In a nonviolent community, it is expected that all members respect all other members at all times, including in the context of sexuality. Respect means paying attention to verbal and non-verbal cues, requests, expectations, and boundaries. “After the fact” is not the time to discuss boundaries.

### 2.5 Sexual Harassment

Sexual harassment is any unwelcome behavior (verbal, written or physical) that is directed at someone because of the person’s sex or gender and that is sufficiently severe, persistent or pervasive that it unreasonably interferes with, denies or limits someone’s ability to participate in or benefit from the College’s programs and/or activities by creating a hostile, humiliating, demeaning or sexually offensive academic, residential, working or social environment; and/or is based on real or reasonable perceived power differentials and submission to or rejection of such conduct is believed to carry consequences for the reporting party’s education or employment. *(See Section E-3f(1) of the College Handbook for the College’s policy against discriminatory harassment and Art. 4, Adherence to Principles of Diversity, of SCC’s Standards of Conduct)*.

### 2.6 Sexual Assault

Under Neb. Rev. Stat. § 28-319, sexual assault is defined as any person who subjects another person to sexual penetration

1. without the consent of the victim
2. who knew or should have known that the victim was mentally or physically incapable of resisting or appraising the nature of (their) conduct, or
3. when the actor is nineteen years of age or older and the victim is at least twelve but less than sixteen years of age.
2.7 STALKING
Under Neb. Rev. Stat. § 28-311.03, stalking, for purposes of prosecution is defined as 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.

Stalking can be carried out in person or via electronic mechanisms (cell phone, Internet, fax, cameras) and examples include repeated maintenance of physical or visual proximity to the victim; repeated following, approaching or confronting the victim; entering property occupied by the victim; photographing or videotaping the victim without permission; or unwelcome or unsolicited written or electronic communication with the victim.

2.8 SEXUAL EXPLOITATION
Sexual exploitation involves taking or attempting to take non-consensual sexual advantage of another person. Sexual exploitation can include observing another person’s nudity or sexual activity without consent; distribution of images, photos, videos, or audio recordings of sexual activity or nudity with the knowledge and consent of all parties involved; prostituting another person; engaging in sexual activity with another person while knowingly infected with a sexually transmitted disease or the human immunodeficiency virus (HIV), without informing the other person, or exposing one’s genitals in non-consensual circumstances. (See Art. 3, Kindness and Compassion, of SCC’s Standards of Conduct).

2.9 DOMESTIC ABUSE/VIOLENCE
Domestic abuse/violence includes crimes of violence, physical pain, bodily injury and/or nonconsensual sexual contact or penetration committed by a current or former spouse or intimate partners of the victim, by a person with whom the victim shares a child in common, or by a person who is cohabitating with or has cohabitated with the victim as a spouse. (See Art. 3, Kindness and Compassion, of SCC’s Standards of Conduct).

2.10 DATING VIOLENCE
Dating violence is a pattern of abusive behaviors (physical, verbal and/or emotional) used to exert power and control over a dating partner. The existence of this relationship is gauged by the length, type and frequency of interaction within the relationship. (See Art. 3, Kindness and Compassion, of SCC’s Standards of Conduct).

2.11 BULLYING
Bullying is a widespread and serious problem that can happen anywhere. It is not a developmental phase an individual has to go through, it is not "just messing around," and it is not something to grow out of. Bullying can cause serious and lasting harm and is prohibited at SCC. Additionally, bullying can be a precursor to sexual misconduct offenses. (See Art. 3, Kindness and Compassion, of SCC’s Standards of Conduct).

Bullying is any intentional gesture or any intentional written, verbal, electronic or physical act or threat that is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or abusive educational environment for a student or staff member that a reasonable person, under the circumstances, knows or should know will have the effect of:
• harming a student or employee, whether physically or mentally;
• damaging a student's or employee’s property;
• placing student or employee in reasonable fear of harm to their person; or
• placing a student or employee in reasonable fear of damage to the student's or employee's property.

Although definitions of bullying vary, most agree that bullying involves:

• **Imbalance of Power**: People who bully use power to control or harm and the people being bullied may have a hard time defending themselves.
• **Intent to Cause Harm**: Actions done by accident are not bullying; the person bullying has a goal to cause harm.
• **Repetition**: Incidents of bullying happen to the same the person over and over by the same person or group.

Bullying can take many forms. Types of bullying include:

• **Verbal**: name-calling, hassling someone, degrading comments
• **Social**: spreading rumors, leaving people out on purpose, interfering negatively on other relationships
• **Physical**: hitting, punching, shoving
• **Cyberbullying**: using the Internet, mobile phones or other digital technologies to harm others, [http://www.stopbullying.gov/cyberbullying/index.html](http://www.stopbullying.gov/cyberbullying/index.html)
3 Reporting Options

Any behavior which causes the sexual abuse or assault of another person will not be tolerated, and is a violation of the College’s Code of Conduct which may result in sanctions including, but not limited to, warnings, disciplinary probation, suspension or termination, of student/employee status or expulsion.

If a student or employee reports to SCC they have been a victim of dating violence, domestic violence, sexual assault or stalking, either on or off campus, SCC will provide them with a written explanation of their Rights and Options.

If you have experienced sexual assault, domestic violence, dating violence, or stalking, you have the right to
  ○ make a report to SCC Safety Personnel, local law enforcement, and/or state police
  ○ choose not to report
  ○ report the incident to SCC
  ○ be protected by SCC from retaliation for reporting and incident
  ○ receive assistance and resources from SCC

All reports will be taken seriously. If an incident is reported, SCC Safety/Security Personnel can also assist in filing a criminal complaint and in obtaining and enforcing a court order of protection. Even if a student or employee is unsure about filing a complaint, consultation with campus Safety/Security Personnel can lead to actions being taken on their behalf, including accommodations, such as assistance in changes to academic, living, transportation and working situations, and protective measures, such as no-contact orders.

**NOTE:** If there is a crime in progress or you need immediate medical care or safety measures, call 911.

Contact Campus Safety & Security or local law enforcement to seek non-emergency safety measures or to report a crime. Campus Safety & Security is obligated to report allegations of sexual misconduct to the Title IX Coordinator for investigation of potential Title IX violations.

3.1 Reporting to Police and Protective Orders

Employees are encouraged to report to SCC Safety/Security Personnel and/or a local law enforcement agency any incident of sexual assault, domestic violence, dating violence, or stalking. A report is an account or description of a specific incident. A report may be made via email, phone, in person or the TIPS reporting system.

When an incident is reported, Campus Safety/Security Personnel will determine the following:
  • If the employee is safe;
  • Whether they have any injuries;
  • Details related to where and when the incident took place, and
  • Whether the assailant is known to them.

Campus Safety/Security Personnel may assist employees in notifying local law enforcement, and provide information on pursuing a criminal complaint or other legal action, such as an
order of protection. The College will comply with and enforce an order of protection, or similar lawful order issued by a criminal, civil, or tribal court.

For complaints against a third party (non-SCC students or employees), the matter will be referred to local law enforcement for investigation and the victim will be referred and assisted as needed to ensure their safety. SCC will take any necessary action in the best interest of the victim during the pendency of the investigation by local law enforcement.

**NOTE:** SCC strongly encourages any person subjected to sexual misconduct to report the conduct to law enforcement and to the College's Title IX office identified in Section 1.3 above. There are several reporting options available to you.

### 3.2 ANONYMOUS REPORTING

Anyone may choose to file a report with the College anonymously through the TIPS reporting system. However, it is difficult to investigate anonymous reports, and reporting anonymously may limit the College's ability to conduct a full investigation and take meaningful action.

### 3.3 FILE A REPORT USING THE COLLEGE’S INCIDENT REPORTING SYSTEM (TIPS)

You may share a concern or file a complaint using TIPS reporting. The TIPS link may be found on The Hub and the college’s website: [www.southeast.edu](http://www.southeast.edu). TIPS provides an online method by which SCC leadership may share campus concerns. Concerns expressed through TIPS which contain potential sexual misconduct allegations will be investigated by the Title IX Coordinator and/or their designee.

**NOTE:** Do not use this site to report events presenting an immediate threat to life or property. **Call 911 to report medical emergencies and crimes in progress. WHEN IN DOUBT, CALL 911.**

### 3.4 CONTACT A RESPONSIBLE EMPLOYEE

For purposes of Title IX and other applicable laws, SCC has determined that all employees are responsible employees. If an employee learns about sexual harassment, discrimination or sexual assault, they are expected to promptly contact the campus Title IX Coordinator or Campus Administration, who will promptly notify the Title IX Coordinator. The responsible employee will promptly notify Safety and Security staff and other appropriate College officials, as needed. Other serious crimes covered by the Clery Act (see Section 34.1 below), must be reported. All concerning and disruptive behaviors must be timely reported to the College, and can be made using the online incident reporting system, TIPS.

When reporting sexual harassment, discrimination or sexual assault, a College employee may initially be able to omit personally identifiable information (e.g. the name of the victim, the name of the accused individual, and other identifying details about witnesses, location, etc.). The Title IX Coordinator and Campus Response Teams will guide employees regarding how much detail is needed in an initial report. After an initial report, campus officials may need additional information to fulfill the College's obligations under Title IX and other applicable laws.
In taking subsequent action, the College is guided by the goal of supporting the victim and allowing them to retain as much control over the process as reasonable and practical. No employee (other than counselors and clergy) can or should promise absolute confidentiality TO A REPORTING PARTY.

**NOTE:** Counselors and clergy are voluntary reporters, not mandated by law, but College policy creates an expectation to report non-personally identifiable information unless the VOLUNTARY reporter believes doing so would cause harm to the victim.

### 3.4.1 The Clery Act

The Clery Act mandates reporting of 15 serious crimes, including sexual assault. Sexual harassment and discrimination are not covered by the Clery Act, but reporting of such incidents is required under Title IX. Employees are expected to report crimes covered by the Clery Act to Campus Administration without delay. Employees may choose, but are not required, to provide personally identifiable information (e.g. the name of the victim, the name of the accused individual, and other identifying details about witnesses, specific location, etc.) unless a clear and direct threat to health or safety is present, as determined by Campus Administration.

The Clery Act does not establish an obligation for Campus Administration to investigate the reported crime, only to report the crime to the U.S. Department of Education as a statistic following Clery Act guidelines. In some cases, Campus Administration may also be required to release a timely warning to the community about a potential direct threat to the community. In such cases, an initial investigation may be conducted by College Administration and, if it determines that a potential direct threat exists, a warning will be issued immediately.

The College has established the following guidelines for employees regarding mandatory reporting pursuant to the Clery Act, Title VII, and Title IX:

1. The College has determined that all employees are mandatory reporters;

2. When an employee becomes aware of an alleged act of sexual harassment, discrimination or assault, the employee must promptly contact the Title IX Coordinator and/or Campus Administration either by email, phone, in person or via the **TIPS reporting system**.

3. When an employee thinks that a student or employee may be about to report to them an act of sexual harassment, discrimination or assault, the employee should, when reasonably possible, tell the student or employee that:
   a. the College will maintain the privacy of the information, but the employee cannot maintain complete confidentiality;
   b. if the student or employee decides to proceed with sharing the names of the parties involved, it puts the College on notice and may require the College to take action.
4. At any time, rather than speaking to the student or employee about confidential information, the employee should offer to refer or accompany the student to Campus Administration during the hours that those offices are open: Monday-Friday, 8 a.m. to 5 p.m.

Under the Clery Act, College employees are also mandatory reporters for a broader array of serious crimes, including the following:

1. Murder & Non-Negligent Manslaughter: The willful killing of one human being by another.
2. Negligent Manslaughter: The killing of another person through gross negligence.
3. Robbery: The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.
4. Aggravated Assault: An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)
5. Burglary: The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.
6. Motor Vehicle Theft: The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned, including joyriding.)
7. Arson: Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.
8. Arrests for Weapon Law Violations: The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned.
9. Arrests for Drug Abuse Violations: Violations of State and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous nonnarcotic drugs (barbiturates, Benzedrine).
10. Arrests for Liquor Law Violations: The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned. (Drunkenness & driving under the influence are not included in this definition.)
11. Disciplinary Referrals for Weapon Law Violations
12. Disciplinary Referrals for Drug Abuse Violations
13. Disciplinary Referrals for Liquor Law Violations
14. Hate Crimes
   • Race: A preformed negative attitude toward a group of persons who possess common physical characteristics (e.g., color of skin, eyes, and/or hair; facial features, etc.) genetically transmitted by descent and heredity, which distinguish them as a distinct division of humankind (e.g., Asians, blacks, whites);
   • Gender: A preformed negative opinion or attitude toward a group of persons because those persons are male or female;
   • Religion: A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being (e.g., Catholics, Jews, Protestants, atheists);
   • Sexual Orientation: A preformed negative opinion or attitude toward a group of persons based on their sexual attraction toward, and responsiveness to, members of their own sex or members of the opposite sex (e.g., gays, lesbians, heterosexuals);
   • Ethnicity/National Origin: A preformed negative opinion or attitude toward a group of persons of the same race or national origin who share common or similar traits, languages, customs and traditions (e.g., Arabs, Hispanics);
   • Disability: A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments/challenges, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.
15. Sex Offenses
   • Forcible: Any sexual act directed against another person, forcibly and/or against that person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent.
   • Non-forcible: Unlawful, non-forcible sexual intercourse.
     i. Incest. Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
     ii. Statutory Rape. Non-forcible sexual intercourse with a person who is under the statutory age of consent.

3.5 Campus & Learning Center Contacts
Each campus has identified individuals to assist you as needed:

3.5.1 Beatrice Campus, Nebraska City & Falls City Learning Centers:
   • Toni Landenberger, Assistant Campus Director/Dean of Students, 402-228-8286, tlanderberger@southeast.edu
   • Mark Meints, Safety & Security Specialist, 402-228-8279, mmeints@southeast.edu
3.5.2 Lincoln Campus (Including 8800 O Street, Education Square, Continuing Education Center, Entrepreneurship Center), Plattsmouth & Wahoo Learning Centers:

- Theresa Webster, Assistant Campus Director/Dean of Students, 402-437-2559, twebster@southeast.edu
- Sam Loos, Safety & Security Specialist, 402-437-2408, sloos@southeast.edu

3.5.3 Milford Campus, York & Hebron Learning Centers:

- Stacy Riley, Assistant Campus Director/Dean Students, 402-4761-8270, sriley@southeast.edu
- TBD, Safety & Security Specialist, 402-761-8266,

3.6 File a Title IX Report with the College

SCC’s Title IX Coordinator is:

Blake K. Simpson, J.D.
Title IX Coordinator
Administrative Director of Institutional Compliance for Access, Equity, and Diversity
301 South 68th Street Place, Lincoln NE 68510
402.323.3418
bsimpson@southeast.edu

NOTE: The Title IX Coordinator or Responsible Employee/Campus Security staff can assist you with the reporting process, getting help, explaining your rights as an employee, investigation processes and protection options. If you decline to pursue a formal criminal action through a local law enforcement agency, you can pursue institutional actions consistent with the SCC policy, Title IX, Clery Act, and other applicable laws. Alternatively, you can choose not to pursue any institutional action, but pursue criminal action, or make a report to law enforcement.

Complaints by an SCC employee against third parties who are not students or employees of the College can be reported to the Title IX Coordinator or any Responsible Employee. The College may, at its discretion, investigate and pursue institutional action regardless of whether the reporting party chooses to pursue institutional action.

3.7 Contact Local Law Enforcement

All sex offenses should immediately be reported to local law enforcement officials.

SCC Campus Safety & Security Contacts
Non-emergency line: (402) 437-2800

TBD
College Wide Safety & Security Coordinator
Education Square Room 100A
(402) 323-3391

Adam Bales
Public Safety Officer
Lincoln Campus V122
(402) 437-2072
abales@southeast.edu
TBD (Milford Campus)
Campus Safety & Security Specialist
Milford-Eicher Bldg., Room 100
(402) 761-8266

Sonia Garcia
Public Safety Officer
CEC Room 105
(402) 437-2506
sgarcia@southeast.edu

Mark Meints (Beatrice Campus)
Campus Safety & Security Specialist
Beatrice-Kennedy Bldg., Room K123
(402) 228-8279
mmeints@southeast.edu

Sam Loos (Lincoln Campuses)
Campus Safety & Security Specialist
Lincoln Campus
(402) 437-2408
sloos@southeast.edu

Law Enforcement Contacts

Lincoln
Lincoln Police Department
575 S 10th Street, Lincoln, NE 68508
(402) 441-6000

Beatrice
Beatrice Police Department
201 N 5th Street, Beatrice, NE 68310
(402) 228-5243

Gage County Sheriff’s Office
612 Lincoln Street, Beatrice, NE 68310
(402) 223-5221

Milford
Milford Police Department
505 1st Street, Milford, NE 68405
(402) 761-2772

Seward County Sheriff’s Office
261 S 8th Street, Suite 245, Seward, NE 68434
(402) 643-2359

Falls City
Falls City Police Department
2307 Barada Street, Falls City, NE 68355
(402) 245-4422

Richardson County Sheriff’s Office
65086 706 Trail, Falls City, NE 68355
(402) 245-2479

Nebraska City
Nebraska City Police Department
1518 Central Ave, Nebraska City, NE 68410
(402) 873-6666

Otoe County Sheriff’s Office
1021 Central Ave, Nebraska City, NE 68410
(402) 873-9560

Plattsmouth
Plattsmouth Police Department
336 Main Street, Plattsmouth, NE 68048
(402) 296-3311

Cass County Sheriff’s Office
336 Main Street, Plattsmouth, NE 68048
(402) 296-9370

Wahoo
Wahoo Police Department
605 N Broadway Street, Wahoo, NE 68066

Saunders County Sheriff’s Office
387 N Chestnut St, Ste 3, Wahoo, NE 68066
(402) 443-4155    (402) 443-3718

**York**
York Police Department
315 N Grant Ave, York, NE 68467
(402) 363-2640

York County Sheriff’s Office
510 N Lincoln Ave, York, NE 68467
(402) 362-4927

**Hebron**
Thayer County Sheriff’s Office
324 Olive Ave, Hebron, NE 68370
(402) 768-6139

3.8 **FILE A TITLE IX COMPLAINT WITH THE OFFICE OF CIVIL RIGHTS.**
The Office for Civil Rights (OCR) of the U.S. Department of Education enforces Title IX. For more information, see [http://www2.ed.gov/about/offices/list/ocr/complaintprocess.html](http://www2.ed.gov/about/offices/list/ocr/complaintprocess.html).

3.9 **COMMUNITY RESOURCES**
Assistance, information and/or counseling is also available through:

- LINCOLN Voices of Hope (402) 475-7273 (24-hour Crisis Line)
- BEATRICE/MILFORD/Learning Centers Blue Valley Crisis Intervention (877)-409-6600

3.10 **RETRALIATION PROHIBITED**
Retaliation against a person or witness for filing a complaint or participating in any investigation conducted by the College is prohibited. Retaliation is any overt or covert act of reprisal, interference, restraint, penalty, discrimination, intimidation or harassment against one or more individuals for exercising their rights (or supporting others for exercising their rights) under this policy. The College will follow up on any reports of retaliation and take appropriate action as necessary, including disciplinary action.
4 Complaint Inquiry

Disciplinary action on the part of the College does not preclude the possibility of criminal charges against the individual. In cases involving allegations of sexual misconduct, upon receipt or notice of a complaint, the Title IX Coordinator, or their designee, an appropriate administrator, or other designated staff person, hereinafter referred to as “Investigator,” will promptly investigate the complaint.

At its discretion, the College reserves the right to initiate a report and to commence resolution proceedings without a formal report or participation by the victim of alleged misconduct.

4.1.1 Right to Terminate Informal Resolution Process
If informal efforts are unsuccessful, the formal resolution process may be initiated. If the complaint does not appear to allege a policy violation or if an informal resolution is desired by the reporting party and appears appropriate given the nature of the alleged behavior, then the complaint may not proceed to a formal investigation. Complaints may be resolved through formal or informal procedures. The reporting party has the right to terminate the informal resolution procedure at any time and pursue a formal complaint investigation process, or vice-versa.

4.1.2 Formal Resolution Process for Reports of Misconduct by Employees
When a complaint involves an employee, the Vice President of Human Resources will formally investigate reports or notices of discrimination and/or harassment.

Any member of the community can provide notice of a violation of the Sexual Misconduct Policy to Human Resources, the Title IX Coordinator, or their designee in person, by phone, via email, or in writing. To preserve an accurate and factual record of incidents, the College strongly encourages submission of written reports.

The following are recommended elements of a report:
- Clear and concise description of the alleged incident(s);
- Any supporting documentation and evidence;
- Clear demonstration of all informal efforts, if any, to resolve the issue(s) with the person involved and the person’s supervisor
  - This includes names, dates, and times of attempted or actual contact along with a description of the discussion and the manner of communication made in the course of each effort;
  - If contacting the person involved and/or the supervisor is unfeasible, the reporting party should state the reasons why;
- The desired remedy sought;
- Name and contact information for the reporting party;
- Signed by the reporting party.

In cases involving employees, an initial determination is made whether a violation of the Sexual Misconduct Policy may have occurred and/or whether an informal resolution might be appropriate. **NOTE: An informal resolution such as mediation cannot be used for sexual harassment or non-consensual sexual contact or intercourse cases.**
The reporting party may pursue a formal resolution or if the College, based on the alleged policy violation, decides to pursue a formal resolution, then the Vice President of Human Resources, in collaboration with the Access/Equity/Diversity Office, will assign investigator(s), subject to oversight by the Title IX Coordinator, to conduct the investigation, usually within two (2) business days of determining that a resolution should proceed. Investigations are completed expeditiously, normally within 10-14 business days of the completion of the preliminary inquiry. Investigations may take longer when, for example, initial reports fail to provide direct firsthand information, or in complex situations.

The College's resolution process will not typically be altered or precluded on the grounds that civil or criminal charges involving the same incident have been filed, or that charges have been dismissed or reduced. However, the College may undertake a short delay ranging from several days to several weeks in its administrative investigation or resolution process to comply with a law enforcement request for cooperation when criminal charges on the basis of the same behaviors that invoke this process are being investigated. The College will promptly resume its investigation and processes once notified by law enforcement that the initial evidence collection process is complete.

All investigations will be thorough, reliable, and impartial, and will entail interviews with all relevant parties and witnesses, obtaining available evidence, and identifying sources of expert information, if necessary.

The investigator will take the following steps, not necessarily in order:
- In coordination with campus partners, initiate any interim actions;
- Determine the identity and contact information of the reporting party;
- Identify the exact policies allegedly violated;
- Conduct an immediate initial inquiry to determine if there is reasonable cause to proceed, and what policy violations should be alleged as part of an investigation;
  - If there is insufficient evidence to support reasonable cause, the report should be closed with no further action;
- Meet with the reporting party to finalize their statement, and
- Prepare the notice of investigation on the basis of the initial inquiry;
- Commence a thorough, reliable, and impartial investigation by developing a strategic investigation plan, including a witness list, evidence list, intended timeframe, and order of interviews for all witnesses and the responding party, who may be given notice prior to or at the time of the interview;
- Provide regular updates to both the reporting and responding parties, as appropriate, throughout the investigation;
- Make a finding, based on the preponderance of the evidence whether a policy violation is more likely than not;
- Share a draft copy of the report with the responding and reporting parties, allowing them two days for a period of comment before the report is finalized;
- Share the findings and sanctions with the responding and reporting parties.

At any point during the investigation, if it is determined that there is no reasonable cause to believe that College policy has been violated, the Vice President of Human Resources,
in consultation with the Vice President of Access/Equity/Diversity, has authority to terminate the investigation and end resolution proceedings.

Where the responding party is found not responsible for the alleged violation(s), the investigation will be closed. Where a violation is found, the College will act to end the discrimination, prevent its recurrence, and remedy its effects on the victim and the College community. All parties will receive written notification of the outcome, to the extent permitted by or mandated by law.

In cases involving sexual misconduct, sexual harassment, stalking and/or intimate partner violence, the written notification includes the finding, any resulting responsive actions, and the rationale for the decision. This written notification of final decision is delivered to the parties without undue delay between the notifications and explains appeals options and procedures, and any changes to the results that could occur before the decision is finalized. This written notification shall also explain when a decision is not finalized because it is subject to grievance procedures, appeals, mandatory arbitration, or any applicable College-recognized bargaining unit proceedings.
5 APPENDICES

5.1 APPENDIX A – TITLE IX FLOWCHARTS

Southeast Community College
Title IX Resolution Process (Student Respondent)

[Flowchart showing the process:
1. Incident
2. Notice
3. Investigation and Report Writing
4. Hearing
5. Appeal]

Southeast Community College
Title IX Resolution Process (Employee Respondent)

[Flowchart showing the process:
1. Incident
2. Notice
3. Investigation and Report Writing
4. Appeal]

Title IX Procedure Flowchart
Notice Received (Formally or informally)

Interim Actions (Protect complainant, but do not presume guilt)

Assess interim suspension and duty to warn

Provide complainant resources

Preliminary investigation

No reasonable cause to believe policy violated

Investigation ends

Reasonable cause to believe policy violated

Notify parties of investigation

Conduct investigation

Keep complainant updated on investigation status

Submit findings to Dean of Students

Outcome (Responsible/Not Responsible)

Parties notified of outcome

Sanctions determined (if violation occurred)

Reporting or responding party rejects findings

Reporting or responding party accepts findings

Appeal

No appeal

Parties notified of final outcome

Remedy effects, enforce sanctions, and reassess duty to warn
5.2 **Community Resources**

In addition, a number of local and national resources are available to provide information and assistance:

- **Nebraska Coalition to End Sexual and Domestic Violence:** Nebraska has a network of domestic violence and sexual assault programs ensure that a safety net of services are available across our state 24-hours a day. [www.nebraskacoalition.org](http://www.nebraskacoalition.org/)
  - **Voices of Hope (Lancaster county)**
    - 24-Hour Crisis Line: (402) 475-7273
    - Email Address: info@voicesohopelincoln.org
    - Mailing Address: 2545 N St., Lincoln, NE 68510
    - Website: [www.voicesohopelincoln.org](http://www.voicesohopelincoln.org)
  - **Hope Crisis Center** (York, Seward, Fillmore, Saline, Gage, Thayer & Jefferson counties)
    - 24-Hour Crisis Line: 877-388-HOPE (4673)
    - Website: [www.hopecrisiscenter.org](http://www.hopecrisiscenter.org)
  - **The Bridge** Saunders county)
    - 24-Hour Crisis Line: 888-721-4340; 402-727-7777
    - Website: [www.bridgefromviolence.com](http://www.bridgefromviolence.com)
  - **Project Response** (Otoe, Johnson, Nemaha, Pawnee, & Richardson counties)
    - 24-Hour Crisis Line: 800-456-5764
    - Website: [www.projectresponseinc.org](http://www.projectresponseinc.org)

- **Lincoln Police Department's Victim Witness Unit** provides information and support services to victims and witnesses of crime
  - (402) 441-7181

- **Friendship Home:** provides shelter and support for battered women and their children
  - (402) 437-9302

- **National Sexual Assault Hotline:** provides free, confidential counseling 24 hours a day from a national (not a local) service provider, that can help connect to local providers
  - On-line, 24-hour chat with a trained professional: [online.rainn.org](http://online.rainn.org)
  - 24-Hour Crisis Line: (800) 656-HOPE (4673)

- **Law Enforcement:**
  - Emergency - 911
  - Beatrice Police - Non-emergency (402) 223-4080
  - Lincoln Police - Non-emergency (402) 441-6000
  - Milford Police - Non-emergency (402) 761-2772
  - Falls City Police Department - Non-emergency 402-245-4422
  - Hebron – Thayer County Sheriff Department - Non-emergency 402-768-6139
  - Nebraska City Police Department - Non-emergency 402-873-6666
  - Plattsmouth Police Department - Non-emergency 402-296-3311
  - Wahoo Police Department - Non-emergency 402-443-4155
  - York Police Department - Non-emergency 402-363-2640

- **Medical Treatment:**

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1Southeast Community College makes no representation or endorsement as to the quality, effectiveness, or appropriateness of any of these services. The directory is provided as an informational service only.
- Beatrice Community Hospital and Health Center; 4800 Hospital Parkway; (402) 228-3344
- Bryan LGH East Campus; 1600 S. 48th St., Lincoln, NE; (402) 481-1111
- Bryan LGH West Campus; 2300 S. 16th St., Lincoln, NE; (402) 481-1111
- CHI Health St. Elizabeth Medical Regional Ctr; 555 S. 70th St., Lincoln, NE; (402) 219-8000
- Memorial Health Care Center; 300 North Columbia, Seward, NE; (402) 643-2971
5.3 COUNSELING, MENTAL HEALTH, AND OTHER SERVICES

A number of local and national resources are available to provide information and assistance:

- **Nebraska Coalition to End Sexual and Domestic Violence**: Nebraska has a network of domestic violence and sexual assault programs ensure that a safety net of services are available across our state 24-hours a day. [www.nebraskacoalition.org/](http://www.nebraskacoalition.org/)
  - **Voices of Hope (Lancaster county)**
    - 24-Hour Crisis Line: (402) 475-7273
    - Email Address: info@voicesofhopelincoln.org
    - Mailing Address: 2545 N St., Lincoln, NE 68510
    - Website: www.voicesofhopelincoln.org
  - **Hope Crisis Center** (York, Seward, Fillmore, Saline, Gage, Thayer & Jefferson counties)
    - 24-Hour Crisis Line: 877-388-HOPE (4673)
    - Website: www.hopecrisiscenter.org
  - **The Bridge** (Saunders county)
    - 24-Hour Crisis Line: 888-721-4340; 402-727-7777
    - Website: [www.bridgefromviolence.com](http://www.bridgefromviolence.com)
  - **Project Response** (Otoe, Johnson, Nemaha, Pawnee, & Richardson counties)
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  - Nebraska City Police Department - Non-emergency 402-873-6666
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o Bryan LGH West Campus; 2300 S. 16th St., Lincoln, NE; (402) 481-1111
o CHI Health St. Elizabeth Medical Regional Ctr; 555 S. 70th St., Lincoln, NE; (402) 219-8000
o Memorial Health Care Center; 300 North Columbia, Seward, NE; (402) 643-2971

Every fall, in addition to the Annual Notifications of Consumer Information and Student Right to Know, SCC provides information to students, staff, faculty and the general public information on how to report incidents of sexual assault, domestic violence, dating violence, and stalking with written notification of their rights and options, including the options for assistance as detailed above. Below is a list of services available for victims, both within the institution and in the community.

Confidential Resource: Employee Assistance Program (EAP). Please contact Human Resources.

Nebraska Coalition to End Sexual and Domestic Violence: Nebraska has a network of domestic violence and sexual assault programs ensure that a safety net of services are available across our state 24-hours a day. [www.nebraskacoalition.org](http://www.nebraskacoalition.org/)

- **Voices of Hope (Lancaster county)**
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  - Website: [www.bridgefromviolence.com](http://www.bridgefromviolence.com)
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Lincoln Police Department’s Victim Witness Unit: provides information and support services to victims and witnesses of crime. (402) 441-7181

Friendship Home: provides shelter and support for battered women and their children. (402) 437-9302

Blue Valley Behavioral Health: A private, non-profit corporation serving 16 counties in southeast Nebraska for mental health and substance abuse services. 877-409-6600

National Sexual Assault Hotline: provides free, confidential counseling 24 hours a day from a national (not a local) service provider, that can help connect to local providers

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• Milford Police - Non-emergency (402) 761-2772

Medical Treatment:

• Beatrice Community Hospital and Health Center; 4800 Hospital Parkway; (402) 228-3344
• Bryan LGH East Campus; 1600 S. 48th St., Lincoln, NE; (402) 481-1111
• Bryan LGH West Campus; 2300 S. 16th St., Lincoln, NE; (402) 481-1111
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