

Demands to the University of Nebraska-Lincoln

We want justice. We want equality. We want a trauma-informed approach.

Accountability | Transparency | Staffing | Survivor Support | Training

Demand One: ACCOUNTABILITY

We demand accountability in the form of establishing an Oversight Committee for the Title IX Process that prioritizes student and survivor feedback. The Title IX process includes initial contact with the UNL Title IX office, official reporting, investigation, and appeals processes on how UNL addresses and responds to sexual misconduct cases. The Oversight Committee will also provide a set of checks and balances for the UNL Title IX office.

- I. The Oversight Committee will be formed every two years with an open application process. Members of the Oversight Committee will be selected by a panel formed with representatives from identified offices (e.g., Diversity and Inclusion, Student Affairs, ASUN, GSA, Faculty Senate, local advocacy groups, Women’s Center, Education Abroad, Counseling and Psychological Services) on and off campus.
 - A. A designated staff person should be hired or contracted, whose main role is to coordinate and manage the Oversight Committee.
 - B. The Oversight Committee should be made up of mostly undergraduate and graduate student representatives, but also faculty and staff members and outside community experts from a local community advocacy program with experience in diversity and inclusion.

- II. The Oversight Committee should monitor that requests for accommodations/ modifications are met and being provided to survivors to ensure a safe learning environment.
- III. Title IX should utilize affirmative definitions of consent (as outlined by the UNL Student Code of Conduct) in evaluating the evidence and informing findings.
- IV. The Oversight Committee should review ALL cases to ensure that IEC/Title IX Office are using a “preponderance of evidence” standard.
 - A. This would include ensuring that Title IX is enforcing or upholding no contact or protection orders issued by outside legal entities.
- V. Survivors and respondents can complete confidential surveys regarding all aspects of the reporting, investigation, and appeals process (e.g. their investigator, their experience with the Title IX office, and appeal process), which will be sent to and reviewed by the Oversight Committee.
 - A. Transcripts of any recorded personal interviews before, during, and after the investigation and appeal processes should be available to survivors and respondents for the purposes of filling out surveys.
 - B. If a university employee participating in any aspect of these processes fails to implement trauma-informed practices more than once, the Oversight Committee has the power to remove them from the process.
- VI. The Oversight Committee will address any issues brought to them regarding the handling of a case by the Title IX office or its affiliates.
 - A. This includes, but is not limited to, the duration of an investigation, information shared to both parties on processes, ensuring appropriate sanctions are applied and enforced, policies not being applied consistently, and/or policies being applied inappropriately.

- B. The Title IX Office should send a formal, timely, and specific notice that the investigation will be delayed with clear reasoning to the complainant, respondent, and oversight committee

- VII. The Oversight Committee should work closely with the University administration, a representative from each college, and all relevant offices in the implementation of all the demands.

- VIII. The Oversight Committee should conduct annual case reviews to ensure proper implementation of Federal policies, to evaluate University policies, and to look for opportunities to improve processes, including the appeals process. Upon completion of the annual review, the Oversight Committee will produce an annual comprehensive report that will be shared publicly, highlighting relevant positive and/or concerning statistical and systematic trends and ensuring parties confidentiality is not violated.

- IX. The Oversight Committee should be chartered and contain bylaws.

- X. An audit should be conducted by an independent third party to review cases handled by UNL Title IX Office from August 2014 - present

Demand Two: TRANSPARENCY

We demand transparency in the execution of Title IX processes, along with the processes of all other relevant campus departments, including but not limited to the University Health Center (UHC), University Police Department (UPD), Residential Life, and Office of Student Conduct and Community Standards (SCCS).

- I. The Title IX website and printed informational materials is confusing, difficult to navigate, inconsistent, and incorrect. More comprehensive, accurate, and easily accessible information on the Title IX website is needed, including:

- A. An updated staff directory with pictures and accurate contact information of all Title IX staff and office locations.
 - B. The protocol for filing reports and exactly what every step entails for ALL reporting and support seeking processes. This information should be clearly detailed, in-depth, and easily accessible.
 - C. Information about the length of the process should be clearly stated.
 - D. Detailed, annotated step-by-step mock cases should be available online for students.
- II. When students have their first contact with Title IX and/or UPD, they should be provided written copies of their rights, reporting options, and referrals for support both on and off campus, including written documentation about the benefits and role of an advocate and a detailed outline of the process in an accessible, trauma-informed manner (e.g., flowchart form).
- III. In the first meeting and every subsequent meeting with Title IX and/or UPD, students should be reminded that they have the right to have an advocate or support person present and that they can stop the interview and ask for their advocate or support person at any time.
- A. Advocates should automatically be called whenever a report of sexual misconduct is made to Title IX, UPD, and/or UHC (similar with the coordinated response teams in Lancaster County).
- IV. Individuals should be informed of each and every instance in which they are being recorded, and written consent should be required before recording an individual. All recordings, in their entirety, in which they are a participant, should be made available upon request.
- V. There should be a published and easily accessible list of specific recommended sanctions for specific violations in order to provide transparency on how punitive decisions are made.

- VI. The Title IX coordinator should create, publish, and maintain consistent policies for both parties about the length of time to submit witnesses, the length of time to review and respond to reports, and the process to receive extensions.
 - A. This process must fit in the 60 day framework as recommended in the U.S. Department of Education’s Dear Colleague Letter from April 4, 2011.
 - B. These deadlines and extension request details should be readily available on the Title IX website.

- VII. There should be an easily accessible FAQ that includes statistics for all types of reporting, which includes the number and types of reports, outcome of investigations, sanctions, length of investigation, number of appeals, and outcome of appeals in the Title IX and SCCS offices.
 - A. This should include past annual statistics, available on the Title IX website.
 - B. Patterns in these statistics such as consistently high numbers of reports deemed unmeritorious or a sanction (e.g. insufficient information, not in violation, not in jurisdiction) should be accompanied by a thorough explanation, and should be investigated by the Oversight Committee.

- VIII. There should be transparency, publicity, and education on who is and who isn’t a Responsible Employee, what being a Responsible Employee means, and possible outcomes of disclosing sexual misconduct to a Responsible Employee.
 - A. The Responsible Employee recognizable icon (RE) should be present next to the contact information of each Responsible Employee in the UNL directory and website.
 - B. There should be a searchable directory and organizational chart of all Responsible Employees.
 - C. All Responsible Employees should receive trauma-informed training on how to respond to reports and how to make responsible, compassionate referrals.

- D. The list of Responsible Employees should be reevaluated by the Oversight Committee including the practice of safety planning services with UPD and their process of forwarding information to Title IX.
- IX. The appeal process must be reevaluated. It should mirror the process for filing and investigating initial complaints with regard to transparency, accountability, staffing, survivor support, and training as outlined in this document. Survivors and respondents should be given the same appeal options and have the same rights with regarding the appeals process. All rights outlined in this document pertaining to the investigatory process should apply to the appeals process in addition to those outlined below.
- A. Accurate, comprehensive, and easily accessible information should be included on the Title IX and the SCCS website following the recommendations made for information regarding the Title IX reporting and investigation processes.
- B. The party filing an appeal should be given the opportunity to speak with the University entity conducting the appeal to explain the basis upon which the appeal is being filed as well as any reasoning behind if/why they believe the investigation was flawed.
- C. There should be more than one person conducting the appeal, and representatives independent from the University should be involved in the appeal process and decision. This should also include the oversight committee.
- D. Easily accessible step by step information should be made available detailing the appeal process, including the manner in which appeals are conducted, by whom, and the length of the process.
- E. The deadline for survivors and respondents to file an appeal should be reevaluated. This deadline should be equally applied to both complainants and respondents. The time period to file an appeal for findings determined during non-traditional periods (e.g. University holidays, dead week, finals week, etc.) should not begin until after said period ends.

Demand Three: STAFFING

We demand the hiring of additional staff in order to handle cases of sexual misconduct and expand current resources for survivors.

- I. UNL should hire a new Title IX Coordinator to begin rebuilding trust between the student body and the Title IX office. The Title IX Coordinator must have demonstrated knowledge and proven experience in implementing a trauma-informed approach in all aspects of the Title IX processes.
- II. UNL should hire additional investigators in the Title IX office to ensure investigations can be completed in the 60-day timeframe.
 - A. Investigators must demonstrate practical knowledge of trauma-informed training and implementation of trauma-informed techniques before they are placed on a case.
 - B. Investigators who have failed to appropriately respond in a trauma-informed manner during investigations should be removed from their position.
- III. Processes should be in place when a Title IX staff member leaves to ensure continuity of care for all individuals in the Title IX Process.
- IV. Trauma-informed trained advocates should be provided to support students through the process and should automatically be called to all Title IX meetings.
 - A. Formalized policies, processes, and procedures should be implemented to ensure that these advocates are protected from retaliation for advocating for students in cases where they may take another stance than the Title IX office or University of Nebraska.
 - B. These advocates should be supervised (directly or indirectly) only by individuals who are neither formally nor informally associated with the UNL Title IX Office.

- V. UNL should establish and maintain a permanent contract with a local community-based advocacy program to provide independent off campus resources for survivors.
 - A. This should include a 24-hour on-call local advocate available for students who need immediate support.

Demand Four: SURVIVOR SUPPORT

We demand a stronger investment in survivor support at UNL, including the expansion of survivor accommodations/modifications and support resources.

- I. There should be a standardized process for granting and enforcing accommodations/modifications for all survivors. This standardized process should include the following aspects:
 - A. Title IX should inform survivors of their ability to make accommodations/modification requests, the types of requests they can make, and how to make requests in writing, with a respondent and (witness?) signature, at the first point of contact with the office.
 - B. All requests for accommodations/modifications should be communicated to the necessary parties via Title IX (NOT via survivors) regardless of reporting status, status of the investigation, and/or finding of the investigation.
 - C. Requests for accommodations/modifications need to be met in a timely manner. Time sensitive requests should be met ASAP with other requests taking no longer than a week.
 - D. Survivors should be updated promptly and on a regular basis regarding requests.
- II. The number of accommodations/modifications requests and how often they were granted should be tracked by the Oversight Committee to monitor, review, and provide accountability.

- III. No-contact orders need to extend to all facets of campus life, including but not limited to classrooms, labs, residence halls, campus work settings, and student groups. No-contact orders need to actually be enforced by the Title IX office.
 - A. The respondent should be required to leave social settings, students groups, and department functions when the survivor is present.
 - B. The onus should be placed on the respondent to adjust to the accommodations/modifications, not on the survivor to adjust to their schedule.

- IV. Information about resources for survivors including Title IX, on and off campus advocacy options, and accommodations/modifications should be required to be included in all course syllabi.

- V. There should be methods for all students, including those studying away and abroad, to receive free mental health services, including therapy, outside of the options provided at Counseling and Psychological Services (CAPS).
 - A. There should be long-term care available on campus specific to survivors of sexual misconduct regardless of reporting status, the status of the investigation, and/or finding of the investigation.
 - B. There should also be support for survivors who seek services off campus. This includes payment reimbursement, facilitation of referrals, and/or transportation.
 - C. Mental Health referrals should be made in a trauma-informed and validating manner upon contact with the Title IX office and never as a response to survivor concerns.
 - 1. This should also include referring respondents to mental health services.

- VI. There should be a 24-hour on-call local advocate available for students who need immediate support.

- A. The University Health Center should follow the Lancaster County Sexual Assault Response Team (SART) protocol when patients disclose experiences of sexual assault and relationship violence.
- VII. Free emergency contraception, STI prophylactic medication, and STI testing should be made available to survivors at the University Health Center in a trauma-informed manner. Transportation to medical care at Bryan West where survivors can access forensic evidence kits should be provided to students.
- VIII. UPD should review its process for granting and enforcing ban and bars.
 - A. This should include a method for enforcing a campus-wide ban and bar.
- IX. UNL should create and maintain protocols on responding to sexual misconduct that occurs in study abroad programs.

Demand Five: TRAINING

We demand a more comprehensive, trauma-informed training program for all persons involved in the Title IX process so that they have an adequate understanding of the dynamics of sexual misconduct (which includes all forms of sexual violence, sexual harassment, dating and domestic violence, and stalking), the effects of trauma, and how to interact with survivors. This includes, but is not limited to, the Title IX Coordinator and Title IX investigators, University Police Department (UPD), University Health Center (UHC), Counseling and Psychological Services staff (CAPS), Office of Student Conduct and Community Standards (SCCS), Office of Fraternity and Sorority Life, Residential Life staff, UNL Victim Advocates, Education Abroad, and Responsible Employees.

- I. Implicit bias training should be incorporated into all training for employees required of all individuals trained in the Title IX process.
- II. Yearly belief-based training on sexual assault investigations for UPD and all Title IX staff should be implemented.

- III. UPD and all Title IX staff must complete Forensic Experiential Trauma Interview training (FETI).
- IV. All Title IX staff should be up to date on research literature involving sexual misconduct.
- V. There should be actual implementation of trauma-informed training into University policies, procedures, and interactions with survivors.
- VI. UHC providers and staff need extensive training on trauma-informed practice broadly, and specifically as it relates to sexual misconduct.
- VII. There should be more comprehensive sexual misconduct prevention programming for all incoming and transfer UNL students.
 - A. Mandatory pass/no pass consent and bystander intervention training for all current students, incoming students, international students, faculty and staff should be implemented.
 - 1. These training should be inclusive, culturally relevant and competent.
 - B. UNL should create more culturally-informed prevention programming for both administrators and student group leaders.
 - 1. Marginalized communities are especially prone to and have nuanced cultural forces surrounding sexual misconduct. Cultural humility must be incorporated into programming and identity specific support/advocacy groups must be consulted with when creating programming.
 - 2. UNL should improve the resource literacy of all responders and ensure all public spaces, physical and digital, have current, accessible information written in plain/clear/direct/easily understandable language