

Metropolitan Community College

2023 Report Subject to §85-608

Submitted to the Clerk of the Legislature and the Education Committee of the Legislature

Overview

Metropolitan Community College is a comprehensive, full-service public community college supported by the taxpayers of Dodge, Douglas, Sarpy and Washington counties. Its purpose is to provide high quality educational programs and services, primarily in career preparation and general education, to people of all ages and educational backgrounds. MCC offers multiple locations and continues to expand its offerings in both credit and non-credit areas. Credit-seeking students can choose from two-year degree or certificate programs that cover seven Academic Focus Areas including Business, Creative Arts and Design, Community and Human Services, Health Professions, Information Technology, Skilled Trades and Technical Sciences, and Transfer. MCC's non-credit programming offers high-quality, accessible, and innovative programs to learners of all ages. Classes are offered at a variety of sites throughout the metropolitan area. Workforce training programs advance student goals and fuel business growth through accelerated learning opportunities and workforce training. MCC helps employers develop their workforce and advance the skills of career professionals to boost their potential. In addition, MCC also provides community-based programs that provide educational opportunities, resources, and support to local neighborhoods at three MCC Express locations. This includes GED, English-as-a-Second Language and other workforce non-credit courses. MCC serves 40,000+ students annually, and is the second largest higher education institution in Nebraska.

Sexual Harassment and Title IX Compliance

A. Results of any campus climate survey related to sexual harassment:

Metropolitan Community College (MCC) has not conducted a campus climate survey specifically dedicated to sexual harassment.

B. Information related to the training provided to Title IX coordinators and decision-makers regarding sexual harassment:

MCC provides Title IX training to the Title IX Coordinator, and other Title IX team members such as investigators, hearing officers, decision makers, appeal officers and advisors. MCC is a member of the Association of Title IX Administrators (ATIXA) and the National Association of Student Personnel Administrators (NASPA), who provide virtual and in-person training options for MCC Title IX team members to complete for compliance. Multiple Title IX team members are dual trained in more than one role for added versatility for investigations and the grievance processes. Trainings that have been completed since 2022 to current include the following:

- a. ATIXA Annual Conference (members of the team attend annually)
- b. ATIXA Investigator 1 &2, Hearing Officer, Decision Maker, Gender Equity Foundations for Higher Education, Sex-Based Harassment Foundations for Higher Education, Supporting Pregnancy, Parenting, & Related Conditions, Solutions for Managing Intake, Jurisdiction, and Dismissal in the Title IX Grievance

<https://www.atixa.org/2020-regulations-requirement-posting-of-training-materials/>

- c. Vector Solutions/Safe College Computer Module Training for all employees/students on the beginning and then an annual basis

C. Policies, initiatives, or grievance procedures adopted to address sexual harassment:

MCC's [Policy Prohibiting Harassment of Employees](#) and [Policy Prohibiting Harassment of Student](#) prohibit discrimination on the basis of sex. The policy ensures that MCC is compliant

with Title IX. [MCC Title IX Coordinators](#) are responsible for addressing alleged violations of Title IX. MCC is prepared for potential policy changes once the proposed Title IX Regulations are implemented. MCC follows its current policies to comply with current Title IX regulations.

D. Information on where students and employees may receive immediate emergency assistance to address instances of sexual harassment:

MCC provides information on how to contact Title IX Coordinators, along with information on making a report to law enforcement agencies and engaging with confidential resources off-campus on our website.

- <https://www.mccneb.edu/Student-Resources/Student-Advocacy-and-Accountability/Title-IX/Title-IX-Reporting>
- <https://www.mccneb.edu/Prospective-Students/Student-Tools-Resources/Student-Advocacy-and-Accountability/Title-IX/Resources>

Students and Employees may also contact anyone on the Title IX team or MCC College Police department.

E. Information on how students and employees may report concerns of sexual harassment:

Students and Employees may report concerns of sexual harassment in multiple ways:

Any individual may make a report of an allegation of discrimination, harassment, or retaliation to the Title IX Coordinator (<https://www.mccneb.edu/Current-Students/Current-Students-Resources/Student-Advocacy-and-Accountability/Title-IX/Title-IX-Coordinators>)

- a. Upon notice by a third party, the Title IX Coordinator will engage in outreach to the identified Complainant to discuss the availability of supportive measures, consider the Complainant's wishes with respect to supportive measures, inform the Complainant of the availability of supportive measures with or without the filing of a formal Complaint, and explain to the Complainant the process for filing a formal Complaint. Maxient Software is used for managing student misconduct, harassment, or discrimination. This

tool provides an effective, efficient process when responding to reports. There is increased awareness of prohibited forms of conduct and information about how to use the College's reporting system.

- b. The Title IX team has communicated to the College employees and students the reporting process at <https://www.mccneb.edu/Student-Resources/Student-Advocacy-and-Accountability/Title-IX/Title-IX-Reporting>
 - c. There is a general student complaint form available for students or visitors who may wish to report concerns: <https://www.mccneb.edu/Student-Resources/Student-Advocacy-and-Accountability/Student-Complaints-and-Appeals>
 - d. Emailing, calling, or meeting with a member of the Title IX team member for the purpose of reporting concern of sexual harassment.
 - e. The College has determined that the following administrators are Officials with Authority to address and correct harassment, discrimination, and/or retaliation. In addition to the Title IX Team members listed above, these Officials with Authority listed below may also accept notice or complaints on behalf of the College. Officials with Authority are:
- F. Information on resources, programs and support available to students and employees to address concerns of sexual harassment:** MCC provides a list of resources and support available to its employees and students on the college's webpages at <https://www.mccneb.edu/Student-Resources/Student-Advocacy-and-Accountability/Title-IX/Resources>.
- a. The College will offer and implement appropriate and reasonable supportive measures to the parties upon notice of discrimination, harassment, and/or retaliation. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties to restore

or preserve access to the College's educational programs or activities, including measures designed to protect the safety of all parties or the College's educational environment, and/or deter harassment and/or retaliation.

- b.** The Title IX Coordinator promptly makes supportive measures available to the parties upon receiving notice or a Complaint. At the time that supportive measures are offered, the College will inform the Complainant, in writing, that they may file a formal Complaint with the College either at that time or in the future if they have not done so already.
- c.** The Title IX Coordinator works with the Complainant to ensure that their wishes are considered with respect to the supportive measures that are planned and implemented. The College will maintain the privacy of the supportive measures if privacy does not impair the College's ability to provide the supportive measures and will act to ensure as minimal an academic or occupational impact on the parties as possible.
- d.** The College will implement supportive measures in a way that does not unreasonably burden the other party. These actions may include, but are not limited to:
 - i.** Referral to counseling, medical, and/or other healthcare services
 - ii.** Referral to the Employee Assistance Program • Referral to community-based service providers
 - iii.** Student financial aid counseling
 - iv.** Altering work arrangements for employees or student-employees
 - v.** Safety planning
 - vi.** Providing College Police escorts
 - vii.** Implementing contact limitations (no contact orders) between the parties

- viii.** Academic support, extensions of deadlines, or other course/program-related adjustments
- ix.** Timely warnings as required under the Clery Act
- x.** Class schedule modifications, withdrawals, or leaves of absence
- xi.** Increased security and monitoring of certain areas of the College's property
- xii.** Any other actions deemed appropriate by the Title IX Coordinator. Violations of no contact orders will be referred to appropriate student or employee conduct processes for enforcement.
- xiii.** Emergency Removal: The College can act to remove a student Respondent entirely or partially from its educational programs or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal. This risk analysis is performed by the Title IX Coordinator in conjunction with the MCC College Police using its standard objective violence risk assessment procedures.
- xiv.** In all cases in which an emergency removal is imposed, the student will be given notice of the action and the option to request to meet with the Title IX Coordinator prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to show cause why the action/removal should not be implemented or should be modified. This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate.
- xv.** When this meeting is not requested in a timely manner, objections to the emergency removal will be deemed waived. A Complainant and their Advisor

may be permitted to participate in this meeting if the Title IX Coordinator determines it is equitable to do so. There is no appeal process for emergency removal decisions. A Respondent may be accompanied by an Advisor of their choice when meeting with the Title IX Coordinator. The Respondent will be given access to a written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation.

- xvi.** The Title IX Coordinator has sole discretion under these procedures to implement or stay an emergency removal and to determine the conditions and duration of the removal during the period of the investigation and final determination. Violation of an emergency removal under these procedures will be grounds for discipline, which may include expulsion.
- xvii.** The College will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Title IX Coordinator, these actions could include, but are not limited to restricting a student's access to or use of facilities or equipment, allowing a student to withdraw or take grades of incomplete without financial penalty, authorizing a leave, and/or suspending a student's participation in all college related activities. At the discretion of the Title IX Coordinator, alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the parties.
- xviii.** Where the Respondent is an employee, existing provisions for interim action are applicable, as outlined College Procedure Memorandum VI-24 Employee Discipline Procedures:

<https://www.mccneb.edu/getattachment/About-MCC-Nebraska/About-MCC/Procedures/VI-24-Employee-Discipline-Procedures.pdf.aspx?lang=en-US>

G. Information on any student or employee-led organizations engaged in supporting victims of

sexual harassment: MCC does not have a student-led organization engaging in support for victims of sexual harassment. MCC utilizes its Student Intervention team (SIT) which provides faculty, staff, students, families, or any other individual a resource to contact if they have concerns about a student's well-being. The primary goal of the SIT is to provide consultation, advocacy, resources, and education to help facilitate individual success and cultivate a safe campus environment.

- a. Any concerned individual can refer a student who may be experiencing academic or emotional challenges or who may be demonstrating concerning or disruptive behavior to the SIT by submitting a SHARE referral form. Submitting a referral simply means you have a concern about a student's well-being. Receipt of this form initiates the SIT outreach/intervention process.
- b. SHARE referrals are reviewed during normal business hours by people trained to assess and act. The SIT conducts an initial assessment of every SHARE referral. In many cases, the outcome is to offer support and resources to either the individual who reports the concern, the student of concern or both. In most cases, the student of concern will be contacted and invited to meet with either a member of the SIT or an advocacy counselor. During the meeting, the student and staff member collaborate to determine what resources, referrals or services might best meet the student's needs and goals. Each situation is different and requires an individualized approach. Team members typically meet with a student several times in person and check-in with a student periodically throughout the academic year.

- c. MCC has been focusing on creating a community of care, which is the first step in creating a positive mental health landscape for students, and it allows the institution to help students stay on their path and ensure they are learning while at MCC. MCC's Student Advocacy and Accountability team, along with Staff Training and Development have offered sessions e designed to help faculty and staff identify signs of distress in students, learn how to engage in a conversation with a student in distress, and connect them to mental health resources if additional support is needed.
- d. MCC conducted awareness activities to coincide with nationally recognized awareness months during the reporting period. These activities included providing general information related to Domestic Violence Awareness Month, Stalking Awareness Month, and Sexual Assault Awareness Month. This general information included contact information for local domestic violence/sexual assault, advocacy services as well statistical information. Local advocacy programs also staffed tables at campus events to answer questions about their services.

H. Agreement with local law enforcement agency or county attorney related to addressing instances of sexual harassment:

The Metropolitan Community College Police Department (MCC Police) has the primary jurisdiction and responsibility to investigate crimes and provide police services for MCC locations within the four-county service area of Douglas, Sarpy, Dodge and Washington counties.

The MCC Police Department is recognized by the Nebraska Commission on Law Enforcement and Criminal Justice as a Law Enforcement Agency. Police Officers employed by MCC Police are commissioned and certified as Nebraska Law Enforcement Officers. MCC Police has agreements with other law enforcement agencies located

within the jurisdictions served by the Metropolitan Community College. The collaboration extends, not only with assistance answering calls when necessary, but also with the assistance in each and every phase of follow-up investigation including forensic services.

- I. This report does not include any personally identifiable information that is subject to a privilege arising under state or federal law, or records that may be withheld from disclosure under Section 84-712.05

Applicable State Laws

Neb. Rev. Stat. §85-608 provides guidance for the above report.

(1) On or before September 15, 2021, and September 15 of each odd-numbered year thereafter, each public postsecondary institution shall electronically submit a report regarding sexual harassment and Title IX compliance to the Clerk of the Legislature and the Education Committee of the Legislature. The report shall include:

- (a) Results of any campus climate survey related to sexual harassment;
- (b) Information related to the training provided to Title IX coordinators, investigators, and decisionmakers regarding sexual harassment;
- (c) Any policies, initiatives, or grievance procedures the postsecondary institution has adopted to address sexual harassment;
- (d) Information on where the postsecondary institution's students and employees may receive immediate emergency assistance to address instances of sexual harassment;
- (e) Information on how the postsecondary institution's students and employees may report concerns of sexual harassment to the postsecondary institution;
- (f) Information on resources, programs, and support available to the postsecondary institution's students and employees to address concerns of sexual harassment;
- (g) Information on any of the postsecondary institution's student or employee-led organizations engaged in supporting victims of sexual harassment; and
- (h) Any agreement between the postsecondary institution and a local law enforcement agency or the county attorney related to addressing instances of sexual harassment

(4) For purposes of this section:

- (a) Postsecondary institution has the same meaning as in section 85-2403
- (b) Sexual harassment means conduct that satisfies one or more of the following:

(i) an employee conditioning the provision of an aid, benefit or service on an individual's participation in unwelcome sexual conduct;

(ii) Unwelcome conduct on the basis of sex determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the education program or activity;

(iii) Sexual assault as defined in 20 U.S.C. 1092(f)(6)(A)(v);

(iv) Dating violence as defined in 34 U.S.C. 12291(a)(10);

(v) Domestic violence as defined in 34 U.S.C. 12291(a)(8); or

(vi) Stalking as defined in 34 U.S.C. 12291(a)(30); and

(c) title IX means Title IX of the Education Amendments of 1972, Public Law 92-318, 20 U.S.C. 1681 to 1688, and its accompanying regulations and guidance documents as amended.

Applicable Federal Laws

The following Federal laws (as renumbered) and regulations, identified in 85-608, are applicable to this report.

20 U.S.C. 1092(f)(6)(A)(v): The term "sexual assault" means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

34 U.S.C. 12291(a)(10) (renumbered as 34 U.S.C. 12291(a)(11)): The term "dating violence" means violence committed by a person –

(A) who is or has been in a social relationship of a romantic or intimate nature with the victim;
and

(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

(i) the length of the relationship.

(ii) the type of relationship.

(iii) the frequency of interaction between the persons involved in the relationship.

34 U.S.C. 12921(a)(8) (renumbered as 34 U.S.C. 12291(a)(12)): The term “domestic violence” includes felony or misdemeanor crimes committed by a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction receiving grant funding and, in the case of victim services, includes the use or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior, by a person who-

(A) is a current or former spouse or intimate partner of the victim, or person similarly situated to a spouse of the victim;

(B) is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;

(C) shares a child in common with the victim; or

(D) commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction.

34 U.S.C. 12291(a)(30) (renumbered as 34 U.S.C. 12291(a)(36)): The term “stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to –

(A) fear for his or her safety or the safety of others; or

(B) suffer substantial emotional distress.

As used in 20 U.S.C. 1092(f)(6)(A)(v), the Federal Bureau of Investigation’s Uniform Crime Reporting (UCR) Program’s National Incident-Based Reporting system defines sex offenses as follows

Any sexual act including Rape, Sodomy, Sexual Assault with An Object, or Fondling directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent; also, unlawful sexual intercourse

Rape – (Except Statutory Rape) 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

Sodomy – 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

Sexual Assault with An Object – The use of 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

Fondling – 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

Incest – Nonforcible sexual intercourse between person who are related to each other within the degrees wherein marriage is prohibited by law

Statutory Rape – Nonforcible sexual intercourse with a person who is under the statutory age of consent

https://ucr.fbi.gov/nibrs/2018/resource-pages/nibrs_offense_definitions-2018.pdf