



Policy Title: **Title IX Policy**

Policy Number: PS 4

Purpose of Policy: To prohibit discrimination on the basis of sex; establish procedures for reporting, investigation, and resolution; and ensure compliance with Title IX of the Education Amendments of 1972, the Violence Against Women Reauthorization Act, and implementing regulations, all as amended.

Applies to: All Students, Staff, Faculty, and Third-parties

Policy Statement:

**Consistent with the University’s Non-Discrimination Notice and the U.S. Department of Education’s regulations under Title IX of the Education Amendments of 1972 (“Title IX”) (see 34 C.F.R. § 106 et seq.), the University does not discriminate on the basis of sex and prohibits Sex Discrimination and Sexual Harassment that occurs within its education programs and activities. For purposes of this policy, Sexual Harassment includes Quid Pro Quo Sexual Harassment, Hostile Environment Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking.**

## **I. Scope and Jurisdiction**

### **A. Scope.**

1. This policy applies to Sex Discrimination and Sexual Harassment that occurs within the University’s Education Programs and Activities and that is committed by an administrator, faculty member, staff, student, contractor, guest, or other member of the University community who is subject to the University’s disciplinary authority.
2. This policy does not apply to conduct that occurs off-campus, in a private setting, outside the scope of the University’s education programs and activities, and outside the jurisdiction as stated below; such conduct may be prohibited by other University policies and standards, including but not limited to the Student Code of Conduct if committed by a student, the Faculty Handbook if committed by a faculty member, and/or the Employee Handbook if committed by an employee.

- B. Jurisdiction.** The University has jurisdiction over complaints alleging Prohibited Conduct under this policy only when the Respondent is subject to the University’s disciplinary authority and the conduct occurs in a Bellevue University education program or activity and within the geographic boundaries of the United States. Conduct occurs in a Bellevue University education Program or Activity when:

1. Some or all of the alleged conduct or incident occurred on campus or any other property owned or controlled by the University;
  2. Some or all of the alleged conduct or incident occurred during or at an official University Program or Activity (regardless of location);
  3. Some or all of the alleged conduct or incident occurred at an off-campus property owned or controlled by an officially-recognized student organization.
  4. The conduct is otherwise subject to the recipient's disciplinary authority even if not in one of the settings listed above and such conduct is alleged to contribute to a sex-based hostile environment in a University education Program or Activity.
- C. **Referrals for Reports Outside this Scope or Jurisdiction.** Any reports outside the scope or jurisdiction of this policy may be referred to another department having jurisdiction under another University policy/procedure (*e.g.*, the University's Non-Discrimination Policy, the Student Code of Conduct or the Employee Handbook).

## II. Implementation

### A. **Prohibited Conduct.**

1. Bellevue University prohibits sex discrimination and sexual harassment as defined in this policy. For purposes of this policy, Sexual Harassment includes Quid Pro Quo Sexual Harassment, Hostile Environment Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking, all as defined below.
2. Bellevue University prohibits retaliation as defined in this policy and further described in Section VIII.

B. **Title IX Coordinator Role.** The University has designated a Title IX Coordinator to oversee the University's response to reports under Title IX and to identify and address patterns or systemic problems revealed by such reports or complaints, including complaints of sex discrimination and all other complaints under this policy. The Title IX Coordinator is charged with coordinating the University's compliance with federal Title IX regulations, including developing and approving a compliant grievance process. The Title IX Coordinator role is expected to be neutral, free from bias or conflict of interest, and does not act as an advocate for either the Complainant or the Respondent. From time to time, the Title IX Coordinator may delegate specific duties to one or more designees, as appropriate.

C. **Other University Roles.** In each case of a formal complaint under this policy, the University will designate as applicable, one or more Investigators, a Decision Maker, an Informal Resolution Facilitator, and Appeal Officer, who will be free from a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. These roles are further defined in the definition section of this policy and within the Grievance Process.

D. **Training.** The University will ensure that individuals involved in carrying out this policy or the corresponding formal grievance process (including the Title IX Coordinator, Investigators, Informal Resolution Facilitators, Decision Makers, and Appeal Officers) are appropriately trained.

### E. **Reporting.**

1. Reporting Options. The University encourages the reporting of prohibited conduct under this policy by anyone with relevant information. Employees are subject to mandatory reporting requirements below.
  - a. **Reporting to the University.** Anyone wishing to make a report of alleged or possible prohibited conduct under this policy may do so by submitting a report through the University's online report form at:  
[https://bellevue-advocate.symplicity.com/public\\_report/index.php/pid494675?](https://bellevue-advocate.symplicity.com/public_report/index.php/pid494675?)

Or contact Title IX Coordinator at:

Title IX Coordinator  
Bellevue University  
1000 Galvin Road South  
Bellevue, Nebraska 68005  
402-557-5299  
[TitleIX@bellevue.edu](mailto:TitleIX@bellevue.edu)

- i. **Who May Submit a Report.** Reports may be submitted by anyone subjected to Prohibited Conduct (Complainants), employees, or any other person with knowledge of Prohibited Conduct under this policy.
    - ii. **Anonymous Reporting.** The University accepts anonymous reports of conduct alleged to violate this policy and will follow up on such reports. The reporter is encouraged to provide as much detailed information as possible to allow the University to investigate and respond as appropriate. The University may be limited in the ability to investigate an anonymous report unless sufficient information is furnished to enable the University staff to conduct a meaningful and fair investigation. University employees who are subject to the mandatory reporting requirement below may not make reports anonymously.
2. **Reporting to Law Enforcement**
  - a. **If someone is in immediate danger or needs immediate medical attention, call emergency services at 911.** You may also report to the Campus Security Department (402-557-5000), and/or to the Bellevue Police Department (402-293-3100).
  - b. The University recommends that criminal reports be made to law enforcement, even if it is uncertain whether the particular conduct is a crime. Calling local law enforcement can help you obtain emergency and nonemergency medical care, get immediate law enforcement response for your protection, understand how to provide assistance in a situation that may escalate to more severe criminal behavior, arrange a meeting with victim advocate services, find counseling and support, initiate a criminal investigation, and answer questions about the criminal process. However, a Complainant may decline to notify such authorities. **Except in emergency situations, University employees shall not contact law enforcement without the consent of a Complainant.**

- c. **Right to File an External Report.** Any person may also file a complaint of sex discrimination with the United States Department of Education's Office for Civil Rights regarding an alleged violation of Title IX by visiting [www2.ed.gov/about/offices/list/ocr/complaintintro.html](http://www2.ed.gov/about/offices/list/ocr/complaintintro.html) or by calling 1-800-421-3481.
3. **Reporting Obligations.**
- a. **Employee Mandatory Reporting.** All Bellevue University employees are required to notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute Sex Discrimination, Sexual Harassment, or any other violation of this policy.
  - b. **Incidents Involving Minors.** Individuals in Nebraska are obligated by state law to report any suspected abuse and/or neglect of a minor child to the Nebraska Department of Health and Human Services (Nebraska hotline: 1-800-652-1999). If the conduct occurred in another state, individuals may be obligated to report suspected child abuse/neglect by applicable state law and should report such information to the appropriate state agency having jurisdiction over the conduct or persons involved.
  - c. **Exceptions to Mandatory Reporting for Subject Employees.**
    - i. Mandatory reporting obligations do not apply to an employee who has personally been subject to conduct that reasonably may constitute Sex Discrimination, Sexual Harassment, or any other violation of this policy.
    - ii. Mandatory reporting obligations do not apply to employees who meet this policy's definition of a Confidential Employee, but such employees must comply with the following section.
4. **Confidential Employees.**
- a. Confidential Employees who are not required to report to the Title IX Coordinator and contact information includes:
    - i. Licensed counselors providing counseling services as part of an organized counseling service authorized by and provided on behalf of Bellevue University. These services are available to Bellevue University students. Students may contact the Dean of Students' Office at [dso@bellevue.edu](mailto:dso@bellevue.edu) to request access to counseling services;
    - ii. University legal counsel providing legal advice and services to employees; and
    - iii. Employees of Bellevue University who are conducting an Institutional Review Board-approved human-subjects research study designed to gather information about sex discrimination.
  - b. Whenever a Confidential Employee receives information about conduct that reasonably may constitute Sex Discrimination, Sexual Harassment, or any other violation of this policy, they are required to explain to the person providing such information the following:
    - i. The employee's status as a Confidential Employee, including the circumstances in which the employee is not required to notify the Title IX Coordinator about conduct that reasonably may constitute sex discrimination;
    - ii. How to contact the Title IX Coordinator and how to make a complaint of sex discrimination; and

iii. That the Title IX Coordinator may be able to offer and coordinate supportive measures, as well as initiate an Informal Resolution process or an investigation under the Grievance Process.

F. **Amnesty for Drug or Alcohol Possession/Consumption Violations.** The University strongly encourages students to report instances of Prohibited Conduct involving students. Therefore, students who report information about Prohibited Conduct will not be disciplined by the University for a violation of the University's drug or alcohol possession or consumption policies in which they might have engaged in connection with the reported incident. However, the University cannot guarantee that, if the misconduct is reported to local law enforcement, the police will not take action against an individual for unlawful drug or alcohol possession/consumption.

III. **Supportive Measures.** The University may provide supportive measures as defined in this policy and as further described in the grievance process to a Respondent and/or Complainant, as appropriate and reasonably available. Supportive measures are determined on a case-by-case basis by the Title IX Coordinator and are provided without fee or charge to the Complainant or Respondent.

IV. **Emergency Removals.** The University reserves the right to remove a Respondent from the University or portions of its education program or activity on an emergency basis following an individualized safety and risk analysis and determination that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal. Emergency removals and appeals thereof will be carried out as described in the grievance process.

V. **University Response to Report, Formal Complaint, and Grievance Process.**

A. **Action Following Report.** Upon receipt of a report of prohibited conduct under this policy, the Title IX Coordinator shall carry out the following as further described in the grievance process:

1. Treat the Complainant and Respondent equitably throughout any processes under this policy;
2. Offer and coordinate appropriate Supportive Measures;
3. Notify the Complainant or, if the Complainant is unknown, the individual who reported the conduct, of the Grievance Process and Informal Resolution process.
4. If a complaint is made, notify the Respondent of the Grievance Process and Informal Resolution process.
5. The University may not impose punitive or disciplinary measures against any individual, including an alleged Respondent, unless a formal complaint has been filed, a formal grievance process has been carried out, and a formal finding of a policy violation has been made.

B. **Initiating a Formal Complaint and Investigation.** A formal complaint as defined below and further described in the grievance process is required in order to initiate formal investigation and grievance process.

C. **Informal Resolution.** Information regarding available informal resolution options in response to a formal complaint are described in the grievance process.

D. **Formal Grievance Process.** Upon receipt of a formal complaint, the Title IX Coordinator shall initiate the formal grievance process. The purpose of the grievance process is to provide for the prompt and equitable resolution of formal complaints alleging prohibited conduct under this policy. Following the grievance process, any Respondent determined to be responsible for a violation of this PS 4 may be subject to disciplinary sanctions.

VI. **Violations; Sanctions and Remedies.**

- A. **Violations.** A Respondent determined to be responsible for a violation of this PS 4 as a result of the grievance process will be subject to disciplinary action under this policy as directed in a written Notice of Determination. A Decision Maker may also direct the University to provide Remedies designed to restore or preserve equal access to the education program or activity to the Complainant.
- B. **Disciplinary Sanctions.** Disciplinary Sanctions for violations of this policy resolved through the formal grievance process will be imposed only as directed by a Decision Maker or Appeal Officer in accordance with the grievance process. The University may not impose punitive or disciplinary measures under this policy against any individual, including an alleged Respondent, unless a formal complaint has been filed, a formal grievance process has been carried out, and a formal determination of responsibility for a violation been made. Consequences for violating this policy will depend upon the facts and circumstances of each particular situation. The severity of Disciplinary Sanctions will depend on the frequency and severity of the offense and any history of past prohibited conduct. Disciplinary Sanctions may include but are not limited to:
1. A requirement not to repeat or continue the prohibited conduct;
  2. Reprimand or warning;
  3. A no-contact directive;
  4. Reassignment or a requirement to change the academic, on-campus work, or on-campus living situation;
  5. Probation;
  6. Suspension (of student and/or employee roles);
  7. Removal from student housing;
  8. Expulsion from the University;
  9. Termination of employment with the University;
  10. With respect to students, any of the sanctions identified in the Bellevue University Student Code of Conduct (PS 1901);
  11. With respect to employees, any of the disciplinary actions identified in the Bellevue University Employee Handbook;
  12. Any other reasonable punitive or disciplinary measure.
- C. **Remedies.** A Decision Maker or Appeal Officer may also direct the University to provide reasonable Remedies designed to restore or preserve a Complainant's equal access to the education program or activity following a determination of responsibility. Such Remedies may include the same or similar supportive measures as outlined in PS 4, except that unlike pre-grievance supportive measures, such Remedies may be disciplinary or punitive in nature as to the Respondent or otherwise burden the Respondent (such as requiring a Respondent to be removed from or reassigned units within student housing; or requiring a Respondent to change class sections).

## **VII. Confidentiality.**

- A. **Confidentiality Rights.** Bellevue University will not disclose personally identifiable information about reports, complaints, actions, parties, witnesses or proceedings under this policy except in the following circumstances:

1. When the University has obtained prior written consent from a person with the legal right to consent to the disclosure;
  2. When the information is disclosed to a parent, guardian, or other authorized legal representative with the legal right to receive disclosures on behalf of the person whose personally identifiable information is at issue;
  3. To carry out this policy or a proceeding under this policy, including action taken to address conduct that reasonably may constitute sex discrimination in a University education program or activity;
  4. As required by Federal law, Federal regulations, or the terms and conditions of a Federal award, including a grant award or other funding agreement;
  5. To the extent such disclosures are not otherwise in conflict with Title IX or its implementing regulations, when required by State or local law or when permitted under FERPA, 20 U.S.C. 1232g, or its implementing regulations, 34 CFR part 99.
- B. **Confidentiality vs. Anonymity.** The University treats all reports and proceedings under this policy as confidential, meaning that it will not disclose information about the case to any third-party outside of the grievance process, subject to the exceptions in the preceding subsection. However, Complainants who choose to file a formal complaint may not remain anonymous – meaning their identity and information provided in the grievance process will be known to the Respondent and others involved in proceedings under this policy in accordance with the formal grievance process.
- C. **Parties’ Rights.** While the University will maintain confidentiality as provided in this section, the University will not limit the ability of the parties to discuss the allegations at issue in a particular case. Parties are advised, however, that the manner in which they communicate about, or discuss a particular case, may constitute harassment or retaliation in certain circumstances and may therefore be subject to investigation and/or discipline this policy or other University policies.

#### **VIII. Retaliation.**

- A. **Retaliation Prohibited.** The University prohibits any act by any person to intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or this policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or grievance process under this policy. Action is generally deemed retaliatory if it would deter a reasonable person in the same circumstances from opposing practices prohibited by this policy or participating in proceedings under this policy.
- B. **Examples** of retaliation include but are not limited to:
1. Directly or indirectly intimidating, threatening, coercing, harassing a party or witness, or attempting to influence an individual’s participation in an investigation, proceeding, or grievance process.
  2. Charging an individual with code of conduct violations that do not involve sexual harassment, but arise out of the same facts or circumstances as a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX.
- C. **Retaliation Exclusions.** Retaliation does not include:
1. Charging an individual with code of conduct or Employee Handbook violations that do not involve sexual harassment, but arise out of the same facts or circumstances as a report or

formal complaint of sexual harassment, for a purpose other than interfering with any right or privilege secured by Title IX. (e.g., Student Code of Conduct or Employee Handbook violations or Student Housing Handbook violations for the purpose of maintaining health and safety).

2. Charging an individual with a code of conduct or Employee Handbook violation for making a materially false statement in bad faith in the course of a Title IX report or grievance proceeding. A negative determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith, and such a conduct violation must be supported by sufficient and persuasive evidence.

- D. **Retaliation Reports.** Any individual who may file a report of retaliation under this policy with the Title IX Coordinator using one of the contact methods outlined above in Section II. The procedures in the grievance process will apply to any reports of retaliation.

**IX. Definitions.** The following definitions apply to this policy and procedure:

- A. **Advisor** means a person of a party's choosing who may accompany the party to any meeting or proceeding under this policy, subject to the limitations in the grievance process.
- B. **Appeal Officer** means the person designated by the University to review cases on appeal and make decisions in appeals under this policy. The Appeal Officer may not be the same person serving as the Decision Maker, the Title IX Coordinator, or the Investigator in any particular case.
- C. **Complaint or Formal Complaint** means an oral or written request from one of the individuals listed below that objectively can be understood as a request for the University to investigate and make a determination about alleged Prohibited Conduct under this policy. A formal complaint may only be filed by:
  1. A Complainant;
  2. A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant;
  3. The Title IX Coordinator, following the assessment outlined in the grievance process;
  4. With respect to complaints of sex discrimination other than sex-based harassment:
    - a. Any BU student or employee; or
    - b. Any person other than a student or employee who was participating or attempting to participate in a University education program or activity at the time of the alleged sex discrimination.
- D. **Complainant** means the party to the process who has allegedly experienced the Prohibited Conduct at issue who is either:
  1. A Bellevue University student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its implementing regulations; or
  2. A person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or this part and who was participating or attempting to participate in a University education program or activity at the time of the alleged sex discrimination.

For consistency, this term is used for the alleged victim of the Prohibited Conduct in all cases. Use of this term does not necessarily indicate that this person initiated the report, filed the complaint, or otherwise requested that the University take action.

- E. **Confidential Employee** means:



1. An employee of Bellevue University whose communications are privileged or confidential under Federal or State law, only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies. This includes, but is not limited to, Bellevue University legal counsel and individuals acting within the scope of their duties as a licensed counseling provider;
2. An employee of Bellevue University who is providing services to persons related to sex discrimination, only with respect to information received about sex discrimination in connection with providing those services; or
3. An employee of Bellevue University who is conducting an Institutional Review Board-approved human-subjects research study designed to gather information about sex discrimination, only with respect to information received while conducting the study.

**F. Consent**

1. "Consent" refers to words or actions that a reasonable person in the perspective of the Respondent would understand as agreement to engage in the sexual conduct at issue. A person who is incapacitated, as defined below, is not capable of giving consent.
2. "Coercion" is direct or implied threat of force, violence, danger, hardship, or retribution sufficient to persuade a reasonable person of ordinary susceptibility to perform an act which otherwise would not have been performed or acquiesce in an act to which one would otherwise not have submitted. Coercion can include unreasonable and sustained pressure for sexual activity.
3. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. A person's words or conduct cannot amount to Coercion for purposes of this policy unless they wrongfully impair the other's freedom of will and ability to choose whether or not to engage in sexual activity.
4. "Incapacitated" refers to the state where a person does not appreciate the nature or fact of sexual activity due to the effect of drugs or alcohol consumption, medical condition or disability, or due to a state of unconsciousness or sleep

**G. Dating Violence** means violence committed by a person:

1. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
2. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - a. The length of the relationship;
  - b. The type of relationship;
  - c. The frequency of interaction between the persons involved in the relationship.

*20 U.S.C. 12291(a)(10).*

*Nebraska law does not specifically define dating violence but such conduct is covered by the crime of domestic assault found at Neb. Rev. Stat. § 28-323 and the act of domestic abuse found at Neb. Rev. Stat. § 42-903.*

**H. Decision Maker** means the person designated by the University to determine responsibility for violations of this policy and issue a written determination. If a Respondent is determined to be responsible for a violation of this policy, the Decision Maker also determines Disciplinary

Sanctions to be imposed on the Respondent, and whether Remedies designed to restore or preserve equal access to the affected education program or activity will be provided to the Complainant by the University. The Decision Maker may not be the same person serving as the Title IX Coordinator, Investigator, Informal Resolution Facilitator, or Appeal Officer in any particular case.

- I. **Disciplinary Sanctions** means consequences imposed on a respondent following a determination following a determination that the Respondent has violated this policy.
- J. **Domestic Violence** means felony or misdemeanor crimes of violence committed by a person who:
  - 1. Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the University, or a person similarly situated to a spouse of the victim;
  - 2. Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
  - 3. Shares a child in common with the victim; or
  - 4. Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction

*20 U.S.C. 12291(a)(8).*  
*Nebraska law does not specifically define domestic violence but such conduct is covered by the crime of domestic assault found at Neb. Rev. Stat. § 28-323 and the act of domestic abuse found at Neb. Rev. Stat. § 42-903.*
- K. **Education program or activity** includes locations, events, or circumstances over which the University exercised substantial control over both the Respondent and the context in which the alleged Prohibited Conduct occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the University.
- L. **Grievance process** means the procedures adopted by Bellevue University in the document entitled "Title IX Grievance Process," to support this policy and comply with Title IX in addressing formal complaints of Prohibited Conduct under this policy.
- M. **Hostile Environment Sexual Harassment** means unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the University's education program or activity (*i.e.*, creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
  - 1. The degree to which the conduct affected the Complainant's ability to access an education Program or Activity;
  - 2. The type, frequency, and duration of the conduct;
  - 3. The Parties' ages, roles within education Program or Activity, previous interactions, and other factors about each Party that may be relevant to evaluating the effects of the conduct;
  - 4. The location of the conduct and the context in which the conduct occurred; and
  - 5. Other sex-based harassment in University Programs or Activities.
- N. **Informal Resolution** means the informal resolution process as described in detail in the grievance process.

- O. **Informal Resolution Facilitator** means the person designated by the University to facilitate informal resolution, who must not be the same person as the Investigator or Decision Maker.
- P. **Investigator** means the person designated by the Title IX Coordinator to investigate allegations of Prohibited Conduct, gather evidence relevant to the formal complaint, and present evidence and a written investigative report to the Decision Maker.
- Q. **Party or Parties** refers to the Complainant, Respondent, or both collectively, of a particular report under this policy.
- R. **Peer Retaliation** means Retaliation by a student against another student.
- S. **Pregnancy or Related Conditions** means (1) Pregnancy, childbirth, termination of pregnancy, or lactation; (2) Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or (3) Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.
- T. **Program and Program or Activity** means all operations of Bellevue University.
- U. **Prohibited Conduct** means the conduct listed in Section II.A above as further defined in this section, which constitutes a violation of this policy.
- V. **Quid Pro Quo Sexual Harassment** occurs when an employee or agent of Bellevue University or another person authorized by Bellevue University, who is providing an aid, benefit, or service as part of an education Program or Activity and explicitly or impliedly conditions the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct.
- W. **Relevant** means related to the allegations of sex discrimination under investigation as part of the Grievance Process. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a Decision Maker in determining whether the alleged sex discrimination occurred.
- X. **Remedies** means measures provided, as appropriate, to a complainant or any other person the University identifies as having had their equal access to the University's education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person's access to the University's education program or activity after the University has determined that sex discrimination occurred.
- Y. **Report** means an initial report, preceding a formal complaint, of alleged or possible Prohibited Conduct under this policy.
- Z. **Respondent** means an individual who has been alleged to have engaged in Prohibited Conduct or other violation of this policy.
- AA. **Retaliation** means intimidation, threats, coercion, or discrimination against any person by the University, a student, or an employee or other person authorized by Bellevue University provide aid, benefit, or service under a University program or activity, for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, meeting, or proceeding, under this part, including in an Informal Resolution process, in a Grievance Process, and any other actions taken by Bellevue University to end, remedy, or prevent reoccurrence of sex discrimination. Retaliation includes Peer Retaliation for purposes of this policy.

**BB. Sex Discrimination and Discrimination on the basis of sex** means discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.

**CC. Sexual Assault** means an offense classified as a forcible or non-forcible sex offenses and includes of Rape, Sodomy, Sexual Assault with an Object, Fondling, Incest, and Statutory Rape.<sup>1</sup>

1. "Rape" is the carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity. There is "carnal knowledge" if there is the slightest penetration of the vagina or penis by the sexual organ of the other person. Attempted Rape is included.
2. "Sodomy" is oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
3. "Sexual Assault with an Object" is using an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity. An "object" or "instrument" is anything used by the offender other than the offender's genitalia.
4. "Fondling" is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
5. "Incest" is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by the law of the applicable jurisdiction.
6. "Statutory Rape" is sexual intercourse with a person who is under the statutory age of consent as defined by the law of the applicable jurisdiction.

**DD. Sexual Harassment<sup>2</sup>** is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex that is one or more of the following as defined in this policy: Quid

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<sup>1</sup> The University's definition of "Sexual Assault" is mandated by federal regulations implementing Title IX of the Education Amendments of 1972. Those regulations require the University to adopt a definition of "Sexual Assault" that incorporates various forcible and non-forcible sex crimes as defined by the FBI's Uniform Crime Reporting System. See 34 C.F.R. § 106.30(a).

<sup>2</sup> Examples of Sexual Harassment may include but are not limited to: unwelcome touching, kissing, hugging, rubbing, or massaging; repeatedly subjecting another to egregious, unwelcome sexual attention; attempting to coerce an unwilling person into sexual activity; unnecessary and egregious references to male/female body parts, sexually explicit profanity, sexual innuendos, jokes, or humor; displaying pornography or sexual graffiti, pictures, videos or posters; unwelcome asking or telling about sexual fantasies, sexual preferences, or sexual activities; sending sexually explicit emails, text messages, or social media communications; requesting sexual favors in return for employment, athletic, or other rewards, or threats if sexual favors are not provided; non-consensual visual or audio-recording of sexual activity or distribution of recordings, photos or other information of another individual's sexual activity or intimate body parts; exposing one's genitals in non-consensual circumstances, or inducing another to expose his or her genitals.

Pro Quo Sexual Harassment, Hostile Environment Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, or Stalking.

EE. **Stalking** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (A) fear for the person's safety or the safety of others; or (B) suffer substantial emotional distress.

*20 U.S.C. 12291(a)(30).*

*The definition of stalking under Nebraska law can be found at Neb. Rev. Stat. §§ 28-311.02 and 28-311.03.*

FF. **Student with a disability** means a student who is an individual with a disability as defined in the Rehabilitation Act of 1973, as amended.

GG. **Supportive measures** means individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a Complainant or Respondent, not for punitive or disciplinary reasons, and without fee or charge to the Complainant or Respondent to:

1. Restore or preserve that Party's access to a University Program or Activity, including measures that are designed to protect the safety of the Parties or Bellevue University's educational environment; or

HH. Provide support during a Grievance Process or an Informal Resolution process under this policy.

II. **Title IX** means Title IX of the Education Amendments of 1972 (20 U.S.C. 1681-1689) and its implementing regulations (34 C.F.R. Part 106), both as amended.

JJ. **Title IX Coordinator** means the person designated to coordinate the University's compliance with Title IX as further outlined in Section II above.

KK. **VAWA** means Violence Against Women Reauthorization Act, as amended (42 U.S.C. 13925 and 14043e *et seq.*).

LL. **Witness** means an individual who provides a statement, evidence, or other information in a matter under this policy or the grievance process.

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Supporting Documentation: Title IX, Clery Act, Campus SaVE Act, Violence Against Reauthorization Women Act (VAWA), Title IX Grievance Process, Bellevue University Student Code of Conduct, Bellevue University Employee Handbook, Bellevue University Faculty Handbook, Bellevue University Student Housing Handbook.

Keywords: Title IX, VAWA, sexual harassment, sexual assault, domestic violence, dating violence, stalking, retaliation, consent, hostile environment, report, complaint, supportive measures, grievance process, investigation, appeal

Responsible Office: Title IX Office

Contact Information: Title IX Coordinator  
402-557-7299  
[TitleIX@bellevue.edu](mailto:TitleIX@bellevue.edu)

Approved by: Dr. Mary Hawkins, President

Effective Date: August 1, 2024

Review Cycle and Dates: This policy statement supersedes previous versions of PS 4, dated August 14, 2020, December 1, 2014, May 14, 2014, November 15, 2004, and September 1, 2001. This policy also replaces PS 5 dated February 17, 1995. This policy statement also repeals the previous version of the grievance process dated August 24, 2020, and directs and authorizes the Title IX Coordinator to develop and approve an updated and compliant grievance process in its place.

APPROVED:

*This policy statement was signed by Dr. Mary Hawkins, Bellevue University President, on July 30, 2024.*