

## **Appendix 2 Sex Offenses/The Campus Sexual Assault Victim's Bill of Rights**

### **ARTICLE III: PROSCRIBED CONDUCT**

#### **A. Jurisdiction of the Northeast Student Code of Conduct**

The College Student Code of Conduct shall apply to conduct that occurs on College premises and at College sponsored activities. Each student shall be responsible for his/her conduct during each academic year for which he/she is enrolled. The Student Code shall apply to a student's conduct if the student withdraws from school while a disciplinary matter is pending.

#### **B. Conduct - Rules and Regulations**

Any student found to have committed the following misconduct is subject to the disciplinary sanctions outlined in Article IV:

5. Subjection of another person to any sexual act against that person's will or without consent, including any conduct that would constitute a sex offense, whether forcible or non-forcible. Persons who are under the influence of alcohol, marijuana, or other illegal controlled substances at the time that they are subjected to the sexual act shall be presumed incapable of effective consent. Regarding accusations of sexual assaults, both the accuser and the accused have the opportunity to have others present during a disciplinary proceeding.

6. Discriminatory conduct, including sexual harassment, racial harassment, or harassment on any other grounds, directed against individuals.

##### **a. Harassment may be established by showing:**

- i. Conduct toward another person that has the purpose or effect of creating an intimidating, hostile, or demeaning environment and/or that interferes with his or her ability to participate in or to realize the intended benefits of an institutional activity, employment, or resource; or
- ii. Other conduct that is extreme and outrageous, exceeding all bounds usually tolerated by polite society and that has the purpose or the substantial likelihood of interfering with another person's ability to participate in or to realize the intended benefits of an institutional activity, employment, or resource. This may include stalking, threats, abuse, insults, or humiliation to the instructor and members of a class; demeaning written or oral comments of an ethnic, religious, sexist/sexual orientation, or racist nature; and the unwanted sexual advances or intimidation by email, discussion boards, and other postings in course shells.

##### **b. Sexual harassment may be established by showing that an individual has been subjected to unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature where:**

- i. Submission to such conduct is made either explicitly or implicitly a term or a condition of an individual's participation or use of an institutionally sponsored or approved activity, employment, or resource; or
- ii. Submission to or rejection of such conduct by an individual is used as the basis for educational, employment, or similar decisions affecting an individual's ability to participate in or use an institutionally sponsored or approved activity, employment, or resource.

### **Sex Offenses/The Campus Sexual Assault Victim's Bill of Rights**

Any student who believes he or she has been the subject of a sexual offense is encouraged to:

- Inform the offender that such behavior is inappropriate and must stop.
- Keep a written record of dates, times, places, witnesses, and nature of the incident.
- Report the incident to local police and/or a designated College representative.

Victims of sex offenses may request a modification of their academic and/or living situation. Refer to the section on "Reporting a Crime" to report sex offenses.

Students are referred to the Student Code of Conduct for more information regarding appropriate conduct, disciplinary procedures, and sanctions. Students residing in College housing should also refer to the Residence Life Manual for policies specific to on-campus housing. Employees are referred to the Affirmative Action Plan section of the Policy and Procedure Manual for Personnel.

### **Registered Sex Offenders/Campus Sex Crimes Prevention Act/Sex Offender Status**

Students wanting more information on registered sex offenders in Nebraska may go online at <http://www.v.nsp.siale.nc.us/sor> or may inquire at the Student Services Office.