

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee October 29, 2021  
Rough Draft

**WALZ:** And welcome to the Education public-- Committee, public hearing. My name is Lynne Walz from Legislative District 15. I serve as chair of the committee. Per Nebraska Revised Statutes Section 85-806, each public post-secondary institution was required to submit a report regarding sexual harassment and Title IX compliance. This hearing is statutorily required to review reports. We will then proceed in a question and answer format with testifiers remaining in their assigned seats. Today's hearing is for invited testimony only. If a senator asks a question of you, please wait until you have received the microphone and then please speak clearly into the microphone so transcribers are able to hear your testimony. To better facilitate today's proceeding, I ask that you abide by the following procedures: please turn off or silent cell phones and other electronic devices. If you have written materials that you would like distributed to the committee, please hand them to the page to distribute. We need 10 copies for all committee members and staff. We are an electronics-equipped committee. Therefore, you may see committee members referencing the reports on their electronic devices. Please be assured that your presence here today and your testimony are important to us. The committee members with us today will introduce themselves beginning at my far right.

**McKINNEY:** Oh, sorry. Senator Tyrrell McKinney, District 11, north Omaha.

**MURMAN:** Hello, I'm Senator Dave Murman from District 38. I now represent seven counties and part of an eighth in southern Nebraska.

**MORFELD:** Senator Adam Morfeld, District 46, northeast Lincoln.

**LINEHAN:** Good afternoon. Senator Linehan, Elkhorn.

**DAY:** Good afternoon. Senator Jen Day, north central Sarpy County.

**SANDERS:** Good afternoon. Rita Sanders, representing District 45, which is eastern Sarpy County, the Bellevue/Offutt area.

**WALZ:** And I'd like to introduce our committee staff. To my immediate right is research analyst Nicole Barrett. And to the right end of the table is committee clerk, Noah Boger. And our page today is, is coming. Her name is Peyton. I would now ask that our testifiers state and spell their names and say which institution they are, they are representing today. If you have any prepared remarks or reports you

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Rough Draft

can share those with the committee at that point. So you can just start right here.

**JOSE SOTO:** Not only the big chair, but first in line. Wow. Jose Soto, the vice president for access and diversity at Southeast Community College.

**REBECCA WRAGE:** Rebecca Wrage, W-r-a-g-e, and I am the area director of HR and the Title IX coordinator for Mid-Plains Community College.

**LAUREN SLAUGHTER:** Lauren Slaughter. It's just like what you do to animals [LAUGHTER]. And I am the equity and compliance manager at Central Community College.

**ANGELA MELTON:** Angela Melton. I am the vice chancellor for student affairs and risk management for the Nebraska State Colleges. I have with me today Jesse Dorman and CD Douglas from Peru and Wayne State, both vice presidents for student affairs.

**KATHY AULT:** Hi, I'm Kathy Ault with Western Nebraska Community College. I am the executive director of human resources, as well as the Title IX coordinator.

**JESSICA DVORAK:** Hello, I'm Jessica Dvorak. I am the Title IX coordinator and associate vice president of human resources at Northeast Community College. Do you want me to spell my last name?

**WALZ:** Yes, please.

**JESSICA DVORAK:** OK. D-v-o-r-a-k.

**DREW NIELSEN:** Good afternoon, Chairwoman Walz and members of the Education Committee. My name is Drew Nielsen, D-r-e-w N-i-e-l-s-e-n. I serve as the chief compliance officer for the University of Nebraska system, and I'm speaking today officially on behalf of the University of Nebraska system and our four campuses. I appreciate the opportunity to speak with you about the University of Nebraska Sexual Harassment and Title IX Compliance report. Since you have our report in front of you, I want to briefly update you on a few items that the University has implemented since submitting our report. On September 8, 2021, the University of Nebraska system approved a new Minimum Sexual-- Minimum Sexual Misconduct Training Standards Policy, which applies to all students, faculty and staff. Am I to give my testimony right now?

**WALZ:** Yes, you can.

**DREW NIELSEN:** OK, thank you. Some of the minimum training standards identified in this policy include required in-person peer-led sexual misconduct training for all students, required annual sexual misconduct training for all faculty and staff with compliance incorporated into annual performance evaluations, and required student training on drug and alcohol use. Additionally, a new campus climate survey for all four campuses and the Office of the President conducted in partnership with Gallup, is currently underway. The University plans to conduct campus climate surveys on an annual basis moving forward. University campus climate surveys will address issues relevant to sexual misconduct, including student behavior, safety and well-being and the viability of our university processes and resources. The survey results will assess each campus and the Office of the President in developing action plans for building a more engaging, inclusive and welcoming environment for all University community members. We look forward to including this information in future compliance reports to be submitted to this committee. While we cannot speak on any specific cases adjudicated by the courts or our Title IX offices, we want to be as helpful as possible. Per discussions with your committee counsel, we have representatives from each of our four campuses with me today to answer any campus questions you may have. Behind me are Mary Petroski from the University of Nebraska at Kearney, Marc Pearce from the University of Nebraska-Lincoln, Carmen Sirizzotti from the University of Nebraska Medical Center, and Sarah Weil from the University of Nebraska at Omaha. Thank you again for the opportunity to be with you today and we would be happy to answer any questions you may have.

**WALZ:** Thank you.

**JAMES THIBODEAU:** Hello. James Thibodeau, James, common spelling, last name, T-h-i-b-o-d-e-a-u, associate vice president for compliance and general counsel at Metro Community College.

**WALZ:** Great. Thank you. Did anybody else have any other opening remarks that they wanted to-- OK. All right. With that, I think that we will just begin with questions. The report is very lengthy, over 2,000 pages, so we decided to divvy up each school or each report among the senators, and if they had questions for that certain person or, or facility then they would be able to answer those or ask those questions, so we're going to rotate around the table with senators asking each question and I will go first and then I'll be followed by Vice Chair Morfeld. So my question is for the University of Nebraska. In your report, you included a, a great-- let me pull it out here-- a

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee October 29, 2021  
Rough Draft

great Title IX poster that was used on the UNO campus. Can you just give an estimate of how many of these were distributed and insight on, on how they were distributed?

**DREW NIELSEN:** Sure. And I believe you have in your hand a brochure from the University of Nebraska at Omaha. Am I correct?

**WALZ:** Oh, yeah.

**DREW NIELSEN:** OK. May I ask my colleague Sarah Weil from UNO to speak about?

**WALZ:** Yes. That's OK.

**DREW NIELSEN:** There she is.

**SARA WEIL:** Good afternoon. So those posters were published and printed over a few different offerings. I would say I've published maybe 2,000 posters and we've posted them throughout our campus in every building. So at the beginning of the year, I have them mailed out to each department in each building so that they can be prominently displayed in multiple hallways. They're prominently displayed within our residence halls, and we also include that material in welcoming-- welcome bags for all of our on campus students. So they'll receive that poster information and some of the other brochures that you would have seen included, to include the small pocket guide. We attempt to have them published as many places as we can and especially high traffic areas throughout the campus, campus. So when I have them created and printed, I started with a small batch of 250 and have increased to about 1,000, I think, over the past year.

**WALZ:** All right. Have, have you seen-- have they been effective? Have--

**SARA WEIL:** Actually, I do believe they've been effective. When I've received reports or questions or calls to my office, they will sometimes reference that they saw the poster or saw the information as to who they should contact. I think that they have been extremely helpful in some of our outbuildings, so some of our buildings not necessarily on our main campus, in providing the information as to where they can receive information, where they can receive resources or where they can report things to.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee October 29, 2021  
Rough Draft

**WALZ:** Very good. Thank you so much. There are also links to UNMC posters as well, and I'd be interested to know a little bit more about that distri-- distribution.

**CARMEN SIRIZZOTTI:** Yeah, for UNMC, see, we, we have-- it's interesting because UNMC has a campus here in Omaha midtown that everybody knows where it's at. But then at the same time, we have campuses in other areas in Nebraska. So it's just Kearney, Norfolk, Scottsbluff, so one of our works is to make sure that we also reach out to our students and employees in a different campus. That's why they're divided per location, because many times the resources like counseling and so on is in the area what they are in, like Kearney. They use a lot of the UNK resources, which is very helpful. So I'm very thankful for Kearney for that. The same thing for Lincoln that we have. We use a lot of the resources that Lincoln has. We started that many years ago, about seven to eight years ago, when the Title IX clarification came out of what it was, and it has been very successful. We update them every year to make sure that the information is current. We try to place it in any area that the students have access to. Or for employees, mainly in the lunch areas or cafeterias here so that it's definitely visible, has been very helpful. We know if our students or employees that have contact the different counseling services to start to or the victim advocates if that's needed, because sometimes what happened is what's going on in their life, for example, domestic abuse and so on, happens off campus. So the nice thing is that they know that they can use it for that, too. And I am proud to say that after so many years, by now, people know where the Title IX offices and my name, and they feel very comfortable just emailing me or contacting me to ask questions, clarifications or anything that they may need help with.

**WALZ:** That is a great-- thank you so much. I also just wanted to say thank you for your extensive working relationship with law enforcement across the state, so. Senator Morfeld.

**PANSING BROOKS:** If we have questions about other institutions than the ones we have?

**WALZ:** You--yeah, absolutely. You can go ahead and ask them if you-- or do you--

**PANSING BROOKS:** Do you want to go through on them?

**WALZ:** Yeah. Yeah, let's do the [INAUDIBLE].

**PANSING BROOKS:** OK. That's fine.

**MORFELD:** So can I go?

**WALZ:** Yes [LAUGHTER].

**MORFELD:** OK. Confused. Yet, so I-- you know my, my task was to look through-- I was assigned Western Nebraska Community College and, and so I think that that's Miss Ault? Is that right? OK, great. So as we're looking through this, I guess, two, two questions that are kind of broad: One, a lot of this is governed by Title IX, as all of you know, and that's a federal law. What are some things that we could do on the state level to help you, assist you in doing your job better then also helping out victims? So is there things that we can do on a state level that you've seen in other states or other community colleges? That would be really useful for us to look at at the state level. And then I guess the second question that I have, and I have some ideas in my head on what the answer would be, but I don't want to assume things. What is the biggest barrier in your mind to people reporting assault on campus, sexual assault on campus?

**KATHY AULT:** OK, well, I'm going to go with that first question first. The thing that-- I think when the Title IX regulations first came down, I think they're more geared toward the four-year institution. Our students are with us for two, maybe three years. So some of the hearing difficulties, we may not actually have jurisdiction for for either the claimant or the respondent by the end of the hearing, which has been a challenge. But we are a two-year institution, so I think that's to be expected.

**MORFELD:** OK.

**KATHY AULT:** OK. What was the second question?

**MORFELD:** Yeah. So the second question is in your experience, what's the biggest barrier to people reporting sexual assault, particularly on campus? Are there specific barriers that Title IX or other processes get in the way of people feeling comfortable to report?

**KATHY AULT:** You know, we're a really small campus and our students will, will go to anybody that they feel comfortable with to talk to them about it. And we have trained people that are mandatory reporters that if they come to you, you have to bring them to me. We have to have that conversation. They need to know that even if they say they don't want to report something, I need to make sure that, that they

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee October 29, 2021  
Rough Draft

know the exact procedure and-- in reporting and how it's going to go once they report. So our faculty and staff are very good about, you know, recognizing something and then just saying, you know, Kathy, maybe you need to go talk to Andrea. Just stop by and visit with her because we are such a small campus and I can have that conversation with her.

**MORFELD:** OK. No, that's good to know. What do you think about the barriers, though? That's not so much a barrier. It's more that you're a campus community.

**KATHY AULT:** Well, the, the barrier is that hearing.

**MORFELD:** It's the hearing?

**KATHY AULT:** It is the hearing.

**MORFELD:** OK.

**KATHY AULT:** If somebody has been abused or assaulted, the last thing they want to do is come and tell me and then tell the investigators and then have to go into a hearing and be cross-examined by the respondent.

**MORFELD:** Yeah, they have to relive the--

**KATHY AULT:** They have to relive it five times.

**MORFELD:** OK.

**KATHY AULT:** Plus, if they, if they report it to the police, which we always encourage them to fill out a police report, then they have to report it to them and then the advocate that they are assigned through the county. So.

**MORFELD:** Yeah, and then they have to relive it in court, which is oftentimes a big barrier to getting convictions, too.

**KATHY AULT:** Absolutely.

**MORFELD:** OK. OK, that's very helpful. Thank you.

**JOSE SOTO:** Jose Soto, S-o-t-o, Southeast Community College. I agree with everything my colleague said about the kind of structural barriers. The hearings are tremendous. Over 30 years that I've been doing this work at Southeast, I have found that a lot of the barriers

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee October 29, 2021  
Rough Draft

are attitudinal and, you know, victims. You know, targets of these kinds of actions actually feel some level of shame. They fear retaliation, they fear or are experiencing peer pressure, and sometimes they don't think it's a big deal enough to move forward. And I think that limits some folks from coming forward. In addition to what if they did, that they'd have to go through a long process, which is not only internal, but there's a possibility of law enforcement involvement because the activity may be a crime.

**MORFELD:** Thank you.

**WALZ:** Thank you. Does anyone have any questions?

**LINEHAN:** Yes. This is for the state colleges. Thank you for being here today. I was wondering, is there a specific program or initiative that one coll-- at one college that you believe has been extra impactful? And it would-- would it be worth replicating in another state colleges, or other colleges in general?

**KATHY AULT:** I think the, the thing that I would point to as, as an example of something that really helps to support our, our students, whether they be complainant or respondent or students in general. And although it's not specifically geared towards Title IX, it would be our care teams. Peru, in particular, has done a nice job of providing some structure to that care team. And that brings everybody to the table, from counseling to rez life. You know, you have the Title IX piece in there as well so that you get a more holistic view of the student. Because in the end if, if our goal is to make the education accessible and to, to prevent the barriers, we can't just address things in a vacuum or a siloed way. And it has been very helpful for that care team to be able to take referrals. We find out about issues a lot earlier. If they're, they're seeing conduct issues that might eventually, you know, turn into a Title IX issue, they can intervene at a much earlier point, and that's better for, you know, the people who would be impacted as complainants, but also for those potential respondents as well. Because of the nature of our institutions, we serve a high number of, you know, this is-- they're the first ones in their families to go to college, low income, you know, they, they come with some baggage a lot of times. There's some things, you know, trauma in their past lives that they're dealing with. And sometimes they need a little bit more life coaching early on to help them understand, you know, personal boundaries, healthy relationships, you know, alcohol and the impact it can have on, you know, your ability to be successful. So I would say that, although it's not directly to



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee October 29, 2021  
Rough Draft

Title IX, those care teams are so impactful. I'm putting resources into that kind of prevention and early notification and intervention will do much more than doing the reaction at the end when something's already occurred.

**LINEHAN:** Thank you very much. Can you just quickly, or not quickly, however much time it takes, explain, explain a care team.

**KATHY AULT:** They basically, as I mentioned, they bring in all the different individuals from like counseling and rez life, and they have essentially a committee. They have a case management system where anybody on campus, whether it's faculty, another student, a staff person who notices a concern about a student, whether it be attendance or grades or illness, or they find out, you know, that a Title IX-related incident has happened. They can send a referral to that cat-- care team. They also discuss things like If we know a Title IX complaint has been filed, a report made, they're notified of that so that they can make sure that someone is monitoring, you know, that student's mental health, for instance. You know, we-- it is not unusual for a student who's been accused, you know, if they're already suffering some mental health challenges to need some services. You know, this can be really stressful for, for both parties involved. And this gives them an opportunity to make sure they're OK, check in on them, make sure that they, they understand that the resources available are really available, and maybe encourage them to take advantage of those. So they have weekly meetings. They operate a little bit differently at each of the colleges, and the make-up is slightly different at each of the colleges. But they, they meet on a regular basis and monitor those cases and keep track of them so that it's, it's that holistic record of conduct, you know, academic difficulties, social difficulties--

**LINEHAN:** And it's all confidential?

**KATHY AULT:** All confidential. Yeah.

**LINEHAN:** Thank you very much for being here. Appreciate it.

**WALZ:** Is there also-- sorry, is there also a tracking of the resources that you've used?

**KATHY AULT:** A tracking of the--

**WALZ:** Like, are you-- what resources are, are mostly needed and used, are you tracking that, or the--

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee October 29, 2021  
Rough Draft

**KATHY AULT:** I think they have a sense for that. I'm not sure that the campuses-- Dr. Dorman can probably speak to that more specifically.

**JESSE DORMAN:** Sure. Hello, Jesse Dorman. A lot of it is-- a big portion of that is with counseling. A number of the students will need connected with counseling support and working with them, trying to get them the, the support they need there. In other times, because we do a case management approach, we are making sure that there's someone who has a connection with them or someone who can support that student individually, who works with them, a trusted confidant, a coach, someone who can support them in areas beyond just the, you know, Title IX process or whatever they're working through that there is individuals who are identified to work and support and help them through. But a good chunk of that resource is going to be counseling. At times it will be disability services. At times they may need some other services, but a big chunk of that would be with counseling.

**WALZ:** Thank you. Senator Day.

**DAY:** Thank you, Chairwoman Walz. My question is for, is it Ms. Wrage from Mid-Plains?

**REBECCA WRAGE:** Ms. Wrage.

**DAY:** Wrage? I'm sorry, I didn't-- mispronounced your last name. I apologize. So going through your report, I do have to start by saying that the report was overwhelmingly positive, which I was happy to see. The overwhelming majority of your respondents reported very positively about the campus and their, their level of safety. And so, in terms of-- the only question that I would have for you right now is there was one question about did you know who your Title IX coordinator is and how do you contact them? About 37 percent of your respondents answered no to that question. And so my question is, how do you disseminate that information to, to faculty and to students, and do you have any plans to improve on that process?

**REBECCA WRAGE:** Yes. Part of that confusion, I think, comes from-- while I'm the Title IX coordinator, I typically handle the employee side of things and then we have somebody that is a high level Title IX person that handles the student side of things. And I think that is kind of where we're, we're getting that confusion going on.

**DAY:** OK.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee October 29, 2021  
Rough Draft

**REBECCA WRAGE:** So one of the things that we had planned to do is we have a back-to-school type meeting every fall and we have another one in the-- in January. And so one of the things that we had planned to do was to actually address our folks and the students at that time.

**DAY:** OK. And so-- I mean, do you have that information posted in general locations or--

**REBECCA WRAGE:** We do, and we've got a flier that we give to the students. Now this particular survey was our employees, and so we have now completed a student survey that was in the process at the time that this one was submitted. So we do have that information that we would be happy to share as well. But that was one of the, the things that we noticed was that part of our student training was taking place but it was mostly the folks that were on campus. And so one of the things that we've talked about also is expanding that to make sure that we have an ability for all of our students, whether they are nontraditional, etcetera, to have that information.

**DAY:** OK, wonderful. Thank you so much.

**REBECCA WRAGE:** You're welcome.

**WALZ:** Thank you. Senator Sanders.

**SANDERS:** Yes. Northeast Community College. I saw you shaking your head. Let's see, Dvorak? Ms. Dvorak?

**JESSICA DVORAK:** That is correct. Dvorak.

**SANDERS:** And it looks like you probably agree with everything else that has been said here. But before I ask you a couple of questions, is there an opening comment you'd like to make of what maybe you haven't heard and you want to make sure is expressed on your end?

**JESSICA DVORAK:** I think I just want to follow up with what Kathy mentioned is that we're also having similar struggles with the new regulations that students are aware of. Our new students and employees and visitors are aware of our new policies with, you know, the whole hearing process. And it is very-- it has caused people some-- there a little bit nervous about even reporting. And if they do report, they're like, what's going to happen next? And you know, you can tell right away that they're, they're really-- they're scared. And so I, I always approach it as, I want to focus on what support you need right now and then I want to keep you safe, number two. And then I want to

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee October 29, 2021  
Rough Draft

go through the process with you and just know that you have choices and you have rights even outside of the college system. So that's, that's the approach I have with the new regulations, and I think it's working well. It's just getting students and employees to feel comfortable with even talking to the Title IX team on our campus.

**SANDERS:** So do you think that it's good to have the survey that you encourage everyone to take? Could it, could it maybe be introduced to them differently when they receive the survey?

**JESSICA DVORAK:** Yeah, I think that this year we want to start capturing employee data. We've typically done student climate surveys and I want to make sure we're getting everyone. So that is something we need to work towards. I think there's some different questions we can put on this survey and, and make it more of-- we want the feedback that we need in order to help support you as a student and an employee. So I think we're going to have to reshape what those survey questions are and not, you know, make it feel like it's something that's punitive or that they're not even going to respond to. So there will be some strategy with that.

**SANDERS:** That, that was a question that I had. So the questionnaire is a template--

**JESSICA DVORAK:** Um-hmm.

**SANDERS:** --but you can tweak that according to your campus--

**JESSICA DVORAK:** Right.

**SANDERS:** --be more ag or not, I would suppose be more in the rural area--

**JESSICA DVORAK:** Correct.

**SANDERS:** --people tend to know each other a little more.

**JESSICA DVORAK:** Correct.

**SANDERS:** And that might make a difference on how they answer their survey?

**JESSICA DVORAK:** Absolutely. And I think we try to give more incentives to the survey respondents. So that's helped, too. Like if you take this, you can get a gift card or whatever. So we try to make it more

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee October 29, 2021  
Rough Draft

appealing that way. But I, I do believe it's important to capture the feedback as to why people may not know who's on the Title IX team, why they're not wanting to report things. But you know that off-campus and on-campus Title IX situations are happening. We just don't hear about it. So that is a Department of Justice template for my climate survey. And so I think we could soften it a little bit more, but that's what we started with.

**SANDERS:** Good. And if there is a survey this year, do you think you'll see the numbers of reports go up or down?

**JESSICA DVORAK:** I think we'll see the numbers go up due to COVID. So we're 100 percent back on campus now. So when we were off-campus virtual learning, we didn't have as many cases, but there were still those off-campus cases we had to work through. So we saw more domestic violence when we were not having students and employees on campus as much. But now I'm seeing more things happening on campus again. And so, there will be a difference because of COVID-19.

**SANDERS:** Thank you.

**JESSICA DVORAK:** Thank you.

**WALZ:** Thank you. Senator Murman.

**MURMAN:** Yeah. My, my question is to Central Community College, excuse me. I noticed the email with the survey was sent out to, I think, 6,171 students, and 179 responded and only 136 complete response. So of course, that begs the question, why such a low participation?

**LAUREN SLAUGHTER:** So we've changed a little bit the way that we will be able to do student surveys to hopefully increase that. I will say those response rates are pretty typical with all of our student surveys that go out, including like our student survey satisfaction of instruction. Our response rates are usually under 10 percent from student surveys. So now we are trying to do more incentive-based ones where you can get in a drawing for \$500 to the bookstore or three free credits or a gift card to try and increase some of that. We have a large population of our students that don't utilize their college emails, and so they don't necessarily see the survey. That's the main way that it gets distributed out to students. And so as a, as a college, we're trying to think of more ways to try and get students to want to participate in the survey. A lot of our students are off campus and nontraditional, and so a lot of the times, Title IX to them

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee October 29, 2021  
Rough Draft

feel something foreign. It's not something that they see, they deal with, so they're not invested in taking a survey of something that doesn't necessarily impact their education or their opportunities at the college or experiences at the college. So hopefully, the incentive base will increase that participation. Another thing that we have drafted because we have a climate survey going out this spring and we too are expanding it to include employees, but we are trying to keep this survey under 15 questions where it will take less than 10 minutes ideally to complete, unless there's a long narrative or something along those lines where our students or employees are putting in commentary. So that again, it's not super time consuming. So if they open it, they start it, they also finish it.

**MURMAN:** OK, well, thank you very much. I did notice out of the 6,171, only 5,595 even opened the email. So, you know, out of those that opened the email, I guess, most of them, most or maybe all responded. Can't do my math quite that quickly. [LAUGHTER] So, and, and I do appreciate the wide range of questions, I mean, all the way from from sexual harassment to rape. So-- and you did bring up something that, that reminds me of another question. So there are other surveys that you send out via email?

**LAUREN SLAUGHTER:** Yes, so--

**MURMAN:** How, how many and how-- what-- how does that participation compare to this one?

**LAUREN SLAUGHTER:** Yeah. So I don't know the exact number of surveys because there's a lot that go out just within divisions or departments. But in terms of surveys that go out college-wide to all students, there would be under five a year likely. We always kind of a reframing which ones go out, and we've added another one to go out this spring around diversity, equity and inclusion. And so that will bump that number up a little bit. But our-- according to our IR department, our participation rate is typically under 10 percent in any survey. So that's including ones around student experience, their satisfaction of instruction, sexual misconduct. So typically, our response and participation would look pretty similar to that, that data.

**MURMAN:** Thank you. So, so under 10 percent, this one was--

**LAUREN SLAUGHTER:** Sometimes under five.

**MURMAN:** --under 3 percent, even. So--

**LAUREN SLAUGHTER:** This student-- of the instruction one is probably the highest, which we get closer to that 8 to 10 percent. But again, that's because all students probably have an opinion about the instruction that they've received at some point, so it feels more connected to a lot of our nontraditional or nonresidential students. We have roughly between 500-600 residential students a year, which is more like that 3 percent that are likely responding because they're the ones that do attend more of our prevention programming, that do participate in our annual sexual misconduct and save act training that we're required to do, and so they have a little bit more knowledge about what Title IX is. They hear it, they see it on campus, whereas our non residential students and maybe our nontraditional ones don't always participate in those prevention programs and opportunities or are attending those trainings as regularly, so if they just see a survey that's labeled that it doesn't necessarily click with other experiences that they've had at the institution, where instruction is more relevant to all students.

**MURMAN:** And, and one more question: how often is this survey sent out?

**LAUREN SLAUGHTER:** Yeah. So initially, when we got the framework for kind of what Title IX should look like in higher ed, eight, nine years ago, it was determined at that time it would be every five years. Then this last year, it was determined it will be bi-annual. So we'll start in 2022 and then it will be an even year, though every other year from there is what our procedure requires right now.

**MURMAN:** Well, the typical student is there less than two years or about two years?

**LAUREN SLAUGHTER:** Typically two to three, depending, but yeah, two-year programs most often.

**MURMAN:** So I'm glad to hear it. I assume that there's not a lot of cost to send out the email, so I assume that, that it should be sent out more, you know, I mean, if it's every five years, you're--

**LAUREN SLAUGHTER:** --not capturing enough data.

**MURMAN:** Over half the students wouldn't even get it.

**LAUREN SLAUGHTER:** Yes.

**MURMAN:** So appreciate that. Thank you.

**WALZ:** Thank you. Thanks. Senator McKinney had to leave, so he has entrusted Senator Pansing Brooks to ask his question.

**PANSING BROOKS:** Yeah, so let's see. That's for you, Ms. Slaughter, is that right? No. Sorry, Mr. Thibodeaux. There you are [LAUGHTER]. Are you related to our former colleague?

**JAMES THIBODEAU:** She's my sister-in-law.

**PANSING BROOKS:** Oh, she is?

**JAMES THIBODEAU:** Married to my brother, yes.

**PANSING BROOKS:** Well say hello to her for us.

**JAMES THIBODEAU:** I will, I will.

**PANSING BROOKS:** Thank you. So, so the questions that I have from, from Senator McKinney are why hasn't Metro conducted a campus climate survey?

**JAMES THIBODEAU:** We were. Our coordinators were preparing one to do before the pandemic occurred and as many things that have happened with the pandemic that they set that aside. We don't have any residential students. All, all of our students, you know, are commuters. They-- most of them are nontraditional. The average age is about 28. And most of them are frankly, part time. So we thought survey would probably not come back with terribly accurate results if we conducted it at that point in time. But we're prepared to get that done very soon.

**PANSING BROOKS:** You are preparing to get one done?

**JAMES THIBODEAU:** Yes.

**PANSING BROOKS:** Within the next year or--

**JAMES THIBODEAU:** Yes, sooner than that. Yes.

**PANSING BROOKS:** OK, good. That was his second question. So I think that's, that's that.

**WALZ:** OK. Now you [INAUDIBLE] ask you questions.



**PANSING BROOKS:** OK, and I get to ask questions to my friend, Mr. Soto. This was a sign. They didn't even know we were friends.

**JOSE SOTO:** And in your district.

**PANSING BROOKS:** Also allows-- yeah, and in my district, and also allows [INAUDIBLE].

**JOSE SOTO:** Nebraska Law alum.

**PANSING BROOKS:** Exactly. Colleagues, alums. So-- and I have questions for the rest of you. So I mean, I had similar questions for everybody on, on these things. But-- so I guess as I'm going through this wonderfully comprehensive report-- I'm sorry, but I'm going to have to go bit by bit a little bit. I guess I'm interested, number one, on the reporting, OK, first off, there's that-- you've got consent written there, and I can't find what you say in the report about what consent is. And I'm sorry if it's somewhere else online and I didn't get it. But can you describe what you inform the students about on consent?

**JOSE SOTO:** We have a-- some guidelines, a little booklet that we put together for students, and it explains what the state statute determines consent to be in. There's other resources, so it shows up in a-- in several places, either online or in print materials that are shared with students during a new student orientation.

OK. Can you describe what that is? So it's just mainly what the statutes are, which is basically-- I mean, it's my understanding the University of Nebraska has consent as yes means yes, that a student must give consent--

**JOSE SOTO:** Correct.

**PANSING BROOKS:** --to be able to have somebody engage in a--

**JOSE SOTO:** Right.

**PANSING BROOKS:** --sexual activity. So is-- but that's beyond our current statutes?

**JOSE SOTO:** Yeah. It goes beyond that. It gives some scenarios of what, you know, what would be consent and no consent, impairment, things of that nature. So it's not just the statute; that's where it starts, and then there are examples for students.

**PANSING BROOKS:** OK. So is there a teaching aspect of it to teach young people that just because, you know, somebody may have had an experience the week before, that doesn't mean that that person is consenting again.

**JOSE SOTO:** You know, I'm not directly involved with what's done on the campuses during-- I know they have-- get information during the new student orientation, but I know that there are some online programming about bystander intervention and things of that nature, and I think all that is included as part of that package.

**PANSING BROOKS:** If you could get me that at some point--

**JOSE SOTO:** Absolutely.

**PANSING BROOKS:** --or get the committee that information, I think we'd appreciate it.

**JOSE SOTO:** Consent?

**PANSING BROOKS:** Yes. On consent and what's being done on that.

**JOSE SOTO:** Great.

**PANSING BROOKS:** Thank you. My next question-- and I'm interested in all the, all the campuses and all the schools here in the state, so--

**JOSE SOTO:** All right.

**PANSING BROOKS:** We would love all of your information on consent. Thank you. The second question I had is about, about generally, in what I see, what I see on page 8 of 74 is that, that basically the kids are encouraged to call 9-1-1, basically. Is there a point where the students are encouraged to call the school or get help from the school?

**JOSE SOTO:** I think that 9-1-1 is if they are, they feel that there's a direct threat or in danger immediate, but short of, you know, an emergency situation, we have canvased all campuses, locations with our tips reporting mechanism. We also let folks know what's available to resident's hall folks, who they can access, who the Title IX coordinator or contact is at each location. And also my contact information and the contact information for the college's Title IX compliance coordinator.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee October 29, 2021  
Rough Draft

**PANSING BROOKS:** OK, so when I'm looking at, at reporting a crime versus tips, it's my understanding that, that tips, in tips is not really list-- I mean, it says assault, but it just doesn't really go into sexual assault. So is the, is that intentional? It, it just says assault.

**JOSE SOTO:** I'm trying to think of the menu.

**PANSING BROOKS:** Abuse, neglect, accident, injury, assault, bullying, cyberbullying, drugs or alcohol, harassment, intimidation, medical incident, possession of weapons, suicide risk, threats of violence, vandalism and vehicle accident incident.

**JOSE SOTO:** Yeah, I don't know why it's not-- because we do get some reports, and I think there's a sexual component. I don't know if it's sexual harassment or sexual misconduct.

**PANSING BROOKS:** May-- maybe they're thinking it fits under assault and harassment, but it might be good to, to expressly say that. So what I'm trying to-- I'm sorry I have all these questions.

**JOSE SOTO:** Oh no, not a problem at all. I'm comfortable. I got the good chair.

**PANSING BROOKS:** OK, good. You're good, you've got the great one. So I'm just trying to figure out why-- OK. A student who's been raped, yes, at some point they're going to call 9-1-1 hopefully. But maybe they call-- they want help from the school first, so they're going to call TIPS. Is that correct?

**JOSE SOTO:** TIPS is an online reporting. What often happens is that they will contact someone in the residence hall or an administrator, an instructor that they trust, and then the information is-- that person is routed eventually to my office care team. Everyone is encouraged to file a TIPS report not only the target of the assault, but also our employees who interact with that individual. So we would end up getting multiple TIPS reports and referrals to the care team, maybe involvement or encouragement to get law enforcement involved.

**PANSING BROOKS:** I know how much you care about these issues, Mr. Soto so, you know, the questioning isn't about you.

**JOSE SOTO:** Oh, no. No problem.

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Education Committee October 29, 2021  
Rough Draft

**PANSING BROOKS:** But so then I look back-- I'm, I'm going to jump around this part just a bit. I look back to all of these annual safety, security, and crime/fire statistics reports on all the schools. It's basically zero on everything.

**JOSE SOTO:** Mm-hmm.

**PANSING BROOKS:** That seems like a total lack of reality. So how could every school-- there is one. Let's see, Milford has some disciplinary referrals, but other than that, there are no forcible fondling, statutory rape, any kind of rape or incest or aggravated assault, robbery, burglary, nothing. It's perfect on all your campuses. Is that correct?

**JOSE SOTO:** Yes.

**PANSING BROOKS:** So the University of Nebraska has issues and the University of Nebr-- I mean, that's all been tromped out into the press and it is quite visible. But there is no problem on any one of your campuses?

**JOSE SOTO:** At least in that reporting period--

**PANSING BROOKS:** It's a long reporting period. It's 2018-2020.

**JOSE SOTO:** Yeah.

**PANSING BROOKS:** So, I don't know. I'm just-- I'm--

**JOSE SOTO:** And part of it is definitional. These are reports for the feds, and they have very strict definitions of what qualifies. It is not just reports.

**PANSING BROOKS:** No hate crimes, no liquor law violations, no drug violations.

**JOSE SOTO:** Yeah.

**PANSING BROOKS:** I don't-- I, I just can't, I can't believe that. Now is that because you aren't working directly with law enforcement and so they aren't reporting back to you? So there have to be these violations. There's no school that I would believe-- no, no public school, K through-- or at least high school. The high schools could not give us statistics like this and have us believe it. The

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee October 29, 2021  
Rough Draft

university doesn't give stat-- statistics like that because we know it's not true.

**JOSE SOTO:** Now, and good point because we-- the information that's reported is what we get from local law enforcement.

**PANSING BROOKS:** OK.

**JOSE SOTO:** And every--

**PANSING BROOKS:** So this is from local law enforcement?

**JOSE SOTO:** Um-hmm. From Milford, Beatrice Police Department, the Lincoln Police Department and the areas that are within the Southeast district.

**PANSING BROOKS:** I love the work of Southeast Community College and all of your campuses. I'm a huge believer. I tried to help with that bond issue. I, I'm a total believer but it's just so hard to believe because these are all kids. I'm sorry, they are young adults; they're students. But it's hard to believe that the problems are only at the University of Nebraska right now. And these, these are big issues.

**JOSE SOTO:** They are.

**PANSING BROOKS:** We, we know the, the bias and hate crimes and sexual assaults are going on. You can't really help me with that, huh?

**JOSE SOTO:** I can't. What's reported there is what we got from local law enforcement. I don't think that they're kind of cooking the books. I could certainly follow up and make sure, you know that those reports that we got are accurate.

**PANSING BROOKS:** Listening to my perspective, do you understand why I'm surprised?

**JOSE SOTO:** Absolutely. Absolutely.

**PANSING BROOKS:** Because you and I both know what's going on out there in this world.

**JOSE SOTO:** And there's been years where there have been entries, but I can tell you that there's been a lot of years during my tenure that there, you know, it's zeros across the board.

**PANSING BROOKS:** It is zeros across the board, every one. And if that's so, then we are a shining star in the middle of this country. I already think we are. But I mean, then you better start teaching all the schools what in the world to do because this is-- if this is true, this is an anomaly and it's amazing and it has to be spread and sound loud and clear to the rest of this country.

**JOSE SOTO:** I'll follow up to confirm that and maybe some background on the federal definitions and kind of what they expect to be reported.

**PANSING BROOKS:** OK. Thank you.

**JOSE SOTO:** Sure.

**PANSING BROOKS:** You're awesome. I just have one more question about the referrals. There are only disciplinary referrals at Milford. No-- nowhere else. Lincoln, nothing else. What's happening in that regard? Do you know?

**JOSE SOTO:** I don't.

**PANSING BROOKS:** OK.

**JOSE SOTO:** I don't.

**PANSING BROOKS:** I bet those kids at Milford are just as good as those Lincoln kids so.

**JOSE SOTO:** Well, one of the issues--

**PANSING BROOKS:** --or students, sorry.

**JOSE SOTO:** One of the issues is that on the Milford campus and Beatrice campus, we have residence halls. And that really skews a lot of the activities and the behaviors and things getting reported as opposed to the Lincoln campus that is more of a commuter campus and students don't spend a whole lot of time there.

**PANSING BROOKS:** And I guess my last question is how often do the campus-- like I see disciplinary referral. I, I presume that's an academic-- it's a referral within an administrative type of referral. Is that correct? Or is that a police referral?

**JOSE SOTO:** No, it is administrative and it's a code of conduct violation.

**PANSING BROOKS:** OK, cheating or--

**JOSE SOTO:** Academics. Beg pardon?

**PANSING BROOKS:** Cheating or something like that? Is that--

**JOSE SOTO:** No.

**PANSING BROOKS:** Oh.

**JOSE SOTO:** No. It would be conduct that might-- wouldn't rise to a, a major violation. Could be alcohol in the dorm or in their car or weapon in their car--

**PANSING BROOKS:** OK.

**JOSE SOTO:** Something like that.

**PANSING BROOKS:** So are those then referred on to the police?

**JOSE SOTO:** I don't think always.

**PANSING BROOKS:** And what is the process for-- how does the-- how does Southeast Community College, all the campuses-- is there a policy on when you refer something on to the police?

**JOSE SOTO:** Yes.

**PANSING BROOKS:** What is that policy?

**JOSE SOTO:** I believe it is anything that might be a crime.

**PANSING BROOKS:** OK. Is there an effort to first work on-- I don't know, if it's, if it's fighting somebody, if there's an anger management effort first or-- are there efforts to try to talk this through and use negotiation skills and teach some things rather than just immediately calling police?

**JOSE SOTO:** There are some referrals to counseling, so the disciplinary referral usually involves some type of contract with the student, which could include counseling, which could include some anger management and can be putting them on notice that if something else happens, they could be expelled, suspended from college.

**PANSING BROOKS:** OK, just-- OK. My last comment to everybody is the new standard that's going to happen, in my opinion, in the next 10 years

is yes means yes. That means that, that every-- that people have to consent to sex. And to say that somebody was drunk and so they couldn't say, no, that's our standard now. So we are acquiescing to sex at all times right now. If we cannot say no, then it's not rape. So we have to get the schools on board that yes means yes. If somebody is too drunk and can't say no, that is not consent.

**JOSE SOTO:** Correct.

**PANSING BROOKS:** If somebody is passed out and cannot say no, that is not consent. So I'm just hoping-- I know-- I've talked to people at the university. It's my understanding they're using that standard and I'm really hoping rather than asking you all, that you will implement that standard across the state. So.

**JOSE SOTO:** I'll get that information to you.

**PANSING BROOKS:** Thank you.

**JOSE SOTO:** I do have some comments to kind of share.

**PANSING BROOKS:** Oh, sorry.

**JOSE SOTO:** --if I could. Oh no. No problem at all.

**PANSING BROOKS:** Thank you, my friend.

**JOSE SOTO:** I appreciate the questions and--

**PANSING BROOKS:** Appreciate it.

**JOSE SOTO:** -- very thoughtful and very relevant. Thank you.

**PANSING BROOKS:** Thank you.

**JOSE SOTO:** Senator Morfeld, you asked about state support? I don't know. You know, I mean, we're, you know, community colleges are funded through, you know, local taxation, state aid and tuition. But one of the things that is happening in the Title IX area is that it is very time intensive. And if you've noticed that most of the folks who are talking about Title IX don't-- that's not really their job. It's a function that has been added to their job. And I think to the extent that, you know, we recognize that small institutions, you know, budgets are small, limited. But I think that the Title IX issue has grown so big and is so important that it requires a position. It's not



just a function anymore. So funding that supports-- we need to figure out how do you get an actual person to take care of this area? How do you get a staff at Southeast Community College? I have kind of an administrative policy oversight for Title IX. I, a number of years ago, created a position, Title IX coordinator and compliance person. And I have a couple of other professional staff to deal in this area. But Title IX is, is big and it's getting bigger, so it's no longer just a function that can be added to someone's already busy schedule.

**MORFELD:** Can I ask a follow-up question on that?

**JOSE SOTO:** Yes, please.

**MORFELD:** Can I ask a follow-up question on that? So one of the things that I've heard is, again, it's tricky because Title IX is a federal, federal law, federal regulations. And so I've really struggled as a state senator in figuring out how I navigate that and strengthening the process because if I do something that would be in contravention of Title IX, it wouldn't be legal. Anyway, I don't have to explain how federalism works, but-- and, and maybe maybe this is a better question for somebody else in the audience here, but-- one of the struggles that I've heard from Title IX coordinators is that they don't have the time, capacity and resources to do all of the things that the federal government, I'm seeing a lot of head shakes, all the things that the federal government requires. Not that they necessarily disagree with the procedures, policies, requirements, but it's essentially where the university systems and the state college systems, the community college systems, are in the position of essentially running a mini quasi judicial--.

**JOSE SOTO:** Correct.

**MORFELD:** --system outside of the local and state system as well. So I do have a question here. I guess the question that I'm trying to articulate is how-- for the people where this is just a portion of their job, how much time does it actually take from your job? So if, if it's technically .25, and I run an organization, I know how it is. You say, yeah, this is .25 of your job, but it turns out to being like a full-time job, actually. How much more capacity do you think would be necessary to do what you want to do well in terms of Title IX? And I think that's tough to answer because it also puts you in the position of saying you don't have enough resources or capacity. Maybe you're not doing things as well as, as you'd like to, but that's a question I'd like to know, because if there is an opportunity for the

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Education Committee October 29, 2021  
Rough Draft

state to step in and help, it might be specifically for Title IX support. So that's a really long way of getting there but I wanted to provide the context [INAUDIBLE].

**JOSE SOTO:** Ethics can be different for every institution. I can tell you at Southeast, I think we're at a point now where we not only have kind of an administrative director for Title IX and another assistant director for compliance that deals with Title IX issues, but I think we're moving to the point where I'd like to add a Title IX investigator that is dedicated to just, you know, that process.

**MORFELD:** So right now, you have two full-time staff.

**JOSE SOTO:** For Title IX, yes.

**MORFELD:** Two full-time staff. And how many-- what's the enrollment at SCC?

**JOSE SOTO:** 10,000. This is--10,000.

**MORFELD:** 10,000. And that's spread throughout--

**JOSE SOTO:** Correct.

**MORFELD:** --the area. OK.

**JOSE SOTO:** So you know, what happens now since we, you know, staffing is an issue. A lot of institutions, what they start is recruiting folks who have a soft spot, spot in their heart for Title IX and these issues, and they volunteer a faculty member who really cares about this. And they-- you get them some training and they become an investigator and they work with the coordinator, etcetera. And that can work, but I don't think it works in the long run and that it's sustainable given what's happened to Title IX. It's not only sex, it's sports, it's parenting, it's just gotten real unwieldy. So for Southeast, that's what I'd say. I'd, I'd love to have at least one more professional staff, maybe one and a half more.

**MORFELD:** OK, thank you. That's very helpful.

**WALZ:** So anybody else want to answer that question?

**JOSE SOTO:** And I do have a couple more points I'd like to make after--

**JESSICA DVORAK:** So for Northeast, we don't have any single position dedicated to Title IX. It is a secondary part of my position. And I, you know, with 700 employees, and that includes part-time and full-time, and 13,000 students, it's not FTE, but it's 13,000 people that are students at our college are, you know, I have to respond to anyone that reaches out. And so our approach has been to develop a broad-based team of multiple people that are investigators and assigning two people to a case and a lead investigator. It is outside of our jobs. So I, I would say, for Northeast Community College, we don't even have a single position dedicated to it, but we have a team. And so training is extensive. The time that is spent is extensive and so we do, we do recognize that and I don't know if it's a way to incentivize those employees. We, we need to look into that because it is getting more and more of a handful. And I don't know if it's a, a grant-funding opportunity that could happen, but I would, I would love to see more opportunities from the state to help support those initiatives.

**MORFELD:** OK, so 13,000 students. What, what portion of this is your, is your position? Is there a breakdown on that?

**JESSICA DVORAK:** So yeah, you asked that question. It ebbs and flows, but I would say I spend at least 25 percent of my week dedicated to Title IX. And all reports go to me and then we have two deputy Title IX coordinators, one for employee side and student side. And you know, I'm very-- I try to be thorough and so I spend even more time maybe than what's necessary. But I am a compliance person and I don't want us to be in a liability issue so.

**MORFELD:** No, absolutely. And then in terms of the, the investigators, you have a team.

**JESSICA DVORAK:** Yes.

**MORFELD:** Are they compensated? I mean, other than their regular salary or-- so that's a volunteer position. for them?

**JESSICA DVORAK:** No, it is. It's vol-- it's, you know, people who are volunteering and we have insurance coverage because they've asked for it. They're like, these regulations are scary and I'm not an attorney. And so we have made sure insurance coverage is there. And then we have a retainer through ATIXA that if we can consult with them to guide us through that process or they come on our campus and do it. That's very expensive, though.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee October 29, 2021  
Rough Draft

**MORFELD:** OK, so you have you, you have some volunteer, volunteer non-paid investigators and then you have an outside firm--

**JESSICA DVORAK:** Yeah.

**MORFELD:** --that you contract with that are experts in process and things like that.

**JESSICA DVORAK:** Correct.

**MORFELD:** OK. That's helpful.

**JESSICA DVORAK:** Yeah.

**KATHY AULT:** Can I add something? When a case-- a formal complaint comes in, it comes to me as a coordinator and then I assign two investigators to take a look at that. And I also assign two advisors that have to be trained for the claimant and the respondent. During the hearing, I have to have three different people outside of that to be hearing officers. And then I have to have, well, three decision makers and one hearing officer. And then if it goes to appeal, I need more people, so that can be up to 10 people in a small community college. And I just have to hope that two don't come in at the same time.

**MORFELD:** Yeah, that's good context. One other follow-up question on this, and I know it might be tough to answer, so I won't hold you to specifics on this. But assuming somebody wants to follow through with a claim and say assuming it's not appealed, how, from start to finish, and know it probably varies based on the facts, circumstances, evidence, all that-- from start to finish on average, how long does a Title IX claim come to be resolved?

**LAUREN SLAUGHTER:** I can answer for ours. So-- Lauren Slaughter of Central Community College, I will say our setup is pretty similar to Northeast, where Title IX is an add-on. It, it probably takes .25. It should take more if we do enough to be compliant, but it could be done better, which is why you see campus climate surveys stall in going out or enough programming, prevention type of efforts and those type of things. Because not only is your Title IX director in charge of finding investigators and hearing panel members and decision makers and ensuring that all of them are receiving the annual trainings that they're required to and ensuring that our reporting systems for Cleary are set up so that we are making sure to capture all of the accurate data on multiple campuses in multiple locations, then we also have

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee October 29, 2021  
Rough Draft

the, the components of meeting with the students and doing the intakes and so there's-- and then we have the parenting, right? So also, our pregnant students receive accommodations under Title IX and at Central Community College, we have roughly 150 students that receive accommodations under pregnancy a year. And so that's also an add-on duty that we gave to our disability services directors that are already serving at least 100 students apiece in under our general disability services window. And so they also have felt some of the burden of Title IX regulations and expectations on being able to provide that to students. But I'll say roughly from start to finish of when a student comes in and completes an intakes and decides to move forward with a formal complaint, anywhere from 30 to 45 days is probably our average. It's gotten close to a 60 and never gone above that because the regulations call for-- I know there's some wiggle room in there sometimes with extenuating circumstances, but I would say in most cases we are able to adjudicate it from start to finish in about 30 to 40 days.

**MORFELD:** OK. And so regulations, it needs to be resolved within 60 days, ideally, unless there's extenuating circumstances?

**LAUREN SLAUGHTER:** Correct. Yeah.

**MORFELD:** OK. So one other question, I think I know the answer to this. Of the people here, the 20 or so people that are in front of us, can you raise your hand if Title IX is your sole responsibility in job? OK, one. OK. That helps give me an idea of what we're looking at from a capacity perspective. That's very helpful. Thank you.

**REBECCA WRAGE:** Rebecca Wrage, Mid-Plains. I just was going to say that while we are a small campus, we only have about 400 to 600 full- and part-time employees and we only have 3,000-4,000 total students but a number of those students are multi-enrolled. They're going to get, you know, double certificates or double associate's degrees. That being said, we are spread out over an 18-county area. We have seven different campuses, but we have an HR department of two and I am both the Title IX coordinator and the HR director. So while we do share some of those duties with the student side, that is definitely something that has needed to expand, I think, across the board.

**MORFELD:** OK. Thank you.

**WALZ:** Anybody else want to speak on that?

**KATHY AULT:** Well, what-- I want to add just one more thing because we have actually thought about trying to reach out to other people, other Title IX investigators at different campuses to use those. But where we say, yeah, pull somebody in from, from Mid-Plains, that'd be super, but the liability for us to go to Mid-Plains makes us not want to reach out.

**MORFELD:** OK, so even, so, so even if you wanted to share resources across different systems, there's liability and there's training issues as well.

**REBECCA WRAGE:** Correct.

**MORFELD:** OK.

**JOSE SOTO:** And confidentiality.

**LAUREN SLAUGHTER:** There are some states, though, that have figured that out. So Colorado is a good example of they have a consortium that they share resources, so they share investigators, they share hearing officers, decision makers, specifically amongst their community colleges and so it can be done. But they've also put some efforts through the state to help protect against some liability statutes and those types of things. So it seems to be happening a little bit more. California does some sharing system, too. And I, I think from hearing, at least from community college counterparts and then working with some of the state colleges and university systems, most of us in the state use ATIXA as a-- either as a training source of our investigators, hearing officers, those type of things attend their trainings, but then also some of us use them as a contract and keep them on retainer as well. And so a lot of us have the same exact training, so it would be very helpful to be able to utilize each other in times that it is harder to, to find those resources within your own institution, especially because those trainings are very costly. So minimum training is roughly \$1,500, and that's just the training. Yeah. So \$1,500-\$1,600 to get one person certified on one level of investigation or one hearing officer and that's done-- advisors-- so everybody on your pool that serves in those capacities has to have the specific training in that designated role. And then if you aren't able to do it virtual or are having to send multiple people to a location. There's been years where we spent upwards of \$25,000 just to get the right amount of people trained to be able to run the process for that annual year. So the cost of maintaining training through those type of entities is also pretty high.

**MORFELD:** So I'm aware of how the community college system works. You have these separate systems and then you have people that are elected and I get the regional. Is there, is there a natural statewide organization or entity, maybe one that I'm not aware of, that would be a natural fit for something like that or?

**LAUREN SLAUGHTER:** Not that I don't think of.

**MORFELD:** I didn't know if there was an easy solution.

**LAUREN SLAUGHTER:** I don't know, I was seeing if anybody else had a spark lightbulb idea.

**MORFELD:** OK, good to know. That's really helpful.

**PANSING BROOKS:** I think Mr. Soto is still trying to--

**JOSE SOTO:** I feel like a talk show host here with this. It, it's quite obvious there's a lot of challenges in this area. And one of the things is we start looking at the structural issues, the administration, the kind of bureaucracy that is built to address these issues. There are legal issues that are involved, which-- I don't know that most college administrators are equipped to handle that very well. We're really good at is the part that I think is the most important thing in Title IX, and that's the emotional support and security for our students and staff. And we, we have to get better at that. I think most of us are, even in-- at Southeast Community College that we have dedicated resources to my position as a cabinet position with policy and administrative responsibility for this area with staff. I'll be honest with you that we don't do much better than compliance. We get it right, but I think we could certainly do a lot more, particularly in the emotional support, security, etcetera. So that was the comment that I wanted to make. Another one is emerging challenges that I find and which really has a lot of people scratching their heads, not just locally but nationally, is the challenges presented by students with intellectual disabilities and students on the autism spectrum when it comes to kind of the interactions and socialization that they have on campus. We start seeing a lot of reports of sexual harassment when it's that these students really are misreading or not recognizing social cues as to distance and things of that nature. And I think this really starts to complicate the involvement of administrators, counselors, Student Code of Conduct folks. So I think that's an area that will continue to be a growing challenge for, particularly for community colleges I think. The other

thing is I-- there's probably references in the materials to ATIXA association for Title IX administrators. A-T-I-X-A. A great organization. They're making a good living [LAUGHTER]. Yeah, those mostly run by attorneys and they've cornered the market on Title IX, let me tell you. A couple of comments and I'm going to shut up. On the surveys, incentives increase responses. We've done it, that at Southeast Community College over the last couple of years, providing gift cards, you know, drawings, all that. Students will take advantage of that and will respond. So our experience has been very positive. Last thing is a couple of suggestions to the committee regarding the reporting. I think everyone would be well-served and maybe a-- be a better process if there was a structured format or template for reporting that you get similar information across institutions. Because right now I'm kind of having, you know, number-of-page envy with the university. If we're judging Title IX response by the number of pages or the weight of the submission, we're, we need to do better. But I think a template would be real helpful and also specifying what kind of appendices you might want, either reports, etcetera. I think that would be really helpful because I'm pretty savvy in, in this arena, and I found myself kind of struggling what actually would be of benefit. That report-- the statute is very prescriptive, but there's so much more that I wanted to say, wanted to expose you to to make sure that you didn't walk away with the impression that we're perfect on crime imperfect on Title IX. Thank you very much. I think this is a real important kind of session to have and form. Thank you.

**WALZ:** I agree. Senator Pansing Brooks.

**PANSING BROOKS:** Thank you. I think that I'm just interested-- so I like that point. I'm not sure we, sorry, I'm not sure we need to legislate that necessarily. Do you think that's something that should be legislated, Mr. Soto, like what we exactly want? That-- that doesn't need to be in statute. So how do we find common ground of something that all the schools can use? Is that only by legislation?

**JOSE SOTO:** No, not just legislation. I think that probably the second time around for the second annual Title IX fest that we will-- we'll be better about it. I think the reports will, you know, start to maybe be more useful. I've made some notes about the questions that were asked. And I want to make sure that the next time around, I make, make sure that I include information or links to things about consent, to things about-- comment on barriers and things of that nature. No, it doesn't have to be legislative, but some guidance would be very helpful. And yeah, and Ms. Barrett was very helpful to me on putting



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Education Committee October 29, 2021  
Rough Draft

the information together just, you know, conceptually, you know, and timelines and the process for submitting the information online.

**PANSING BROOKS:** OK, so do we need to put best practices into statute? Because it seems to me that's what we're talking about. Aren't there national best practices in this?

**JOSE SOTO:** I think close to best practices. In this area, I think it, it is dependent on the place, the policies and the personalities that are involved with implementing Title IX. And some places have-- do a good job of giving lip service to Title IX issues and, you know, minimum compliance if that, and other places really are doing very well. And I don't know how you move towards the center on that.

**PANSING BROOKS:** OK, well, clearly we are not the experts in all of this compliance work. But if we can't get sort of agreement and precision and uniformity across the state, we are forced to become the experts with all of your advice and we start messing with it--

**JOSE SOTO:** All right.

**PANSING BROOKS:** --on the floor of the Legislature, which I presume you really don't want. Right?

**JOSE SOTO:** Yes.

**PANSING BROOKS:** So isn't it better-- I mean, I think we need to plan another one of these, but I hope you all meet first and say, here's what we could all agree to. Here's what-- how we can get uniformity in our reporting, how we can get uniformity in what-- you've heard what we're all interested in and what we think and like. So you don't really need us to come in there and direct you, I don't think. I presume you really don't want us to do that. But if, if, if we can't get that uniform answer and we can't get that information that seems understandable and not wading through 700 pages and we have to split up each educational group, then we're going to have to wade into that. We're, we're going to have to do that. It's, it's becoming a crisis nationally. It's a crisis in Nebraska no matter what your numbers show. And I think that we really need you all to get together and present this to us again in a more, I don't know, cohesive way. You have to all basically be doing the same things, aren't you?

**JOSE SOTO:** Yeah.

**PANSING BROOKS:** A little bit?

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Education Committee October 29, 2021  
Rough Draft

**JOSE SOTO:** More than a little bit.

**PANSING BROOKS:** The goal is the same.

**JOSE SOTO:** Yeah.

**PANSING BROOKS:** So I don't know. That's just my thought. I think we ought to have another meeting on this. I don't know if it's before session, but it'd be really good if beforehand you all could meet and figure out how to present to us what, what you're thinking. I don't know. That's just a thought.

**MORFELD:** Would it be useful for-- to Senator Pansing Brooks's point, would it be useful for us to put together, kind of, what the top lines of information is? That-- it's Friday. I'm trying to keep my thoughts together. What are the most important pieces of information I've talked about incapacity, you know, internal capacity to be able to carry this stuff out. So for me, what I'd really like to know is one, a summary to Senator Pansing Brooks's point earlier of all the different violations. You know, so like that's page one. Page two would be what's your capacity based off per student ratio or something, you know, staff capacity. I'm interested in that. And then there was a bunch of other questions.

**PANSING BROOKS:** With law enforcement. Yeah, I mean, all of that.

**MORFELD:** And maybe, maybe what we can do too is so-- I, I've seen a lot of you take some notes. I'm sure some of you are taking mental notes so you know kind of what we're thinking about. But maybe what we can do as a committee, too, is give the committee chair the information that we think would be useful, send it back out. And then, you know, next year or whenever we have another one of these, you can do kind of a cover page and go, listen, here's a three-page summary. By the way, here's also our 700 pages of everything that's going on.

**JOSE SOTO:** And just as a participant in this, I want to commend you on making this somewhat closed hearing. I think if you want us to be open and honest about, you know, some of the beauty marks and worts within our institutions, I think we can't have the press, you know, taking notes and--

**WALZ:** We do have the press here.

**JOSE SOTO:** We do? I didn't see you there.

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Rough Draft

**MORFELD:** Meet Fred. He's with Nebraska Public Television.

**JOSE SOTO:** There you go.

**PANSING BROOKS:** We don't, we don't meet without the press. That's, that's the law.

**JOSE SOTO:** Off the record. But I, I do believe that, you know, sometimes, you know, the shortcomings of the system can be misinterpreted for, you know, lack of caring about this topic. So I hope that everyone, you know, understands that we have interests in presenting what we're doing well and --but we also know what we're not doing well. But that's not going to be the, you know, the focus of, you know, in public hearings. It probably will not be, I'll be honest with you.

**WALZ:** Any other questions from the committee? I don't have any, either. I really appreciate you all coming here today on a Friday afternoon. This has been-- it's a really important issue and it has been very, very informative, informative. I think that, you know, the, the ability like you talked about to collaborate together is something that we're going to be looking at, specifically at how Colorado is doing it. And I really appreciate the fact that you took the time to be here today. Thank you. If there are no further questions, I would like to thank all of you guys again, testifiers who came today and answered our questions. And with that, we will close the hearing. Thank you so much for coming.