

## SEXUAL HARASSMENT AND CRIMES OF A SEXUAL NATURE

Regional West Medical Center School of Radiologic Technology does not tolerate sexual harassment and inappropriate sexual conduct from managers, supervisors, co-workers, and non-employees such as students, physicians, customers, clients, vendors, consultants, etc., in the work place. Sexual harassment can involve males or females being harassed by members of either sex and may be conducted by employees or non-employees such as customers, vendors, or consultants.

Responsibility: Students, Faculty  
Standard: Human Resources

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### Definitions:

**Consent (in regards to sexual activity):** The intelligent, knowing, and voluntary giving of permission. Does not include coerced submission. "Consent" shall not be deemed or construed to mean the failure by the alleged victim to offer physical resistance to the offender. Giving in is not the same as consent.

**Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of the relationship and the frequency of interaction between the persons involved in the relationship.

**Domestic Violence:** The term domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person cohabitating with or has cohabitated with the victim as a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's act under the domestic or family violence laws of the jurisdiction.

**Sexual Assault:** an offense classified as a forcible or nonforcible sex offense that may include the definition of rape, fondling, incest, or statutory rape.

**Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her own safety or the safety of others; or suffer substantial emotional distress.

**Sexual harassment:** The unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, where:

- Submission to such conduct is made either explicitly or implicitly condition of enrollment.
- Submission to or rejection of such conduct is used as the basis for decisions affecting an individual's enrollment.
- Such conduct has the purpose or effect of creating an intimidating, hostile, or offensive working enrollment.
- Pornographic or sexually-oriented materials are displayed, stored, or transmitted using Program equipment or facilities.

## **THE VIOLENCE AGAINST WOMEN**

The Violence Against Women Act (VAWA) is a federal law that was implemented in 1994 in recognition of the severity of the crimes associated with domestic violence, sexual assault, and stalking, as part of the Violent Crime Control and Law Enforcement Act of 1994. VAWA was reauthorized in 2000, 2005, and 2013 to strengthen the law.

The Violence Against Women Act provides protection to women against crimes of sexual violence. The act obliges colleges and institutions to report and conduct educational programs under its Campus Sexual Violence Act (Campus SaVE Act), which amended the Clery Act.

The 2013 VAWA Reauthorization Act added a non-discrimination provision that prohibits discrimination on the basis of sex by organizations that receive federal funding. The Act allows an exception for "sex segregation or sex-specific programming" when it is deemed to be "necessary to the essential operations of a program".

## **SEXUAL ASSAULT COMPLAINT PROCEDURE**

All students are expected to conduct themselves in a professional and business-like manner at all times. Students should recognize these actions defined above are unacceptable whether or not the incidents occur on the school premises or in any clinical education setting and whether or not the incidents occur during didactic or clinical hours

Regional West Medical Center School of Radiologic Technology is committed to maintaining a safe and secure work and academic environment free of any form of sexual misconduct including domestic violence, dating violence, sexual assault, stalking, and sexual harassment. A violation of the Violence Against Women's Act shall constitute grounds for disciplinary action, up to and including, dismissal from the Program.

### **Domestic Violence, Dating Violence, Sexual Assault and Stalking**

If a student is subject to sexual violence, domestic violence, sexual assault, and/or stalking:

1. Get to a safe place and obtain medical attention.
2. Report the situation to someone in a position of authority or the police department immediately by calling 911 in an emergency situation or in a nonemergency Scottsbluff Police Department at 632-7176 for a sworn law enforcement response.

In addition to contacting the Police Department, the Regional West Health Services Campus Security should also be notified at 630-1449 in order to provide an immediate response for victim assistance and investigative processes.

3. Preserve all evidence of the offense. The timely reporting of the incident is important to necessary evidence collection and preservation. Victims should make every effort to save anything that might contain the perpetrator's DNA, therefore a victim should not:
  - Bathe or shower
  - Use the restroom
  - Change clothes
  - Comb hair
  - Clean up the crime scene
  - Move anything the offender may have touched

Even if the victim has not yet decided to report the crime, receiving a forensic medical exam and keeping the evidence safe from damage will improve the chances that the police can access and test the stored evidence at a later date.

4. Request assistance for personal safety
5. Obtain order of protection or a no contact order
6. Take advantage of the services available

Any student reporting victimization of one of these crimes of a violent and sexual nature will be provided with their right to:

- Be assisted by campus authorities if reporting a crime to law enforcement
- Change academic or clinical situations to avoid a hostile environment

- Obtain or enforce a no contact directive or restraining order
- Have a clear description of the Program's disciplinary process and know the range of possible sanctions
- Receive contact information about existing, counseling, health , mental health, victim advocacy, legal assistance and other services available both on-campus and in the community
- The victim is not obliged to report the assault
- The student has a right to file a criminal complaint and the student has a right to go to court and file a petition requesting an injunction for protection against domestic violence, repeat violence, dating violence, or stalking. The student should contact legal assistance to initiate any of these processes.

<b>Contact</b>	<b>Phone</b>
Regional West Security Office	630-1449
Scottsbluff Police Department	Emergency 911 Nonemergency 632-7176
Student Assistance Program	1-800-779-6125
Community Action Partnership of Western Nebraska,	633-5766
Nebraska Legal Services	632-2016

The student may file a complaint with anyone in a supervisory, instructional, or administrative position who will in turn immediately contact a representative from the Human Resources Department of the Sponsoring Organization.

If the student feels uncomfortable about discussing the incident with a supervisory, instructional, or administrative position, the student should feel free to bypass the person and file a complaint with a representative from the Human Resources Department of the Sponsoring Organization.

### **Investigation and Resolution.**

After receiving a complaint of the incident or behavior the representative from the Human Resources Department of the Sponsoring Organization will initiate an investigation to gather information about the incident. If the representative from the Human Resources Department of the Sponsoring Organization is unable to initiate an investigation, due to a conflict or for any other reason, the Vice President of Human Resources shall designate another individual to act as representative from the Human Resources Department of the Sponsoring Organization for the matter.

The guidelines shall, at a minimum, provide the person subject to the complaint with information as to the nature of the complaint, and shall further provide that the person

filing the complaint and the person who is the subject of the complaint have equal rights to be interviewed, identify witnesses and provide documentation pertaining to the complaint.

The standard for evaluating complaints shall be determined by a preponderance of the evidence. At the completion of the investigation, a recommendation will be made to the appropriate management regarding the resolution of the matter. The recommendation is advisory only.

After the recommendation has been made, a determination will be made by appropriate management regarding the resolution of the matter. If warranted, disciplinary action up to and including dismissal from the Program.

Other appropriate actions will be taken to correct problems and remedy effects, if any, caused by the conduct, and if appropriate.

When discriminatory conduct or sexual harassment involves a crime of violence or a non-forcible sex offense, FERPA permits the institution to disclose to the alleged victim the final results (limited to the name of the alleged perpetrator, any violation found to have been committed, and any sanction imposed) of a disciplinary proceeding against the alleged perpetrator, regardless of whether the institution concluded that a violation was committed. With respect to an institutional disciplinary proceeding alleging a sex offense, the Clery Act requires that the accuser and the accused must be informed of the outcome.

In the event a student is found to have engaged in sexual harassment of another student, the institution shall disclose to the student who was harassed, information about the sanction imposed on the student who was found to have engaged in harassment when the sanction directly relates to the harassed student.

### **Disciplinary Procedures**

Regional West Health Service has a zero tolerance for criminal acts committed on campus and especially these acts involving domestic violence, dating violence, repeat violence, sexual violence, sexual assault, and /or stalking.

Reports of criminal activity will be investigated by the Scottsbluff Police Department as well as the Campus Security Department once knowledge of the act occurred or upon reporting by the victim. The results of the investigation will be forward to the Vice President of Human Resources for appropriate action.

The following disciplinary proceeding will apply to any incident of alleged domestic violence, dating violence, repeat violence, sexual violence, sexual assault, and /or stalking including:

1. The investigation will be conducted by law enforcement personnel who received appropriate training in the areas of these types of crimes for possible criminal activity
2. A prompt and equitable investigation and resolution by representative from the sponsoring organization's Human Resource Department will also be necessary to assure that the student rights are protected.

Upon completion of the investigation a disciplinary meeting will be conducted which protect the safety of the victim and promotes accountability.

An individual filing a complaint of alleged discrimination or sexual harassment shall have the opportunity to select an independent advisor for assistance, support, and advice and shall be notified of this opportunity by a representative from the sponsoring organization's Human Resources Department. It shall be the choice of the individual filing the complaint to utilize or not utilize the independent advisor. The independent advisor may be brought into the process at any time at the request of the alleged victim. The means and manner by which an independent advisor shall be made available shall be determined by the Sponsoring Organization.

An individual against whom a complaint of alleged discrimination or sexual harassment is filed shall have the opportunity to select an independent advisor for assistance, support, and advice and shall be notified of this opportunity by a representative from the sponsoring organization's Human Resources Department. It shall be the choice of the individual against whom the complaint is filed to utilize or not utilize the independent advisor. The independent advisor may be brought into the process at any time at the request of the alleged perpetrator. The means and manner by which an independent advisor shall be made shall be determined by the Sponsoring Organization.

In any disciplinary hearings conducted the burden of proof shall be determined by a preponderance of the evidence.

The outcome of the disciplinary proceeding will be conducted so both the accuser and the accused are simultaneously informed in writing of:

1. The outcomes of any disciplinary proceeding that arises from and allegation of domestic violence, dating violence, repeat violence, sexual violence, sexual assault, and /or stalking
2. Information to both the accused and the victim regarding how to appeal the results of the disciplinary proceeding
3. Any change in the results before the proceeding and disposition is final
4. When the results will become final

Incidences of domestic violence, dating violence, sexual assault and stalking will be disclosed in the Annual Security Report that maintains crime statistics provide a report of the crime has been made to the Regional West Medical Center Security office or The Scottsbluff Police Department. The names of victims are confidential and will not be disclosed.

## **SEXUAL HARASSMENT COMPLAINT PROCEDURE AND INVESTIGATION OF COMPLAINT**

Regional West Medical Center School of Radiologic Technology is committed to maintaining an environment free of sexual harassment and requires a student who is subjected to sexual harassment or inappropriate sexual conduct to make a timely report to enable Regional West Medical Center School of Radiologic Technology to:

- Make his or her uneasiness or disapproval directly and immediately known to the harasser:
- Make a written record of the date, time, and nature of the incident(s) and the names of any witnesses; and

An aggregation of a series of incidents can constitute sexual harassment even if one of the incidents considered on its own would not be harassing.

Report the possible sexual harassment incident to the Program Director, Imaging Services Department Director or Regional West Medical Center Director of Human Resources who will promptly investigate and correct any behavior which may be in violation of this policy and recommend appropriate corrective action. If the student feels he or she cannot go to the Director of Human Resources with his or her complaint, the student should report the incident to the Executive Director of Ancillary Services.

Instructors, Program officials, Clinical Preceptors, and management of the sponsoring organization of clinical educational settings are responsible for creating an atmosphere free of sexual harassment. Sexual harassment violates an individual's fundamental rights and personal dignity. Each student is expected to be respectful and professional in his or her conduct in the classroom and clinical educational settings.

If the student experiences any job-related harassment based on sex, promptly report the incident to the Program Director, Imaging Services Department Director, or Regional West Medical Center Director of Human Resources who will investigate the matter and take appropriate corrective action. If the student feels he or she cannot go to the Director of Human Resources with his or her complaint, the student should report the incident to the Director of Ancillary Services.

If Regional West Medical Center School of Radiologic Technology determines that a student's behavior is in violation of this policy, appropriate corrective action will be taken against the offending student, up to and including termination from the Program.

### **Prompt Attention**

Complaints of discrimination or sexual harassment are taken seriously and will be dealt with promptly, thoroughly, impartially, and equitably. Where discrimination is found to have occurred, the Program and Sponsoring Organization or Clinical Educational Setting where the event occurred will act to stop the discrimination or sexual harassment, to prevent its recurrence, to remedy its effects, if any, and to discipline those responsible.

### **Confidentiality**

The Program recognizes that confidentiality is important. However, confidentiality cannot be guaranteed. The administrators, faculty or staff responsible for implementing this policy will respect the privacy of individuals reporting or accused of discrimination or sexual harassment to the extent reasonably possible and will maintain confidentiality to the extent possible.

Examples of situations where confidentiality cannot be maintained include, but are not limited to, necessary disclosures during an investigation, circumstances where the Program, Sponsoring Organization or Clinical Educational Setting is required by law to disclose information (such as in response to legal process), or when an individual is in harm's way.

### **EDUCATION PROGRAMS**

All new students shall be given a copy of this policy and the Program shall maintain documentation that each student received the policy.

- The Program shall provide this policy to its students at least annually and may do so electronically.
- The Program shall include this policy and complaint procedure on its website and in its general catalog and Student Handbook.
- The Program shall have an on-going sexual harassment training program for students.

### **EDUCATION FOR BYSTANDER INTERVENTION:**

An active bystander is someone who intervenes to interrupt behaviors in social situations that could lead to sexual violence. Effective intervention is a community responsibility of every person. Individuals are encouraged to speak out against attitudes



that promote sexual violence and become more supportive of survivors. There are five stages to effective bystander intervention:

- 1) notice the problem,
- 2) understand that the problem demands action,
- 3) feel responsibility to act,
- 4) choose what form of assistance to provide, and
- 5) respond.

Tips for Safe Bystander Intervention:

**Offer Support** if you suspect that the person is being abused or has been sexually assaulted, stalked or sexually harassed

**Speak out** against all forms of sexual violence and harassment

**Be an Advocate** for preventing sexual violence and harassment

**Model** the behavior that values respect for others and promotes positive and pro-social behavior

1. Remember intervention doesn't have to be confrontational. Simply turning on the lights or turning off the music at a party can call attention to a situation.
2. "Everyone plays a role in intervention." If you don't speak up and challenge inappropriate behavior once you become aware, in a sense you are helping to perpetuate the problem.
3. Remain calm and speak up, say something like... "You need to just ease up" or; "she already said no to you once so why don't you just stop"!
4. Ask the perpetrator "what are you doing to this person"? Or "You should think about what you're doing to yourself and your future".
5. Ask others in the area for assistance with group intervention.
6. It's not OK to just turn and look the other way anymore; you should do, or say something to safely intervene.
7. Assist the person by walking them to their car or to a safe area until assistance arrives if authorities have been contacted.
8. Call 911.
9. Don't be afraid to tell a friend when they are acting inappropriately.
10. Be willing to challenge inappropriate conversation or jokes directed at

dating/domestic violence.

### **Risk Reduction Education**

Critical to ending violence and maintain a safe campus is recognizing and avoiding abusive behavior. Abuse can surface in many ways (emotional, verbal, psychological, sexual and physical). Some warning signs of abuse are:

- Frequent yelling directed at a partner
- Blaming partner for own faults
- Name-calling
- Consistently accusing partner of infidelity
- Kicking, holding, slapping and scratching
- Forcible sex (e.g., wanting sex after hitting)

Sexually implicit or explicit communications can include are not limited to the following forms:

- Written form, such as cartoons, posters, calendars, notes, letters, e-mail;
- Verbal form, such as comments, jokes, foul or obscene language of a sexual nature, gossiping or questions about another's sex life, or repeated unwanted requests for dates
- Physical gestures and other non-verbal behavior
- Unwelcome touching such as grabbing, fondling, kissing, massaging or brushing up against another's body

### **Retaliation**

Regional West Medical Center School of Radiologic Technology prohibits retaliation against individuals who file a complaint or who participate in the complaint process.

Retaliation against an individual who in good faith complains of alleged discrimination or sexual harassment or provides information in an investigation about behavior that may violate this policy is against the law, will not be tolerated, and may be grounds for discipline. Retaliation in violation of this policy may result in discipline up to and including expulsion.

Any student bringing a discrimination or sexual harassment complaint or assisting in the investigation of such a complaint will not be adversely affected in terms and conditions of employment and/or academic standing, nor discriminated against, terminated, or expelled because of the complaint. Intentionally providing false information is also grounds for discipline.

"Retaliation" may include, but is not limited to, such conduct as:

- the denial of adequate personnel to perform duties;
- frequent replacement of members of the staff;
- frequent and undesirable changes in the location of an office;
- the refusal to assign meaningful work;
- unwarranted disciplinary action;
- unfair work performance evaluations;
- a reduction in pay;
- the denial of a promotion;
- a dismissal;
- a transfer;
- frequent changes in working hours or workdays;
- an unfair grade;
- an unfavorable reference letter.

If a student perceives retaliation for making a complaint or the student's participation in the investigation, the student should contact Regional West Medical Center Director of Human Resources. The situation will be promptly investigated.

### **False Reports**

Because discrimination and sexual harassment frequently involve interactions between persons that are not witnessed by others, reports of discrimination or sexual harassment cannot always be substantiated by additional evidence. Lack of corroborating evidence or "proof" should not discourage individuals from reporting discrimination or sexual harassment under this policy.

However, individuals who make reports that are later found to have been intentionally false or made maliciously without regard for truth, may be subject to disciplinary action under the applicable Program disciplinary procedures. This provision does not apply to

reports made in good faith, even if the facts alleged in the report cannot be substantiated by subsequent investigation.

Students will be asked to sign an acknowledgment form stating that they have received a copy of this policy and understand the complaint procedure at the beginning of the Program. (See attached form).

Employees of Regional West Medical Center are subject to Policy 201.0.06 regarding Sexual Harassment.

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Signature  
Stephanie Cannon, MSRS, RT(R)(ARRT)  
Program Director

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Signature  
Joshua Lively, MHA, BSRT(R), RT (R)(VI)(ARRT)  
Director of Imaging Services

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**ACKNOWLEDGMENT OF RECEIPT**

I have received a copy of Regional West Medical Center School of Radiologic Technology Sexual Harassment and Crimes of Sexual Nature Policy and understand how to use the complaint procedure if I feel it is necessary to do so in the future.

\_\_\_\_\_  
Student Signature

\_\_\_\_\_  
Date